

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2430

By: Joyner

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6 AS INTRODUCED

7 An Act relating to controlled dangerous substances;
8 authorizing the Oklahoma State Bureau of Narcotics
9 and Dangerous Drugs Control to develop drug
10 conviction database; describing persons to be
11 included in database; providing for free public
12 access; requiring inclusion of certain information;
13 directing court clerks to forward conviction
14 information to Bureau; allowing persons to seek
15 removal from database; directing Bureau to develop
16 policies and procedures; providing immunity from
17 liability; providing for codification; and providing
18 an effective date.

19 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2-702 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

23 A. Upon the availability of funds, the Oklahoma State Bureau of
24 Narcotics and Dangerous Drugs Control shall have the authority to
develop and implement a drug conviction database of persons who have
been convicted in this state, whether upon a verdict or plea of
guilty or upon a verdict or plea of nolo contendere, or received a
suspended sentence or any deferred or probationary term, or are

1 currently serving a sentence or any form of probation or parole for
2 a crime or attempt to commit a crime including, but not limited to,
3 unlawfully possessing, conspiring, endeavoring, manufacturing,
4 distributing or trafficking a controlled dangerous substance under
5 the provisions of the Uniform Controlled Dangerous Substances Act.

6 B. The drug conviction database created in subsection A of this
7 section shall be maintained by the Bureau and shall be made
8 available to the public on the website of the Oklahoma State Bureau
9 of Narcotics and Dangerous Drugs Control. Access to information on
10 the drug conviction database shall be available to the public free
11 of charge.

12 C. The drug conviction database shall consist of the following
13 information:

14 1. Full name and any alias names of the person;

15 2. The offense or offenses which made the person eligible for
16 inclusion on the drug conviction database;

17 3. The date of conviction or the date that a plea of guilty or
18 nolo contendere was accepted by the court for any violation under
19 the Uniform Controlled Dangerous Substances Act;

20 4. The county where the offense or offenses occurred; and

21 5. Such other identifying data as the Bureau determines is
22 necessary to properly identify the person.

23 D. Beginning November 1, 2016, all district court clerks shall
24 forward a copy of the judgment and sentence or other applicable

1 information relating to the disposition of the criminal case of all
2 persons who are subject to the provisions of the drug conviction
3 database for a violation of the Uniform Controlled Dangerous
4 Substances Act. The information shall be sent in an electronic
5 format in a manner prescribed by the Bureau within thirty (30) days
6 after the date of final disposition of the case.

7 E. The Bureau shall remove from the drug conviction database
8 the name and other identifying information of a person who has been
9 convicted of a violation of the Uniform Controlled Dangerous
10 Substances Act ten (10) years after the date of the most recent
11 judgment and sentence. Any person having received a deferred
12 sentence that expires prior to the ten-year time limitation may
13 apply to the Bureau to be removed from the database upon the
14 completion of the deferred sentence by providing to the Bureau a
15 certified copy of the dismissal of the case by certified mail. The
16 Bureau may remove the person from the drug conviction database upon
17 expiration of the deferred sentence.

18 F. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
19 Control shall develop the necessary policies, procedures, forms and
20 data access to make the provisions of this section effective
21 statewide. The Bureau may publish websites or other information to
22 assist the public in learning where and how to conduct a name search
23 on the drug conviction database authorized in this section.

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1 G. There shall be no liability to the Bureau or any employee of
2 the Bureau for the release or publication of any information
3 maintained on the drug conviction database as created under the
4 provisions of this section.

5 SECTION 2. This act shall become effective November 1, 2016.

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7 55-2-8006 GRS 01/12/16

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