

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 SENATE BILL 81

By: Rader

4
5
6 AS INTRODUCED

7 An Act relating to the Oklahoma State Bureau of
8 Investigation; amending 11 O.S. 2021, Section 29-
9 103.1, which relates to firefighters; modifying
10 certain payment process; amending 21 O.S. 2021,
11 Sections 1290.5, as amended by Section 1, Chapter 28,
12 O.S.L. 2024, and 1290.12 (21 O.S. Supp. 2024, Section
13 1290.5), which relate to handgun licenses; modifying
14 certain renewal and application processes;
15 authorizing promulgation of rules; amending 74 O.S.
16 2021, Sections 150.9 and 150.12, as amended by
17 Section 1, Chapter 235, O.S.L. 2022 (74 O.S. Supp.
18 2024, Section 150.12), which relate to criminal
19 history records and mandatory reporting; striking
20 obsolete language; modifying certain fee criteria;
21 authorizing promulgation of rules; updating statutory
22 language; repealing 74 O.S. 2021, Sections 150.29 and
23 150.30, which relate to petty cash funds; and
24 providing an effective date.

17
18 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

19 SECTION 1. AMENDATORY 11 O.S. 2021, Section 29-103.1, is
20 amended to read as follows:

21 Section 29-103.1. A. Prior to appointing a paid member of a
22 municipal fire department, each department may conduct a national
23 criminal history records check, as defined by Section 150.9 of Title
24 74 of the Oklahoma Statutes.

1 B. Each applicant, upon request, shall furnish the department
2 with two completed fingerprint cards and ~~a money order or a~~
3 ~~cashier's check made payable~~ payment to the Oklahoma State Bureau of
4 Investigation for the fee for a national fingerprint criminal
5 history records check in accordance with rules promulgated by the
6 Bureau. The Bureau shall retain one set of fingerprints in the
7 Automated Fingerprint Identification System (AFIS) and submit the
8 other set to the Federal Bureau of Investigation (FBI) for a
9 national criminal history records check.

10 SECTION 2. AMENDATORY 21 O.S. 2021, Section 1290.5, as
11 amended by Section 1, Chapter 28, O.S.L. 2024 (21 O.S. Supp. 2024,
12 Section 1290.5), is amended to read as follows:

13 Section 1290.5.

14 TERM OF LICENSE AND RENEWAL

15 A. A handgun license when issued shall authorize the person to
16 whom the license is issued to carry a loaded or unloaded handgun,
17 concealed or unconcealed, as authorized by the provisions of the
18 Oklahoma Self-Defense Act, and any future modifications thereto.
19 The license shall be valid in this state for a period of five (5) or
20 ten (10) years, unless subsequently surrendered, suspended, or
21 revoked as provided by law. The person shall have no authority to
22 continue to carry a concealed or unconcealed handgun in this state
23 pursuant to the Oklahoma Self-Defense Act when a license is expired
24

1 or when a license has been voluntarily surrendered or suspended or
2 revoked for any reason.

3 B. A license may be renewed any time within ninety (90) days
4 prior to the expiration date as provided in this subsection. The
5 Oklahoma State Bureau of Investigation may notify each eligible
6 licensee at the email address on file at least ninety (90) days
7 prior to the expiration of the license. However, any applicant
8 shall have thirty (30) days from the expiration of the license to
9 comply with the renewal requirements of this section. Renewal
10 applications shall be denied by the Bureau if a current license is
11 subject to being or currently is suspended or revoked by the Bureau.

12 1. To renew a handgun license, the licensee may either complete
13 a written renewal form provided by the Bureau or a digital renewal
14 form provided by the Bureau online.

15 2. If the applicant completes the digital renewal form online,
16 the applicant must submit a passport-sized photograph with the
17 application. If the applicant completes a written renewal
18 application, the applicant must submit two current passport-sized
19 photographs of the applicant with the application.

20 3. A renewal fee in the amount of Eighty-five Dollars (\$85.00)
21 must be submitted to the Bureau with an application. ~~The renewal~~
22 ~~fee may be paid with a nationally recognized credit card as provided~~
23 ~~in subparagraph b of paragraph 4 of subsection A of Section 1290.12~~
24 ~~of this title, by electronic funds transfer, or by a cashier's check~~

1 ~~or money order made payable to the Oklahoma State Bureau of~~
2 ~~Investigation~~ in accordance with rules promulgated by the Bureau.

