

1 **SENATE FLOOR VERSION**

2 February 23, 2017

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 247

6 By: Matthews and Thompson of
7 the Senate

8 and

9 Nichols of the House

10 An Act relating to the Oklahoma State Bureau of
11 Investigations; amending 74 O.S. 2011, Section 150.2,
12 as amended by Section 7, Chapter 397, O.S.L. 2015 (74
13 O.S. Supp. 2016, Section 150.2), which relates to
14 powers and duties; authorizing certain actions;
15 stating definitions; requiring certain reports;
16 setting reporting deadlines; requiring certain
17 postings; requiring certain distribution of reports;
18 providing for codification; and providing an
19 effective date.

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

21 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.2, as
22 amended by Section 7, Chapter 397, O.S.L. 2015 (74 O.S. Supp. 2016,
23 Section 150.2), is amended to read as follows:

24 Section 150.2. The Oklahoma State Bureau of Investigation shall
have the power and duty to:

1. Maintain a nationally accredited scientific laboratory to
assist all law enforcement agencies in the discovery and detection
of criminal activity;

1 2. Maintain fingerprint and other identification files
2 including criminal history records, juvenile identification files,
3 and DNA profiles;

4 3. Establish, coordinate and maintain the automated
5 fingerprinting identification system (AFIS) and the deoxyribonucleic
6 acid (DNA) laboratory;

7 4. Operate teletype, mobile and fixed radio or other
8 communications systems;

9 5. Conduct schools and training programs for the agents, peace
10 officers, and technicians of this state charged with the enforcement
11 of law and order and the investigation and detection of crime;

12 6. Assist the Director of the Oklahoma State Bureau of
13 Narcotics and Dangerous Drugs Control, the Chief Medical Examiner,
14 and all law enforcement officers and district attorneys when such
15 assistance is requested, in accordance with the policy determined by
16 the Oklahoma State Bureau of Investigation Commission established in
17 Section 150.3 of this title;

18 7. Investigate and detect criminal activity when directed to do
19 so by the Governor;

20 8. Investigate, detect, institute and maintain actions
21 involving vehicle theft pursuant to Section 150.7a of this title or
22 oil, gas or oil field equipment theft pursuant to Sections 152.2
23 through 152.9 of this title;

24

1 9. Investigate any criminal threat made to the physical safety
2 of elected or appointed officials of this state or any political
3 subdivision of the state and forward the results of that
4 investigation to the Department of Public Safety, and provide
5 security to foreign elected or appointed officials while they are in
6 this state on official business;

7 10. Investigate and detect violations of the Oklahoma Computer
8 Crimes Act; ~~and~~

9 11. Investigate and enforce all laws relating to any crime
10 listed in Section 571 of Title 57 of the Oklahoma Statutes that
11 occur on the turnpikes; and

12 12. Investigate all law enforcement- or peace officer-involved
13 shootings and in-custody deaths, not including jails or prisons for
14 all jurisdictions within the state with a population of less than
15 one hundred fifty thousand (150,000), according to the latest
16 federal decennial census. All law enforcement- or peace officer-
17 involved shootings and in-custody deaths, not involving jails or
18 prisons that occur within jurisdictions in the state with a
19 population of more than one hundred fifty thousand (150,000),
20 according to the latest federal decennial census, shall be subject
21 to review by the Oklahoma State Bureau of Investigation at the
22 discretion of the Oklahoma State Bureau of Investigation.

23

24

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 150.12C of Title 74, unless
3 there is created a duplication in numbering, reads as follows:

4 Reports required for officer-involved injuries or deaths.

5 A. In this act:

6 1. "Deadly weapon" means:

7 a. a firearm or any object manifestly designed, made or
8 adapted for the purpose of inflicting death or serious
9 bodily injury, or

10 b. any object that in the manner of its use or intended
11 use is capable of causing death or serious bodily
12 injury; and

13 2. "Officer-involved injury or death" means an incident during
14 which a peace officer discharges a firearm causing injury or
15 death to another.

16 B. The Oklahoma State Bureau of Investigation shall promulgate
17 rules establishing procedures for reporting by law enforcement
18 agencies of an officer-involved injury or death. The Oklahoma State
19 Bureau of Investigation shall promulgate a form with spaces for the
20 recording of the following information:

21 1. The date and time on which the incident occurred;

22 2. The jurisdiction where the incident occurred;

23 3. The age, gender and race or ethnicity of each peace officer
24 involved in the incident;

1 4. The age, gender and race or ethnicity of each injured or
2 deceased person involved in the incident;

3 5. Whether the person was injured or died as a result of the
4 incident;

5 6. Whether each injured or deceased person used, exhibited, or
6 was carrying a deadly weapon during the incident;

7 7. Whether any peace officer involved in the incident was
8 injured or died as a result of the incident;

9 8. Whether each peace officer involved in the incident was on
10 duty during the incident;

11 9. Whether each peace officer involved in the incident worked
12 for the jurisdiction where the incident occurred as a full-time
13 peace officer or reserve officer;

14 10. The primary reason for contact with each injured or
15 deceased person involved in the incident;

16 11. The law enforcement agency responsible for investigating
17 the incident; and

18 12. The years of service of each peace officer involved in the
19 incident.

20 C. Not later than the thirtieth day after the date of an
21 officer-involved injury or death, the law enforcement agency
22 employing an officer involved in the incident shall complete and
23 submit a written or electronic report, using the form created under
24

1 subsection B of this section, to the Oklahoma State Bureau of
2 Investigation.

3 D. Not later than the fifth day after the date of receipt of a
4 report submitted under subsection C of this section, the Oklahoma
5 State Bureau of Investigation shall post a copy of the report on the
6 agency's Internet website.

7 E. Not later than February 1 of each year, the Oklahoma State
8 Bureau of Investigation shall submit a report regarding all officer-
9 involved injuries or deaths that occurred during the preceding year
10 to the Governor, President Pro Tempore of the Senate, the Speaker of
11 the House of Representatives and the standing legislative committees
12 with primary jurisdiction over criminal justice matters. The report
13 must include:

14 1. The total number of officer-involved injuries or deaths;

15 2. A summary of the reports submitted to the agency under this
16 act; and

17 3. A copy of each report submitted to the agency under this
18 article.

19 F. Not later than February 1, 2018, the Oklahoma State Bureau
20 of Investigation shall create the reporting forms required under
21 this act.

22 SECTION 3. This act shall become effective November 1, 2017.

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
24 February 23, 2017 - DO PASS AS AMENDED