

1 1. "Authorized agency" means the agency designated by statute
2 to report, receive, or disseminate a state or national criminal
3 history record check;

4 2. "Child" means a person who is a under the age of eighteen
5 (18) years;

6 3. "Care" means the provision of care, treatment, education,
7 training, instruction, supervision, or recreation to children, the
8 elderly, or individuals with disabilities;

9 4. "Covered individual" means a person who:

10 a. has, seeks to have, or may have access to children,
11 the elderly, or individuals with disabilities, served
12 by a qualified entity, and

13 b. (1) is employed by or volunteers with, or seeks to be
14 employed by or volunteer with, a qualified
15 entity, or

16 (2) owns or operates, or seeks to own or operate, a
17 qualified entity;

18 5. "Employed by" means to be paid to provide or seek to provide
19 care services for a qualified entity, regardless of being paid
20 directly by the qualified entity or by an entity contracted by the
21 qualified entity to provide care;

22 6. "Individuals with disabilities" means persons with a mental
23 or physical impairment who require assistance to perform one or more
24 daily living tasks;

1 7. "National criminal history record check system" means the
2 criminal history record system maintained by the Federal Bureau of
3 Investigation (FBI) based on fingerprint identification or any other
4 method of positive identification; and

5 8. "Qualified entity" means a business or organization whether
6 public, private, for-profit, not-for-profit, or voluntary, that
7 provides care or care placement services, including a business or
8 organization that licenses or certifies others to provide care or
9 care placement services.

10 B. The Director of the Oklahoma State Bureau of Investigation
11 (OSBI) shall develop procedures in accordance with the federal
12 National Child Protection Act of 1993 and the federal Volunteers for
13 Children Act to enable a qualified entity to request a state and
14 national criminal history record check to determine whether a
15 covered individual is the subject of any child abuse crime.

16 C. The request for a state and national criminal history record
17 check shall be made by:

18 1. Electronically submitting the fingerprints of the covered
19 individual to the OSBI as directed by the authorized agency; and

20 2. Submitting to the authorized agency a copy of a statement
21 signed by the covered individual that includes:

22 a. a waiver permitting the qualified entity to request
23 and receive a criminal history record check for the
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1 purpose of determining the qualification and fitness
2 of a person to serve as a covered individual,

3 b. the name, address, and date of birth of the covered
4 individual as it appears on a valid identification
5 document,

6 c. a disclosure of whether the individual has ever been
7 convicted of or is the subject of pending charges for
8 a criminal offense and, if convicted, a description of
9 the crime and the result of the conviction, and

10 d. a notice to the individual that he or she is entitled
11 to obtain a copy of the criminal history record check
12 to verify the accuracy and completeness of any
13 information contained in such report before a
14 determination is made by the qualified entity.

15 D. An authorized agency shall require a qualified entity to
16 obtain fingerprints from a covered individual and to submit the
17 fingerprints to the OSBI and the FBI for a state and national
18 criminal history record check. The OSBI shall use the fingerprints
19 to identify the individual and to determine whether he or she has a
20 record of criminal history in this state or other jurisdictions or
21 countries. The OSBI will provide results of the criminal history
22 record check to the authorized agency. The authorized agency may
23 use the information obtained from the fingerprints and such state
24 and national criminal history record checks in the official

1 determination of the qualifications and fitness of the person to
2 serve as a covered individual.

3 E. The authorized agency shall be solely responsible for making
4 any determination that a criminal history record of a person shows
5 that such person has been convicted of a crime that bears upon the
6 fitness of such person to serve as a provider. This section does
7 not require the OSBI to make such a determination on behalf of any
8 authorized agency.

9 F. This section shall only apply to covered individuals and
10 qualified entities as defined in this section. This section shall
11 not be construed to replace, supersede, or in any way affect any
12 state law that requires a national criminal history record check,
13 prescribes procedures for a national criminal history record check
14 required by state law, or precludes an individual from employment
15 based on the results of a national criminal history record check
16 required by state law.

17 SECTION 2. This act shall become effective November 1, 2024.

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19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/02/2024 -
20 DO PASS.

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