An Act

ENROLLED SENATE
BILL NO. 90

By: Stanislawski of the Senate

and

Osborn of the House

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

SUBJECT: Federal Rap Back Program

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

SECTION 1. AMENDATORY 74 O.S. 2011, 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 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. 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. 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 collect all Federal Rap Back Program fees from eligible agencies wishing to participate and remit such fees to the Federal Bureau of Investigation.

4. 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 November 1, 2015.

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

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2015.

Presiding Officer of the House of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 14th day of April, 2015, at 3:35 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 17th day of April, 2015, at 2:52 o'clock P M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 17th day of April, 2015, at 3:38 o'clock P. M.

By: Chris Benge