

1 ENGROSSED SENATE
2 BILL NO. 90

By: Stanislawski of the Senate

3 and

4 Osborn of the House

5
6 An Act relating to criminal history records; amending
7 74 O.S. 2011, Section 150.9, which relates to fees
8 for records; adding allowable fees for national
9 criminal background checks; and providing an
10 effective date.

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

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

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

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

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

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

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

1 National criminal history record

2 with fingerprint analysis \$41.00 each

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

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

18 4. Unless a national criminal history record is specifically
19 requested, a fingerprint analysis shall be limited to only those
20 records available at the Oklahoma State Bureau of Investigation.
21 Following receipt of the appropriate fee, the Bureau shall provide,
22 as soon as possible, the criminal history record requested;
23 provided, however, it shall be the duty and responsibility of the
24 requesting authority to evaluate the criminal history record as such

1 record may apply to a specific purpose or intent. An individual may
2 submit a certified court record showing that a charge was dismissed
3 or a certified copy of a gubernatorial pardon to the Oklahoma State
4 Bureau of Investigation, and upon verification of that record the
5 Bureau records shall reflect the dismissal of that charge.

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

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

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

8 Passed the Senate the 10th day of March, 2015.

9

10

Presiding Officer of the Senate

11

12 Passed the House of Representatives the ____ day of _____,
13 2015.

14

15

Presiding Officer of the House
of Representatives

16

17

18

19

20

21

22

23

24