

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 966

By: Weaver

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5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Open Records Act;  
8 amending 51 O.S. 2011, Section 24A.5, as last amended  
9 by Section 1, Chapter 202, O.S.L. 2017 (51 O.S. Supp.  
10 2020, Section 24A.5), which relates to inspection or  
11 reproduction of records; establishing certain arrest  
12 records as individual records for certain purpose;  
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 51 O.S. 2011, Section 24A.5, as  
16 last amended by Section 1, Chapter 202, O.S.L. 2017 (51 O.S. Supp.  
17 2020, Section 24A.5), is amended to read as follows:

18 Section 24A.5. All records of public bodies and public  
19 officials shall be open to any person for inspection, copying, or  
20 mechanical reproduction during regular business hours; provided:

21 1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.30  
22 of this title, does not apply to records specifically required by  
23 law to be kept confidential including:

- 24 a. records protected by a state evidentiary privilege  
such as the attorney-client privilege, the work

1 product immunity from discovery and the identity of  
2 informer privileges,

3 b. records of what transpired during meetings of a public  
4 body lawfully closed to the public such as executive  
5 sessions authorized under the Oklahoma Open Meeting  
6 Act,

7 c. personal information within driver records as defined  
8 by the Driver's Privacy Protection Act, 18 United  
9 States Code, Sections 2721 through 2725,

10 d. information in the files of the Board of Medicolegal  
11 Investigations obtained pursuant to Sections 940 and  
12 941 of Title 63 of the Oklahoma Statutes that may be  
13 hearsay, preliminary unsubstantiated investigation-  
14 related findings, or confidential medical information,  
15 or

16 e. any test forms, question banks and answer keys  
17 developed for state licensure examinations, but  
18 specifically excluding test preparation materials or  
19 study guides;

20 2. All Social Security numbers included in a record may be  
21 confidential regardless of the person's status as a public employee  
22 or private individual and may be redacted or deleted prior to  
23 release of the record by the public body;

1           3. Any reasonably segregable portion of a record containing  
2 exempt material shall be provided after deletion of the exempt  
3 portions; provided, however, the Department of Public Safety shall  
4 not be required to assemble for the requesting person specific  
5 information, in any format, from driving records relating to any  
6 person whose name and date of birth or whose driver license number  
7 is not furnished by the requesting person.

8           The Oklahoma State Bureau of Investigation shall not be required  
9 to assemble for the requesting person any criminal history records  
10 relating to persons whose names, dates of birth, and other  
11 identifying information required by the Oklahoma State Bureau of  
12 Investigation pursuant to administrative rule are not furnished by  
13 the requesting person;

14           4. ~~Any~~ With respect to a request for a record which contains  
15 individual records of persons, and the cost of copying, reproducing  
16 or certifying each individual record is otherwise prescribed by  
17 state law, the cost may be assessed for each individual record, or  
18 portion thereof requested as prescribed by state law. Otherwise, a  
19 public body may charge a fee only for recovery of the reasonable,  
20 direct costs of record copying, or mechanical reproduction;

21           5. With respect to a request to a law enforcement agency for a  
22 photograph or other personal identifying information obtained during  
23 the course of an arrest, each record shall be considered an

1 individual record with costs assessed by the law enforcement agency  
2 in the amounts set forth in paragraph 6 of this section;

3 6. Notwithstanding any state or local provision to the  
4 contrary, in no instance shall the record copying fee exceed twenty-  
5 five cents (\$0.25) per page for records having the dimensions of  
6 eight and one-half (8 1/2) by fourteen (14) inches or smaller, or a  
7 maximum of One Dollar (\$1.00) per copied page for a certified copy.  
8 However, if the request:

- 9 a. is solely for commercial purpose, or  
10 b. would clearly cause excessive disruption of the  
11 essential functions of the public body,

12 then the public body may charge a reasonable fee to recover the  
13 direct cost of record search and copying; however, publication in a  
14 newspaper or broadcast by news media for news purposes shall not  
15 constitute a resale or use of a record for trade or commercial  
16 purpose and charges for providing copies of electronic data to the  
17 news media for a news purpose shall not exceed the direct cost of  
18 making the copy. The fee charged by the Department of Public Safety  
19 for a copy in a computerized format of a record of the Department  
20 shall not exceed the direct cost of making the copy unless the fee  
21 for the record is otherwise set by law.

22 Any public body establishing fees under this act shall post a  
23 written schedule of the fees at its principal office and with the  
24 county clerk.

1 In no case shall a search fee be charged when the release of  
2 records is in the public interest, including, but not limited to,  
3 release to the news media, scholars, authors and taxpayers seeking  
4 to determine whether those entrusted with the affairs of the  
5 government are honestly, faithfully, and competently performing  
6 their duties as public servants.

7 The fees shall not be used for the purpose of discouraging  
8 requests for information or as obstacles to disclosure of requested  
9 information;

10 ~~5.~~ 7. The land description tract index of all recorded  
11 instruments concerning real property required to be kept by the  
12 county clerk of any county shall be available for inspection or  
13 copying in accordance with the provisions of the Oklahoma Open  
14 Records Act; provided, however, the index shall not be copied or  
15 mechanically reproduced for the purpose of sale of the information;

16 ~~6.~~ 8. A public body must provide prompt, reasonable access to  
17 its records but may establish reasonable procedures which protect  
18 the integrity and organization of its records and to prevent  
19 excessive disruptions of its essential functions. A delay in  
20 providing access to records shall be limited solely to the time  
21 required for preparing the requested documents and the avoidance of  
22 excessive disruptions of the public body's essential functions. In  
23 no event may production of a current request for records be  
24 unreasonably delayed until after completion of a prior records

1 request that will take substantially longer than the current  
2 request. Any public body which makes the requested records  
3 available on the Internet shall meet the obligation of providing  
4 prompt, reasonable access to its records as required by this  
5 paragraph; and

6 ~~7.~~ 9. A public body shall designate certain persons who are  
7 authorized to release records of the public body for inspection,  
8 copying, or mechanical reproduction. At least one person shall be  
9 available at all times to release records during the regular  
10 business hours of the public body.

11 SECTION 2. This act shall become effective November 1, 2021.

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