

1 **SENATE FLOOR VERSION**

2 April 9, 2019

3 **AS AMENDED**

4 ENGROSSED HOUSE
5 BILL NO. 1995

6 By: Nollan of the House

7 and

8 Shaw of the Senate

9 [counties and county officers - directing sheriff to
10 keep recordings pursuant to video retention schedule
11 - directing sheriffs to establish video retention
12 schedule upon approval by the district attorney -
13 effective date]

14 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

15 SECTION 1. AMENDATORY 19 O.S. 2011, Section 517.1, as
16 last amended by Section 1, Chapter 145, O.S.L. 2017 (19 O.S. Supp.
17 2018, Section 517.1), is amended to read as follows:

18 Section 517.1. A. The governing body of each county may
19 establish a length of time for the county to keep departmental
20 records and authorize the sheriff to properly dispose of or digitize
21 all records not specifically addressed in other statutes.

22 B. Except as otherwise provided in this section, records shall
23 be kept for a minimum of seven (7) years. However, ~~if the sheriff~~
24 ~~is the sole source for such records, the records shall be kept for a~~
~~minimum of seven (7) years; provided, that~~ the sheriff shall be

1 required to keep any audio or video recordings from recording
2 equipment attached to the person of a law enforcement officer
3 according to the video retention schedule for that county created
4 pursuant to subsection C of this section; provided, that the county
5 shall keep for a minimum of one (1) year any such recordings that
6 depict anything other than an or directly relate to:

- 7 1. An officer-involved shooting, ~~use;~~
- 8 2. Use of lethal force, ~~incidents involving;~~
- 9 3. Incidents resulting in medical treatment, ~~incidents where;~~
- 10 4. Incidents identified in a written application ~~is received~~
11 for the preservation of the ~~specific event,~~ recording of the
12 incident received by a county sheriff within ninety (90) days of the
13 recording of the incident; or ~~upon request of~~

14 5. Incidents identified for preservation as requested by the
15 district attorney ~~may be kept at a minimum of one (1) year to be~~
16 determined by the county sheriff.

17 C. The sheriff's office of each county that utilizes or
18 operates audio or video recordings from recording equipment attached
19 to the person of a law enforcement officer within the sheriff's
20 office shall establish a video retention schedule that shall consist
21 of requirements for storing and keeping any such audio or video
22 recordings that do not depict or directly relate to the incidents
23 described in paragraphs 1 through 5 of subsection B of this section.
24 The video retention schedule shall establish a method by which

1 recordings shall be classified as either evidentiary or
2 nonevidentiary. Recordings classified as nonevidentiary shall be
3 kept for a minimum of ninety (90) days. Recordings classified as
4 evidentiary shall be kept for a minimum of one (1) year.

5 D. Any written reports and records related to the audio or
6 video recordings described in subsections B and C of this section
7 shall be kept for a minimum of seven (7) years.

8 SECTION 2. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 517.2 of Title 19, unless there
10 is created a duplication in numbering, reads as follows:

11 The sheriff's office of each county that utilizes or operates
12 audio or video recordings from the recording equipment attached to
13 the person of a law enforcement officer within the sheriff's office
14 shall establish, upon approval of the district attorney for that
15 jurisdiction, a video retention schedule that shall state which
16 video-recorded incidents or actions taken by the law enforcement
17 officer, other than the incidents described in paragraphs 1 through
18 5 of subsection B of Section 517.1 of Title 19 of the Oklahoma
19 Statutes, are classified as either nonevidentiary or evidentiary
20 recordings. Recordings classified as nonevidentiary shall be kept
21 for a minimum of ninety (90) days.

22 SECTION 3. This act shall become effective November 1, 2019.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 April 9, 2019 - DO PASS AS AMENDED