3 4. Upon receipt of the renewal application, photographs, and
4 fee, the Bureau will conduct a background check and investigation
5 pursuant to Section 1290.12 of this title, excluding the
6 requirements of a state fingerprint search and Federal Bureau of
7 Investigation fingerprint search.

8 C. Any person submitting an application for a handgun license
9 or any licensee seeking to renew a handgun license shall have the
10 option to request that the license be valid for a period of ten (10)
11 years. The fee for any handgun license issued for a period of ten
12 (10) years shall be double the amount of the fee provided for in
13 paragraph 4 of subsection A of Section 1290.12 of this title. The
14 renewal fee for a handgun license issued for a period of ten (10)
15 years shall be double the amount of the fee provided for in
16 paragraph 3 of subsection B of this section.

17 SECTION 3. AMENDATORY 21 O.S. 2021, Section 1290.12, is
18 amended to read as follows:

19 Section 1290.12.

20 PROCEDURE FOR APPLICATION

21 A. Except as provided in paragraph 11 of this subsection, the
22 procedure for applying for a handgun license and processing the
23 application shall be as follows:

1 1. An eligible person may request an application packet for a
2 handgun license from the Oklahoma State Bureau of Investigation or
3 the county sheriff's office either in person or by mail. The Bureau
4 may provide application packets to each sheriff not exceeding two
5 hundred packets per request. The Bureau shall provide the following
6 information in the application packet:

- 7 a. an application form,
- 8 b. procedures to follow to process the application form,
- 9 and
- 10 c. if available, a copy of the Oklahoma Self-Defense Act
11 with any modifications thereto;

12 2. The person shall be required to successfully complete a
13 firearms safety and training course from a firearms instructor who
14 is approved and registered in this state as provided in Section
15 1290.14 of this title or from an interactive online firearms safety
16 and training course available electronically via the Internet which
17 has been approved as ~~to~~ curriculum by the Council on Law Enforcement
18 Education and Training, and the person shall be required to
19 demonstrate competency and qualification with a pistol authorized
20 for concealed or unconcealed carry by the Oklahoma Self-Defense Act.
21 The original certificate of successful completion of a firearms
22 safety and training course and an original certificate of successful
23 demonstration of competency and qualification to carry and handle a
24 pistol or exemption from training certificate shall be submitted

1 with the application for a handgun license. No duplicate, copy,
2 facsimile, or other reproduction of the certificate of training,
3 certificate of competency and qualification, or exemption from
4 training certificate shall be acceptable as proof of training as
5 required by the provisions of the Oklahoma Self-Defense Act;

6 3. The application form shall be completed and delivered by the
7 applicant, in person, to the sheriff of the county wherein the
8 applicant resides;

9 4. The person shall deliver to the sheriff at the time of
10 delivery of the completed application form a fee of One Hundred
11 Dollars (\$100.00) for processing the application through the
12 Oklahoma State Bureau of Investigation and processing the required
13 fingerprints through the Federal Bureau of Investigation. The
14 processing fee shall be ~~in the form of:~~

15 a. ~~a money order or a cashier's check made payable to the~~
16 ~~Oklahoma State Bureau of Investigation,~~

17 b. ~~a nationally recognized credit card issued to the~~
18 ~~applicant. For purposes of this paragraph,~~

19 ~~"nationally recognized credit card" means any~~
20 ~~instrument or device, whether known as a credit card,~~
21 ~~credit plate, charge plate, or by any other name,~~
22 ~~issued with or without fee by the issuer for the use~~
23 ~~of the cardholder in obtaining goods, services, or~~
24 ~~anything else of value on credit which is accepted by~~

1 ~~over one thousand merchants in the state. The~~
2 ~~Oklahoma State Bureau of Investigation shall determine~~
3 ~~which nationally recognized credit cards will be~~
4 ~~accepted by the Bureau, or~~
5 ~~e. electronic funds transfer submitted in accordance with~~
6 ~~rules promulgated by the Oklahoma State Bureau of~~
7 ~~Investigation.~~

8 Any person paying application fees to the Oklahoma State Bureau of
9 Investigation by means of a nationally recognized credit card or by
10 means of an electronic funds transfer shall be required to complete
11 and submit his or her application through the online application
12 process of the Bureau.

