

1 **SENATE FLOOR VERSION**

2 February 25, 2015

3 **AS AMENDED**

4 SENATE BILL NO. 90

5 By: Stanislawski

6 **[criminal history records - fees for records -**
7 **national criminal background checks - effective date]**

8
9 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

1 reporting as provided by law, and shall have on file the fingerprint
2 impressions of all such persons together with other pertinent
3 information as may from time to time be received from the law
4 enforcement officers of this and other states or as may be required
5 by law.

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

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

20 Oklahoma criminal history record only	\$15.00 each
21 Oklahoma criminal history record	
22 with fingerprint analysis	\$19.00 each
23 National criminal history record	
24 with fingerprint analysis	\$41.00 each

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

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

16 4. Unless a national criminal history record is specifically
17 requested, a fingerprint analysis shall be limited to only those
18 records available at the Oklahoma State Bureau of Investigation.
19 Following receipt of the appropriate fee, the Bureau shall provide,
20 as soon as possible, the criminal history record requested;
21 provided, however, it shall be the duty and responsibility of the
22 requesting authority to evaluate the criminal history record as such
23 record may apply to a specific purpose or intent. An individual may
24 submit a certified court record showing that a charge was dismissed

1 or a certified copy of a gubernatorial pardon to the Oklahoma State
2 Bureau of Investigation, and upon verification of that record the
3 Bureau records shall reflect the dismissal of that charge.

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

23 D. Any person who knowingly procures, utters, or offers any
24 false, forged or materially altered criminal history record shall be

1 guilty of a felony and upon conviction shall be punished by
2 imprisonment in the custody of the Department of Corrections for a
3 period not to exceed five (5) years or by a fine not to exceed Five
4 Thousand Dollars (\$5,000.00), or by both such fine and imprisonment.

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

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
7 February 25, 2015 - DO PASS AS AMENDED
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