

# An Act

ENROLLED SENATE  
BILL NO. 430

By: Pugh of the Senate

and

Osburn and Conley of the  
House

An Act relating to criminal history records; amending 74 O.S. 2011, Section 150.9, as last amended by Section 1, Chapter 156, O.S.L. 2017 (74 O.S. Supp. 2018, Section 150.9), which relates to criminal history records; authorizing the Oklahoma State Bureau of Investigation to conduct and receive results of certain record checks for certain purposes; providing for the release of certain results to certain entities; providing an effective date; and declaring an emergency.

SUBJECT: Criminal history records

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.9, as last amended by Section 1, Chapter 156, O.S.L. 2017 (74 O.S. Supp. 2018, Section 150.9), is amended to read as follows:

Section 150.9. A. The Oklahoma State Bureau of Investigation shall procure, file and maintain criminal history records for each person subject to mandatory reporting as provided by law, including photographs, descriptions, fingerprints, measurements and other pertinent information relating to such persons. It shall be the duty of law enforcement officers and agencies, sheriffs, police, courts, judicial officials, district attorneys, and the persons in charge of any state correctional facility or institution to furnish criminal history records to the Bureau as required by Section 150.1

et seq. of this title. The Oklahoma State Bureau of Investigation shall cooperate with and assist the sheriffs, chiefs of police and other law enforcement officers of the state by maintaining a complete criminal history record on each person subject to mandatory reporting as provided by law, and shall have on file the fingerprint impressions of all such persons together with other pertinent information as may from time to time be received from the law enforcement officers of this and other states or as may be required by law.

B. 1. ~~The Oklahoma Department of Consumer Credit, the Insurance Department, the Oklahoma Horse Racing Commission, or any other~~ State Bureau of Investigation is authorized to conduct and receive results of national criminal history record checks for authorized purposes pursuant to Public Law 92-544, the National Child Protection Act/Volunteers for Children Act (NCPA/VCA) as amended, with or without a Volunteer and Employee Criminal History System (VECHS) waiver program or any other federal authorizing statute. The Oklahoma State Bureau of Investigation shall only release the results of national criminal history record checks to entities authorized to receive the results pursuant to federal law.

2. Any state agency, board, department or commission or any other person or entity authorized to request a criminal history record or an analysis of fingerprints for commercial, licensing or other purposes, except law enforcement purposes, shall conduct a national criminal history records check on all persons of the entity authorized to access or review national criminal history records checks information by July 1, 2009, and within sixty (60) days thereafter.

~~2-~~ 3. Each agency, person or entity authorized to request a criminal history record or an analysis of fingerprints shall pay a fee to the Bureau for each criminal history record or fingerprint analysis as follows:

Oklahoma criminal history record only	\$15.00 each
Oklahoma criminal history record with fingerprint analysis	\$19.00 each

National criminal history record with  
fingerprint analysis

\$41.00 each

~~3.~~ 4. For purposes of this section, "a national criminal history record check" means a check of criminal history records entailing the fingerprinting of the individual and submission of the fingerprints to the United States Federal Bureau of Investigation (FBI) for the purpose of obtaining the national criminal history record of the person from the FBI. A national criminal history record check may be obtained only when a check is authorized or required by state or federal law.

Agencies authorized by statute to conduct national criminal history background checks for individuals are eligible to participate in the Federal Rap Back Program administered by the Oklahoma State Bureau of Investigation. The Oklahoma State Bureau of Investigation is authorized to submit fingerprints to the FBI Rap Back System to be retained in the FBI Rap Back System for the purpose of being searched by future submissions to the FBI Rap Back System, including latent fingerprint searches and to collect all Federal Rap Back Program fees from eligible agencies wishing to participate and remit such fees to the Federal Bureau of Investigation.

~~4.~~ 5. Unless a national criminal history record is specifically requested, a fingerprint analysis shall be limited to only those records available at the Oklahoma State Bureau of Investigation. Following receipt of the appropriate fee, the Bureau shall provide, as soon as possible, the criminal history record requested; provided, however, it shall be the duty and responsibility of the requesting authority to evaluate the criminal history record as such record may apply to a specific purpose or intent. An individual may submit a certified court record showing that a charge was dismissed or a certified copy of a gubernatorial pardon to the Oklahoma State Bureau of Investigation, and upon verification of that record the Bureau records shall reflect the dismissal of that charge.

C. The Oklahoma State Bureau of Investigation may maintain an identification file, including fingerprint impressions, on any person under eighteen (18) years of age who is arrested or subject to criminal or juvenile delinquency proceedings, provided all such information shall be confidential and shall only be made available

to the Bureau and other law enforcement agencies. Whenever a fingerprint impression or other identification information is submitted to the Bureau on a person under eighteen (18) years of age, the Bureau may retain and file such fingerprint and identification information for identification purposes only. The Bureau shall ensure that the information received and maintained for identification purposes on persons under eighteen (18) years of age shall be handled and processed with great care to keep such information confidential from the general public. The Bureau may receive and maintain the fingerprints and other identification information on any person under eighteen (18) years of age believed to be the subject of a runaway, missing, or abduction investigation, for identification purposes at the request of a parent, guardian or legal custodian of the person.

D. Any person who knowingly procures, utters, or offers any false, forged or materially altered criminal history record shall be guilty of a felony and upon conviction shall be punished by imprisonment in the custody of the Department of Corrections for a period not to exceed five (5) years or by a fine not to exceed Five Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

SECTION 2. This act shall become effective July 1, 2019.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of March, 2019.

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Presiding Officer of the Senate

Passed the House of Representatives the 18th day of April, 2019.

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Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_