

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 90

By: Stanislawski

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5  
6 AS INTRODUCED

7 An Act relating to criminal history records; amending  
8 74 O.S. 2011, Section 150.9, which relates to fees  
9 for records; adding allowable fees for national  
10 criminal background checks; and providing an  
11 effective date.

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

13 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.9, is  
14 amended to read as follows:

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

1 shall cooperate with and assist the sheriffs, chiefs of police and  
2 other law enforcement officers of the state by maintaining a  
3 complete criminal history record on each person subject to mandatory  
4 reporting as provided by law, and shall have on file the fingerprint  
5 impressions of all such persons together with other pertinent  
6 information as may from time to time be received from the law  
7 enforcement officers of this and other states or as may be required  
8 by law.

9       B. 1. The Oklahoma Department of Consumer Credit, the  
10 Insurance Department, the Oklahoma Horse Racing Commission, or any  
11 other state agency, board, department or commission or any other  
12 person or entity authorized to request a criminal history record or  
13 an analysis of fingerprints for commercial, licensing or other  
14 purposes, except law enforcement purposes, shall conduct a national  
15 criminal history records check on all persons of the entity  
16 authorized to access or review national criminal history records  
17 checks information by July 1, 2009, and within sixty (60) days  
18 thereafter.

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

23       Oklahoma criminal history record only                       \$15.00 each  
24

1 Oklahoma criminal history record  
2 with fingerprint analysis \$19.00 each  
3 National criminal history record  
4 with fingerprint analysis \$41.00 each

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

13 Agencies authorized by statute to conduct national criminal  
14 history background checks for individuals are eligible to  
15 participate in the Federal Rap Back Program administered by the  
16 Oklahoma State Bureau of Investigation. The Oklahoma State Bureau  
17 of Investigation is authorized to collect all Federal Rap Back  
18 Program fees from eligible agencies wishing to participate and remit  
19 such fees to the Federal Bureau of Investigation.

20 4. Unless a national criminal history record is specifically  
21 requested, a fingerprint analysis shall be limited to only those  
22 records available at the Oklahoma State Bureau of Investigation.  
23 Following receipt of the appropriate fee, the Bureau shall provide,  
24 as soon as possible, the criminal history record requested;

1 provided, however, it shall be the duty and responsibility of the  
2 requesting authority to evaluate the criminal history record as such  
3 record may apply to a specific purpose or intent. An individual may  
4 submit a certified court record showing that a charge was dismissed  
5 or a certified copy of a gubernatorial pardon to the Oklahoma State  
6 Bureau of Investigation, and upon verification of that record the  
7 Bureau records shall reflect the dismissal of that charge.

8 C. The Oklahoma State Bureau of Investigation may maintain an  
9 identification file, including fingerprint impressions, on any  
10 person under eighteen (18) years of age who is arrested or subject  
11 to criminal or juvenile delinquency proceedings, provided all such  
12 information shall be confidential and shall only be made available  
13 to the Bureau and other law enforcement agencies. Whenever a  
14 fingerprint impression or other identification information is  
15 submitted to the Bureau on a person under eighteen (18) years of  
16 age, the Bureau may retain and file such fingerprint and  
17 identification information for identification purposes only. The  
18 Bureau shall ensure that the information received and maintained for  
19 identification purposes on persons under eighteen (18) years of age  
20 shall be handled and processed with great care to keep such  
21 information confidential from the general public. The Bureau may  
22 receive and maintain the fingerprints and other identification  
23 information on any person under eighteen (18) years of age believed  
24 to be the subject of a runaway, missing, or abduction investigation,

1 for identification purposes at the request of a parent, guardian or  
2 legal custodian of the person.

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

9 SECTION 2. This act shall become effective November 1, 2015.

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