13 The processing fee shall not be refundable in the event of a
14 denial of a handgun license or any suspension or revocation
15 subsequent to the issuance of a license. Persons making application
16 for a firearms instructor shall not be required to pay the
17 application fee as provided in this section, but shall be required
18 to pay the costs provided in paragraphs 6 and 8 of this subsection;

19 5. The completed application form shall be signed by the
20 applicant in person before the sheriff. The signature shall be
21 given voluntarily upon a sworn oath that the person knows the
22 contents of the application and that the information contained in
23 the application is true and correct. Any person making any false or
24 misleading statement on an application for a handgun license shall,

1 upon conviction, be guilty of perjury as defined by Section 491 of
2 this title. Any conviction shall be punished as provided in Section
3 500 of this title. In addition to a criminal conviction, the person
4 shall be denied the right to have a handgun license pursuant to the
5 provisions of Section 1290.10 of this title and the Oklahoma State
6 Bureau of Investigation shall revoke the handgun license, if issued;

7 6. Two passport-size photographs of the applicant shall be
8 submitted with the completed application. The cost of the
9 photographs shall be the responsibility of the applicant. The
10 sheriff is authorized to take the photograph of the applicant for
11 purposes of the Oklahoma Self-Defense Act and, if such photographs
12 are taken by the sheriff, the cost of the photographs shall not
13 exceed Ten Dollars (\$10.00) for the two photos. All money received
14 by the sheriff from photographing applicants pursuant to the
15 provisions of this paragraph shall be retained by the sheriff and
16 deposited into the Sheriff's Service Fee Account;

17 7. The sheriff shall witness the signature of the applicant and
18 review or take the photographs of the applicant and shall verify
19 that the person making application for a handgun license is the same
20 person in the photographs submitted and the same person who signed
21 the application form. Proof of a valid Oklahoma driver license with
22 a photograph of the applicant or an Oklahoma state photo
23 identification for the applicant shall be required to be presented
24

1 by the applicant to the sheriff for verification of the person's
2 identity;

3 8. Upon verification of the identity of the applicant, the
4 sheriff shall take two complete sets of fingerprints of the
5 applicant. Both sets of fingerprints shall be submitted by the
6 sheriff with the completed application, certificate of training,
7 certificate of competency and qualification or an exemption from
8 training certificate, photographs, and processing fee to the
9 Oklahoma State Bureau of Investigation within fourteen (14) days of
10 taking the fingerprints. The cost of the fingerprints shall be paid
11 by the applicant. The sheriff may charge a fee of up to Twenty-five
12 Dollars (\$25.00) for the two sets of fingerprints. All fees
13 collected by the sheriff from taking fingerprints pursuant to the
14 provisions of this paragraph shall be retained by the sheriff and
15 deposited into the Sheriff's Service Fee Account;

16 9. The sheriff shall submit to the Oklahoma State Bureau of
17 Investigation within the fourteen-day period, together with the
18 completed application, including the certificate of training,
19 certificate of competency and qualification, exemption from training
20 certificate, photographs, processing fee, and legible fingerprints
21 meeting the Oklahoma State Bureau of Investigation's Automated
22 Fingerprint Identification System (AFIS) submission standards, and a
23 report of information deemed pertinent to an investigation of the
24 applicant for a handgun license. The sheriff shall make a

1 preliminary investigation of pertinent information about the
2 applicant and the court clerk shall assist the sheriff in locating
3 pertinent information in court records for this purpose. If no
4 pertinent information is found to exist either for or against the
5 applicant, the sheriff shall so indicate in the report;

6 10. The Oklahoma State Bureau of Investigation, upon receipt of
7 the application and required information from the sheriff, shall
8 forward one full set of fingerprints of the applicant to the Federal
9 Bureau of Investigation for a national criminal history records
10 search. The cost of processing the fingerprints nationally shall be
11 paid from the processing fee collected by the Oklahoma State Bureau
12 of Investigation;

13 11. Notwithstanding the provisions of the Oklahoma Self-Defense
14 Act, or any other provisions of law, any person who has been granted
15 a permanent victim protective order by the court, as provided for in
16 the Protection from Domestic Abuse Act, may be issued a temporary
17 handgun license for a period not to exceed six (6) months. A
18 temporary handgun license may be issued if the person has
19 successfully passed the required weapons course, completed the
20 application process for the handgun license, passed the preliminary
21 investigation by the sheriff and court clerk, and provided the
22 sheriff proof of a certified permanent victim protective order and a
23 valid Oklahoma state photo identification card or driver license.
24 The sheriff shall issue a temporary handgun license on a form

