

1 ENGROSSED SENATE AMENDMENT
TO

2 ENGROSSED HOUSE
3 BILL NO. 1976

By: Humphrey, Newton, and
McDugle of the House

4 and

5 Burns of the Senate

6
7 An Act relating to the Department of Public Safety;
8 authorizing the Commissioner of Public Safety to make
9 certain assignments to Department of Public Safety
10 personnel; *** of information in certain criminal
11 proceedings; providing for codification; and
12 declaring an emergency.

13 AUTHOR: Remove as principal Senate author Burns and substitute as
14 principal Senate author Hamilton. Retain Burns as Senate
15 coauthor

16 AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
17 entire bill and insert

18 "An Act relating to the Department of Public Safety;
19 authorizing the Commissioner of Public Safety to make
20 certain assignments to Department of Public Safety
21 personnel; authorizing certain Department employees
22 to carry a firearm; prohibiting the release of
23 certain information; making certain exception;
24 authorizing Commissioner to release certain
information; setting penalty for unauthorized release
of information; defining term; stating that certain
information is privileged, not discoverable, nor
subject to subpoena or court order for production;
allowing for production of information in certain
criminal proceedings; providing for codification; and
declaring an emergency.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 2-105.9 of Title 47, unless
4 there is created a duplication in numbering, reads as follows:

5 A. The Commissioner of Public Safety may assign personnel
6 within the Department of Public Safety to:

7 1. Collect information concerning the activity and identity of
8 individuals reasonably believed to be engaged in terrorism, threats
9 to public safety, organized crime, criminal conspiracies, or any
10 other threats of violent crime;

11 2. Analyze collected information and disseminate such
12 information to other law enforcement agencies;

13 3. Coordinate the effort of this state with local, state, and
14 federal agencies to protect citizens from terrorism, threats to
15 public safety, organized crime, criminal conspiracies, or any other
16 threats of violent crime by creating a clearinghouse of crime-
17 related information for use by local, state, and federal law
18 enforcement agencies; and

19 4. Provide training to peace officers of this state concerning
20 the legal collection, preservation, and dissemination of crime-
21 related information.

22 B. The Commissioner may assign attorneys of the Department of
23 Public Safety to support such criminal analysis and investigative
24 functions, including providing assistance to the district attorney

1 in pursuing search warrants, arrest warrants, and other forms of
2 court orders and process in connection with criminal investigations
3 of the Department of Public Safety. With written authorization from
4 the Commissioner, Department attorneys assigned to these duties, who
5 have been certified by the Council on Law Enforcement Education and
6 Training to carry a weapon or have been issued a handgun license
7 pursuant to the provisions of the Oklahoma Self-Defense Act, shall
8 be authorized to carry a firearm on his or her person, whether on
9 duty or off duty, anywhere in the state pursuant to paragraph 3 of
10 subsection A of Section 1272 and paragraph 1 of subsection H of
11 Section 1277 of Title 21 of the Oklahoma Statutes.

12 C. Release of information compiled pursuant to this section
13 shall be prohibited except for release of information to law
14 enforcement agencies and prosecutorial authorities for the purpose
15 of crime prevention, criminal investigation, or criminal
16 prosecution. If the Commissioner determines it necessary to do so
17 in the interest of public safety or crime prevention, the
18 Commissioner may authorize the release of information compiled
19 pursuant to this section to leadership of the state or any political
20 subdivision, critical infrastructure personnel, the target of any
21 threat, or any segment of the public. Unauthorized release or
22 unauthorized use of this information shall be a misdemeanor and
23 shall be punishable by incarceration in the county jail not
24 exceeding one (1) year or a fine not exceeding Fifty Thousand

1 Dollars (\$50,000.00), or by both such fine and imprisonment. As
2 used in this section, "unauthorized release" or "unauthorized use"
3 shall include, but not be limited to, giving the information to any
4 person who is not a law enforcement officer or prosecutorial
5 authority unless necessitated by an ongoing criminal investigation,
6 or release of information to a law enforcement officer who is not
7 engaged in a criminal investigation requiring the information or who
8 is not authorized by his or her agency to receive such information,
9 or release of information without the express authority of the
10 Commissioner or in violation of any rules promulgated by the
11 Department of Public Safety. Information collected and compiled
12 under the authority of this section shall be privileged and not
13 discoverable nor subject to subpoena or order for production issued
14 by any court, other than production in a district court criminal
15 proceeding for the prosecution of crimes which are the subject of
16 the information sought.

