

1 ENGROSSED SENATE AMENDMENT
TO
2 ENGROSSED HOUSE
BILL NO. 3066

By: Manger of the House

and

Weaver of the Senate

An Act relating to state government; amending 74 O.S.
2021, Section 150.12, which relates to reporting of
fingerprinting and criminal history information;
requiring municipal courts to report criminal history
information to the Oklahoma State Bureau of
Investigation; and providing an effective date.

AMENDMENT NO. 1. Page 8, line 8, delete after the word "effective"
the date "November 1, 2022" and insert the date
"January 1, 2023"

Passed the Senate the 27th day of April, 2022.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2022.

Presiding Officer of the House
of Representatives

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7 An Act relating to state government; amending 74 O.S.
8 2021, Section 150.12, which relates to reporting of
9 fingerprinting and criminal history information;
10 requiring municipal courts to report criminal history
11 information to the Oklahoma State Bureau of
12 Investigation; and providing an effective date.

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

14 SECTION 1. AMENDATORY 74 O.S. 2021, Section 150.12, is
15 amended to read as follows:

16 Section 150.12 A. 1. It is hereby the duty of any sheriff,
17 chief of police, city marshal, constable and any other law
18 enforcement officer who takes custody of a person who has been
19 arrested and who, in the best judgment of the arresting officer, is
20 believed to have committed any offense, except an offense exempted
21 by the rules promulgated by the Oklahoma State Bureau of
22 Investigation pursuant to the provisions of Section 150.1 et seq. of
23 this title, to take or cause to be taken the fingerprint impressions
24 of such person or persons and to forward such fingerprint
impressions together with identification information to the Oklahoma

1 State Bureau of Investigation, at its Oklahoma City office. In the
2 case of any sheriff, chief of police, city marshal, constable, or
3 any other law enforcement officer equipped with a live-scan device
4 designed for the electronic capture and transmission of fingerprint
5 images approved by the Oklahoma State Bureau of Investigation,
6 fingerprint images may instead be taken and transmitted to the
7 Bureau electronically. If the sheriff, chief of police, city
8 marshal, or constable has contracted for the custody of prisoners,
9 such contractor shall be required to take the fingerprint
10 impressions of such person.

11 2. It shall not be the responsibility of, nor shall the
12 sheriff, chief of police, city marshal, constable, other law
13 enforcement officer, or contractor receiving custody of an arrested
14 person as a prisoner require the arresting officer to take the
15 fingerprint impressions of the arrested person; provided, if the
16 arresting officer is employed by the same law enforcement agency as
17 the sheriff, chief of police, city marshal, or constable receiving
18 custody of such person, the arresting officer may be required to
19 take such impressions.

20 3. The law enforcement officers shall also forward the
21 prosecution filing report and the disposition report forms to the
22 appropriate prosecuting authority within seventy-two (72) hours. If
23 fingerprint impressions have not been taken at the time of an
24 arrest, the court shall order the fingerprints to be taken by the

1 sheriff at the arraignment, first appearance, or at the time of
2 final adjudication of a defendant whose court attendance has been
3 secured by a summons or citation for any offense, except an offense
4 exempted by the rules promulgated by the Bureau. If a person is in
5 the custody of a law enforcement or correctional agency and a
6 warrant issues or an information is filed alleging the person to
7 have committed an offense other than the offense for which the
8 person is in custody, the custodial law enforcement or correctional
9 agency shall take the fingerprints of such person in connection with
10 the new offense, provided the offense is not exempted by the rules
11 of the Bureau. Any fingerprint impressions and identification
12 information required by this subsection shall be sent to the Bureau
13 within seventy-two (72) hours after taking such fingerprints.

14 B. In order to maintain a complete criminal history record, the
15 court shall inquire at the time of sentencing whether or not the
16 person has been fingerprinted for the offense upon which the
17 sentence is based and, if not, shall order the fingerprints be taken
18 immediately of such person and those fingerprints shall be sent by
19 the law enforcement agency taking the fingerprint impressions to the
20 Bureau within seventy-two (72) hours after taking the fingerprint
21 impressions.

22 C. In addition to any other fingerprints which may have been
23 taken of a person in a criminal matter, the Department of
24 Corrections shall take the fingerprints of all prisoners received at

1 the Lexington Reception and Assessment Center or otherwise received
2 into the custody of the Department and shall send copies of such
3 fingerprints together with identification information to the Bureau
4 within seventy-two (72) hours of taking such fingerprints.