1 approved by the Oklahoma State Bureau of Investigation, at no cost.
2 Any person who has been issued a temporary license shall carry the
3 temporary handgun license and a valid Oklahoma state photo
4 identification on his or her person at all times, and shall be
5 subject to all the requirements of the Oklahoma Self-Defense Act
6 when carrying a handgun. The person may proceed with the handgun
7 licensing process. In the event the victim protective order is no
8 longer enforceable, the temporary handgun license shall cease to be
9 valid;

10 12. The Oklahoma State Bureau of Investigation shall make a
11 reasonable effort to investigate the information submitted by the
12 applicant and the sheriff to ascertain whether or not the issuance
13 of a handgun license would be in violation of the provisions of the
14 Oklahoma Self-Defense Act. The investigation by the Bureau of an
15 applicant shall include, but shall not be limited to: a statewide
16 criminal history records search, a national criminal history records
17 search, a Federal Bureau of Investigation fingerprint search, a
18 check of the National Instant Criminal Background Check System
19 (NICS), an Immigration Alien Query (IAQ) for non-United-States
20 citizens and, if applicable, an investigation of medical records or
21 other records or information deemed by the Bureau to be relevant to
22 the application.

23 a. In the course of the investigation by the Bureau, it
24 shall present the name of the applicant along with any

1 known aliases, the address of the applicant, and the
2 Social Security number of the applicant to the
3 Department of Mental Health and Substance Abuse
4 Services. The Department of Mental Health and
5 Substance Abuse Services shall respond within ten (10)
6 days of receiving such information to the Bureau as
7 follows:

- 8 (1) with a "Yes" answer, if the records of the
9 Department indicate that the person was
10 involuntarily committed to a mental institution
11 in Oklahoma,
- 12 (2) with a "No" answer, if there are no records
13 indicating the name of the person as a person
14 involuntarily committed to a mental institution
15 in Oklahoma, or
- 16 (3) with an "Inconclusive" answer, if the records of
17 the Department suggest the applicant may be a
18 formerly committed person. In the case of an
19 inconclusive answer, the Bureau shall ask the
20 applicant whether he or she was involuntarily
21 committed. If the applicant states under penalty
22 of perjury that he or she has not been
23 involuntarily committed, the Bureau shall

1 continue processing the application for a
2 license.

3 b. In the course of the investigation by the Bureau, it
4 shall check the name of any applicant who is twenty-
5 eight (28) years of age or younger along with any
6 known aliases, the address of the applicant, and the
7 Social Security number of the applicant against the
8 records in the Juvenile Online Tracking System (JOLTS)
9 of the Office of Juvenile Affairs. The Office of
10 Juvenile Affairs shall provide the Bureau direct
11 access to check the applicant against the records
12 available on JOLTS:

13 (1) if the Bureau finds a record on JOLTS that
14 indicates the person was adjudicated a delinquent
15 for an offense that would constitute a felony
16 offense if committed by an adult within the last
17 ten (10) years, the Bureau shall deny the
18 license,

19 (2) if the Bureau finds no record on JOLTS indicating
20 the named person was adjudicated delinquent for
21 an offense that would constitute a felony offense
22 if committed by an adult within the last ten (10)
23 years, the Bureau shall continue processing the
24 application for a license, or

1 (3) if the records suggest the applicant may have
2 been adjudicated delinquent for an offense that
3 would constitute a felony offense if committed by
4 an adult but such record is inconclusive, the
5 Bureau shall ask the applicant whether he or she
6 was adjudicated a delinquent for an offense that
7 would constitute a felony offense if committed by
8 an adult within the last ten (10) years. If the
9 applicant states under penalty of perjury that he
10 or she was not adjudicated a delinquent within
11 ten (10) years, the Bureau shall continue
12 processing the application for a license; and

13 13. If the background check set forth in paragraph 12 of this
14 subsection reveals no records pertaining to the applicant, the
15 Oklahoma State Bureau of Investigation shall either issue a handgun
16 license or deny the application within sixty (60) days of the date
17 of receipt of the applicant's completed application and the required
18 information from the sheriff. In all other cases, the Oklahoma
19 State Bureau of Investigation shall either issue a handgun license
20 or deny the application within ninety (90) days of the date of the
21 receipt of the applicant's completed application and the required
22 information from the sheriff. The Bureau shall deny a license when
23 the applicant fails to properly complete the application form or
24 application process or, based on the background check set forth in