17 SECTION 2. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval."

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1 Passed the Senate the 26th day of April, 2023.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2023.

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8 _____
9 Presiding Officer of the House
10 of Representatives

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2 BILL NO. 1976

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9 certain assignments to Department of Public Safety
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12 certain information; making certain exception;
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15 of information; defining term; stating that certain
16 information is privileged, not discoverable, nor
17 subject to subpoena or court order for production;
18 allowing for production of information in certain
19 criminal proceedings; providing for codification; and
20 declaring an emergency.

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

22 SECTION 3. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2-105.9 of Title 47, unless
24 there is created a duplication in numbering, reads as follows:

A. The Commissioner of Public Safety may assign personnel
within the Department of Public Safety to:

1. Perform assessments or investigations into terrorism,
threats to public safety, organized crime, criminal conspiracies, or
any other threats of violent crime;

1 2. Collect information concerning the activity and identity of
2 individuals reasonably believed to be engaged in terrorism, threats
3 to public safety, organized crime, criminal conspiracies, or any
4 other threats of violent crime;

5 3. Analyze collected information and disseminate such
6 information to other law enforcement agencies;

7 4. Coordinate the effort of this state with local, state, and
8 federal agencies to protect citizens from terrorism, threats to
9 public safety, organized crime, criminal conspiracies, or any other
10 threats of violent crime by creating a clearinghouse of crime-
11 related information for use by local, state, and federal law
12 enforcement agencies; and

13 5. Provide training to peace officers of this state concerning
14 the legal collection, preservation, and dissemination of crime-
15 related information.

16 B. The Commissioner may assign attorneys of the Department of
17 Public Safety to support such criminal analysis and investigative
18 functions, including providing assistance to the district attorney
19 in pursuing search warrants, arrest warrants, and other forms of
20 court orders and process in connection with criminal investigations
21 of the Department of Public Safety. With written authorization from
22 the Commissioner, Department attorneys assigned to these duties, who
23 have been certified by the Council on Law Enforcement Education and
24 Training to carry a weapon or have been issued a handgun license

1 pursuant to the provisions of the Oklahoma Self-Defense Act, shall
2 be authorized to carry a firearm on his or her person, whether on
3 duty or off duty, anywhere in the state pursuant to paragraph 3 of
4 subsection A of Section 1272 and paragraph 1 of subsection H of
5 Section 1277 of Title 21 of the Oklahoma Statutes.

6 C. Release of information compiled pursuant to this section
7 shall be prohibited except for release of information to law
8 enforcement agencies and prosecutorial authorities for the purpose
9 of crime prevention, criminal investigation, or criminal
10 prosecution. If the Commissioner determines it necessary to do so
11 in the interest of public safety or crime prevention, the
12 Commissioner may authorize the release of information compiled
13 pursuant to this section to leadership of the state or any political
14 subdivision, critical infrastructure personnel, the target of any
15 threat, or any segment of the public. Unauthorized release or
16 unauthorized use of this information shall be a misdemeanor and
17 shall be punishable by incarceration in the county jail not
18 exceeding one (1) year or a fine not exceeding Fifty Thousand
19 Dollars (\$50,000.00), or by both such fine and imprisonment. As
20 used in this section, "unauthorized release" or "unauthorized use"
21 shall include, but not be limited to, giving the information to any
22 person who is not a law enforcement officer or prosecutorial
23 authority unless necessitated by an ongoing criminal investigation,
24 or release of information to a law enforcement officer who is not

1 engaged in a criminal investigation requiring the information or who
2 is not authorized by his or her agency to receive such information,
3 or release of information without the express authority of the
4 Commissioner or in violation of any rules promulgated by the
5 Department of Public Safety. Information collected and compiled
6 under the authority of this section shall be privileged and not
7 discoverable nor subject to subpoena or order for production issued
8 by any court, other than production in a district court criminal
9 proceeding for the prosecution of crimes which are the subject of
10 the information sought.

11 SECTION 4. It being immediately necessary for the preservation
12 of the public peace, health or safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 Passed the House of Representatives the 20th day of March, 2023.

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Presiding Officer of the House
of Representatives

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20 Passed the Senate the ___ day of _____, 2023.

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Presiding Officer of the Senate

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