5 D. The Bureau shall, upon receipt of fingerprint impressions
6 and identification information for offenses not exempt by rule of
7 the Bureau, send one copy of the fingerprint impressions to the
8 Federal Bureau of Investigation, at its Washington, D.C., office,
9 and the other copy shall be filed in the Oklahoma State Bureau of
10 Investigation's office. The rules promulgated by the Bureau
11 pursuant to the provision of this act exempting certain offenses
12 from mandatory reporting shall be based upon recommended Federal
13 Bureau of Investigation standards for reporting criminal history
14 information and are not intended to include violators of city or
15 town ordinances and great care shall be exercised to exclude the
16 reporting of criminal history information for such offenses, except
17 when recommended by the Federal Bureau of Investigation standards.

18 E. The reporting to the Oklahoma State Bureau of Investigation
19 of criminal history information on each person subject to the
20 mandatory reporting requirements of Section 150.1 et seq. of this
21 title shall be mandatory for all law enforcement agencies, courts of
22 this state, including municipal courts, judicial officials, district
23 attorneys and correctional administrators participating in criminal
24 matters, whether reported directly or indirectly, manually or by

1 automated system as may be provided by the rules promulgated by the
2 Bureau.

3 F. Except for offenses exempted by the rules promulgated by the
4 Bureau, the following events shall be reported to the Bureau within
5 seventy-two (72) hours and the Bureau shall have seventy-two (72)
6 hours after receipt of the report to enter such information into a
7 criminal record data base:

8 1. An arrest;

9 2. The release of a person after arrest without the filing of
10 any charge; and

11 3. A decision of a prosecutor not to commence criminal
12 proceedings or to defer or postpone prosecution.

13 G. Except for offenses exempted by the rules promulgated by the
14 Bureau, the following events shall be reported to the Bureau within
15 thirty (30) days and the Bureau shall have thirty (30) days after
16 receipt of the report to enter such information into a criminal
17 record data base:

18 1. A decision by a prosecutor to modify or amend initial
19 charges upon which the arrest was made, including deletions or
20 additions of charges or counts;

21 2. The presentment of an indictment or the filing of a criminal
22 information or other statement of charges;

23 3. The dismissal of an indictment or criminal information or
24 any charge specified in such indictment or criminal information;

1 4. An acquittal, conviction or other court disposition at trial
2 or before, during or following trial, including dispositions
3 resulting from pleas or other agreements;

4 5. The imposition of a sentence;

5 6. The commitment to or release from the custody of the
6 Department of Corrections or incarceration in any jail or other
7 correctional facility;

8 7. The escape from custody of any correctional facility, jail
9 or authority;

10 8. The commitment to or release from probation or parole;

11 9. An order of any appellate court;

12 10. A pardon, reprieve, commutation of sentence or other change
13 in sentence, including a change ordered by the court;

14 11. A revocation of probation or parole or other change in
15 probation or parole status; and

16 12. Any other event arising out of or occurring during the
17 course of criminal proceedings or terms of the sentence deemed
18 necessary as provided by the rules established by the Bureau.

19 The Bureau shall have authority to withhold any entry on a
20 criminal history record when there is reason to believe the entry is
21 based on error or an unlawful order. The Bureau shall in such case
22 take immediate action to clarify or correct the entry.

23 H. Information reportable under the provisions of this section
24 shall be reportable by the law enforcement officer or person

1 directly responsible for the action, event or decision, unless
2 otherwise provided by rule or agreement. The form and content of
3 information to be reported and methods for reporting information,
4 including fingerprint impressions and other identification
5 information, shall be established by the rules promulgated by the
6 Bureau. The Bureau is hereby directed to establish rules to
7 implement the provisions of Section 150.1 et seq. of this title,
8 provided any rule relating to reporting by courts or judicial
9 officials shall be issued jointly by the Bureau and the Oklahoma
10 Supreme Court.

11 I. Any person or agency subject to the mandatory reporting of
12 criminal history information or fingerprints as required by the
13 provisions of this act shall take appropriate steps to ensure that
14 appropriate agency officials and employees understand such
15 requirements. Each agency shall establish, and in appropriate cases
16 impose, administrative sanctions for failure of an official or
17 employee to report as provided by law. Refusal or persistent
18 failure of a person or agency to comply with the mandatory reporting
19 requirements of this act may result in the discontinued access to
20 Bureau information or assistance until such agency complies with the
21 law.

22 J. All expungement orders which are presented to the Bureau for
23 alterations to criminal history records must be accompanied by a
24 payment of One Hundred Fifty Dollars (\$150.00) payable to the