1 paragraph 12 of this subsection, is determined not to be eligible as
2 specified by the provisions of Section 1290.9, 1290.10, or 1290.11
3 of this title. The Bureau shall approve an application in all other
4 cases. If an application is denied, the Bureau shall notify the
5 applicant in writing of its decision. The notification shall state
6 the grounds for the denial and inform the applicant of the right to
7 an appeal as may be provided by the provisions of the Administrative
8 Procedures Act. All notices of denial shall be mailed by first-
9 class mail to the address of the applicant listed in the
10 application. Within sixty (60) calendar days from the date of
11 mailing a denial of application to an applicant, the applicant shall
12 notify the Bureau in writing of the intent to appeal the decision of
13 denial or the right of the applicant to appeal shall be deemed
14 waived. Any administrative hearing on a denial which may be
15 provided shall be conducted by a hearing examiner appointed by the
16 Bureau. The decision of the hearing examiner shall be a final
17 decision appealable to a district court in accordance with the
18 Administrative Procedures Act. When an application is approved, the
19 Bureau shall issue the license and shall mail the license by first-
20 class mail to the address of the applicant listed in the
21 application.

22 B. Nothing contained in any provision of the Oklahoma Self-
23 Defense Act shall be construed to require or authorize the
24 registration, documentation, or providing of serial numbers with

1 regard to any firearm. For purposes of the Oklahoma Self-Defense
2 Act, the sheriff may designate a person to receive, fingerprint,
3 photograph, or otherwise process applications for handgun licenses.

4 SECTION 4. AMENDATORY 74 O.S. 2021, Section 150.9, is
5 amended to read as follows:

6 Section 150.9. A. The Oklahoma State Bureau of Investigation
7 shall procure, file, and maintain criminal history records for each
8 person subject to mandatory reporting as provided by law, including
9 photographs, descriptions, fingerprints, measurements, and other
10 pertinent information relating to such persons. It shall be the
11 duty of law enforcement officers and agencies, sheriffs, police,
12 courts, judicial officials, district attorneys, and the persons in
13 charge of any state correctional facility or institution to furnish
14 criminal history records to the Bureau as required by Section 150.1
15 et seq. of this title. The Oklahoma State Bureau of Investigation
16 shall cooperate with and assist the sheriffs, chiefs of police, and
17 other law enforcement officers of the state by maintaining a
18 complete criminal history record on each person subject to mandatory
19 reporting as provided by law, and shall have on file the fingerprint
20 impressions of all such persons together with other pertinent
21 information as may ~~from time to time~~ be received from the law
22 enforcement officers of this and other states or as may be required
23 by law.

1 B. 1. The Oklahoma State Bureau of Investigation is authorized
2 to conduct and receive results of national criminal history record
3 checks for authorized purposes pursuant to Public Law 92-544, the
4 National Child Protection Act/Volunteers for Children Act (NCPA/VCA)
5 as amended, with or without a Volunteer and Employee Criminal
6 History System (VECHS) waiver program or any other federal
7 authorizing statute. The Oklahoma State Bureau of Investigation
8 shall only release the results of national criminal history record
9 checks to entities authorized to receive the results pursuant to
10 federal law.

11 2. Any state agency, board, department, or commission or any
12 other person or entity authorized to request a criminal history
13 record or an analysis of fingerprints for commercial, licensing, or
14 other purposes, except law enforcement purposes, shall conduct a
15 national criminal history records check on all persons of the entity
16 authorized to access or review national criminal history records
17 checks information ~~by July 1, 2009, and~~ within sixty (60) days
18 thereafter.

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

23 ~~Oklahoma criminal history record only \$15.00 each~~

24
25

1 ~~Oklahoma criminal history record with~~
2 ~~fingerprint analysis~~ ~~_____~~ ~~\$19.00 each~~

3 ~~National criminal history record with~~
4 ~~fingerprint analysis~~ ~~_____~~ ~~\$41.00 each~~

5 in accordance with rules promulgated by the Oklahoma State

6 Bureau of Investigation.

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

15 Agencies authorized by statute to conduct national criminal
16 history background checks for individuals are eligible to
17 participate in the Federal Rap Back Program administered by the
18 Oklahoma State Bureau of Investigation. The Oklahoma State Bureau
19 of Investigation is authorized to submit fingerprints to the FBI Rap
20 Back System to be retained in the FBI Rap Back System for the
21 purpose of being searched by future submissions to the FBI Rap Back
22 System, including latent fingerprint searches and to collect all
23 Federal Rap Back Program fees from eligible agencies wishing to
24

1 participate and remit such fees to the ~~Federal Bureau of~~
2 ~~Investigation~~ FBI.

