

1 **SENATE FLOOR VERSION**

2 April 9, 2018

3 **AS AMENDED**

4 ENGROSSED HOUSE  
5 BILL NO. 3224

6 By: Nollan of the House

7 and

8 Shaw of the Senate

9 [ counties and county officers - retention and  
10 disposal of county departmental records - effective  
11 date ]

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

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

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

20 B. Except as otherwise provided in this section, records shall  
21 be kept for a minimum of seven (7) years. However, ~~if the sheriff~~  
22 ~~is the sole source for such records, the records shall be kept for a~~  
23 ~~minimum of seven (7) years; provided, that~~ the **sheriff** shall be  
24 required to keep any audio or video recordings from recording  
equipment attached to the person of a law enforcement officer

1 according to the video retention schedule for that county created  
2 pursuant to subsection C of this section; provided that the county  
3 shall keep for a minimum of seven (7) years any such recordings that  
4 depict anything other than an or directly relate to:

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

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

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

1 nonevidentiary. Recordings classified as nonevidentiary shall be  
2 kept for a minimum of ninety (90) days. Recordings classified as  
3 evidentiary shall be kept for a minimum of seven (7) years.

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

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

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

21 **SECTION 3. NEW LAW A new section of law to be codified**  
22 **in the Oklahoma Statutes as Section 517.3 of Title 19, unless there**  
23 **is created a duplication in numbering, reads as follows:**

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1        **Any written reports and records related to the audio or video**  
2 **recordings determined to be nonevidentiary, shall be kept for a**  
3 **minimum of seven (7) years.**

4        **SECTION 4.** This act shall become effective November 1, 2018.

5 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
6 April 9, 2018 - DO PASS AS AMENDED  
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