3 5. Unless a national criminal history record is specifically
4 requested, a fingerprint analysis shall be limited to only those
5 records available at the Oklahoma State Bureau of Investigation.
6 Following receipt of the appropriate fee, the Bureau shall provide,
7 as soon as possible, the criminal history record requested;
8 provided, however, it shall be the duty and responsibility of the
9 requesting authority to evaluate the criminal history record as such
10 record may apply to a specific purpose or intent. An individual may
11 submit a certified court record showing that a charge was dismissed
12 or a certified copy of a gubernatorial pardon to the Oklahoma State
13 Bureau of Investigation, and upon verification of that record the
14 Bureau records shall reflect the dismissal of that charge.

15 C. The Oklahoma State Bureau of Investigation may maintain an
16 identification file, including fingerprint impressions, on any
17 person under eighteen (18) years of age who is arrested or subject
18 to criminal or juvenile delinquency proceedings, provided all such
19 information shall be confidential and shall only be made available
20 to the Bureau and other law enforcement agencies. Whenever a
21 fingerprint impression or other identification information is
22 submitted to the Bureau on a person under eighteen (18) years of
23 age, the Bureau may retain and file such fingerprint and
24 identification information for identification purposes only. The

1 Bureau shall ensure that the information received and maintained for
2 identification purposes on persons under eighteen (18) years of age
3 shall be handled and processed with great care to keep such
4 information confidential from the general public. The Bureau may
5 receive and maintain the fingerprints and other identification
6 information on any person under eighteen (18) years of age believed
7 to be the subject of a runaway, missing, or abduction investigation,
8 for identification purposes at the request of a parent, guardian, or
9 legal custodian of the person.

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

16 SECTION 5. AMENDATORY 74 O.S. 2021, Section 150.12, as
17 amended by Section 1, Chapter 235, O.S.L. 2022 (74 O.S. Supp. 2024,
18 Section 150.12), is amended to read as follows:

19 Section 150.12. A. 1. It is hereby the duty of any sheriff,
20 chief of police, city marshal, constable, and any other law
21 enforcement officer who takes custody of a person who has been
22 arrested and who, in the best judgment of the arresting officer, is
23 believed to have committed any offense, except an offense exempted
24 by the rules promulgated by the Oklahoma State Bureau of

1 Investigation pursuant to the provisions of Section 150.1 et seq. of
2 this title, to take or cause to be taken the fingerprint impressions
3 of such person or persons and to forward such fingerprint
4 impressions together with identification information to the Oklahoma
5 State Bureau of Investigation, at its Oklahoma City office. In the
6 case of any sheriff, chief of police, city marshal, constable, or
7 any other law enforcement officer equipped with a live-scan device
8 designed for the electronic capture and transmission of fingerprint
9 images approved by the Oklahoma State Bureau of Investigation,
10 fingerprint images may instead be taken and transmitted to the
11 Bureau electronically. If the sheriff, chief of police, city
12 marshal, or constable has contracted for the custody of prisoners,
13 such contractor shall be required to take the fingerprint
14 impressions of such person.

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

24
25

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

19 B. In order to maintain a complete criminal history record, the
20 court shall inquire at the time of sentencing whether or not the
21 person has been fingerprinted for the offense upon which the
22 sentence is based and, if not, shall order the fingerprints be taken
23 immediately of such person and those fingerprints shall be sent by
24 the law enforcement agency taking the fingerprint impressions to the

1 Bureau within seventy-two (72) hours after taking the fingerprint
2 impressions.

3 C. In addition to any other fingerprints which may have been
4 taken of a person in a criminal matter, the Department of
5 Corrections shall take the fingerprints of all prisoners received at
6 the Lexington ~~Reception~~ Assessment and ~~Assessment~~ Reception Center
7 or otherwise received into the custody of the Department and shall
8 send copies of such fingerprints together with identification
9 information to the Bureau within seventy-two (72) hours of taking
10 such fingerprints.

11 D. The Bureau shall, upon receipt of fingerprint impressions
12 and identification information for offenses not exempt by rule of
13 the Bureau, send one (1) copy of the fingerprint impressions to the
14 Federal Bureau of Investigation, at its Washington, D.C., office,
15 and the other copy shall be filed in the Oklahoma State Bureau of
16 Investigation's office. The rules promulgated by the Bureau
17 pursuant to the ~~provision~~ provisions of this ~~act~~ section exempting
18 certain offenses from mandatory reporting shall be based upon
19 recommended Federal Bureau of Investigation standards for reporting
20 criminal history information and are not intended to include
21 violators of city or town ordinances and great care shall be
22 exercised to exclude the reporting of criminal history information
23 for such offenses, except when recommended by the Federal Bureau of
24 Investigation standards.

1 E. The reporting to the Oklahoma State Bureau of Investigation
2 of criminal history information on each person subject to the
3 mandatory reporting requirements of Section 150.1 et seq. of this
4 title shall be mandatory for all law enforcement agencies, courts of
5 this state, including municipal courts, judicial officials, district
6 attorneys, and correctional administrators participating in criminal
7 matters, whether reported directly or indirectly, manually or by
8 automated system as may be provided by the rules promulgated by the
9 Bureau.

10 F. Except for offenses exempted by the rules promulgated by the
11 Bureau, the following events shall be reported to the Bureau within
12 seventy-two (72) hours and the Bureau shall have seventy-two (72)
13 hours after receipt of the report to enter such information into a
14 criminal record database:

- 15 1. An arrest;
- 16 2. The release of a person after arrest without the filing of
17 any charge; and
- 18 3. A decision of a prosecutor not to commence criminal
19 proceedings or to defer or postpone prosecution.

20 G. Except for offenses exempted by the rules promulgated by the
21 Bureau, the following events shall be reported to the Bureau within
22 thirty (30) days and the Bureau shall have thirty (30) days after
23 receipt of the report to enter such information into a criminal
24 record database:

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

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

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

8 4. An acquittal, conviction, or other court disposition at
9 trial or before, during, or following trial, including dispositions
10 resulting from pleas or other agreements;

11 5. The imposition of a sentence;

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

15 7. The escape from custody of any correctional facility, jail,
16 or authority;

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

18 9. An order of any appellate court;

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

21 11. A revocation of probation or parole or other change in
22 probation or parole status; and

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

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

8 H. Information reportable under the provisions of this section
9 shall be reportable by the law enforcement officer or person
10 directly responsible for the action, event, or decision, unless
11 otherwise provided by rule or agreement. The form and content of
12 information to be reported and methods for reporting information,
13 including fingerprint impressions and other identification
14 information, shall be established by the rules promulgated by the
15 Bureau. The Bureau is hereby directed to establish rules to
16 implement the provisions of Section 150.1 et seq. of this title,
17 provided any rule relating to reporting by courts or judicial
18 officials shall be issued jointly by the Bureau and the ~~Oklahoma~~
19 Supreme Court.

20 I. Any person or agency subject to the mandatory reporting of
21 criminal history information or fingerprints as required by the
22 provisions of this ~~act~~ section shall take appropriate steps to
23 ensure that appropriate agency officials and employees understand
24 such requirements. Each agency shall establish, and in appropriate

1 cases impose, administrative sanctions for failure of an official or
2 employee to report as provided by law. Refusal or persistent
3 failure of a person or agency to comply with the mandatory reporting
4 requirements of this ~~act~~ section may result in the discontinued
5 access to Bureau information or assistance until such agency
6 complies with the law.

7 J. All expungement orders which are presented to the Bureau for
8 alterations to criminal history records must be accompanied by a
9 payment of One Hundred Fifty Dollars (\$150.00) ~~payable to~~ in
10 accordance with rules promulgated by the Bureau. The subject of the
11 criminal history, whose record is being amended or updated based
12 upon an expungement order, is responsible for such payment. Payment
13 shall be rendered before any expungement order may be processed by
14 the Bureau. Payment of the fee shall be waived if the subject of
15 the criminal history record has been granted an expungement under
16 the provisions of paragraph 3 of subsection A of Section 18 of Title
17 22 of the Oklahoma Statutes.

18 SECTION 6. REPEALER 74 O.S. 2021, Section 150.29, is
19 hereby repealed.

20 SECTION 7. REPEALER 74 O.S. 2021, Section 150.30, is
21 hereby repealed.

22 SECTION 8. This act shall become effective November 1, 2025.
23

24 60-1-842 CN 12/20/2024 11:09:44 AM
25