

1 ENGROSSED SENATE
2 BILL NO. 1366

By: Coleman of the Senate

3 and

4 Pfeiffer of the House

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6 An Act relating to district attorneys; amending 19
7 O.S. 2011, Section 215.22, as last amended by Section
8 4, Chapter 22, O.S.L. 2017 (19 O.S. Supp. 2019,
9 Section 215.22), which relates to destruction and
reproduction of records; modifying requirements for
destruction of certain records; and providing an
effective date.

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

13 SECTION 1. AMENDATORY 19 O.S. 2011, Section 215.22, as
14 last amended by Section 4, Chapter 22, O.S.L. 2017 (19 O.S. Supp.
15 2019, Section 215.22), is amended to read as follows:

16 Section 215.22. A. The district attorney is hereby authorized
17 to destroy all or a portion of his or her office records and files
18 relating to:

19 1. Any felony case or record relating to a felony investigation
20 except where a homicide is involved, ~~provided if~~ if a period of ten
21 (10) years ~~shall have~~ has elapsed since the last action in ~~said the~~ the
22 case ~~and provided or if~~ the district attorney ~~shall digitize has~~
23 digitized or ~~provide~~ provided computer storage for such felony cases
24 or records;

1 2. Any misdemeanor, wildlife or traffic case or record relating
2 to a misdemeanor, wildlife or traffic investigation, ~~provided if~~ a
3 period of five (5) years ~~shall have~~ has elapsed since the last
4 action in ~~said the~~ case and ~~provided or if~~ the district attorney in
5 ~~his or her discretion may digitize~~ has digitized or ~~provide~~ provided
6 computer storage for such misdemeanor, wildlife or traffic cases to
7 be destroyed;

8 3. Any juvenile case, ~~provided if~~ a period of ten (10) years
9 ~~shall have~~ has elapsed since the last action in ~~said the~~ case and
10 ~~provided or if~~ the district attorney in ~~his or her discretion may~~
11 ~~digitize~~ has digitized or ~~provide~~ provided computer storage for such
12 juvenile case to be destroyed; and

13 4. Any civil case, ~~provided if~~ a period of ten (10) years ~~shall~~
14 ~~have~~ has elapsed since the last action in ~~said the~~ case and ~~provided~~
15 ~~or if~~ the district attorney in ~~his or her discretion may digitize~~
16 has digitized or ~~provide~~ provided computer storage for such civil
17 case to be destroyed.

18 B. The district attorney is authorized to reproduce a copy of
19 ~~such a~~ record, file or case stored digitally or in computer storage
20 as provided in this section and such copy or computer-generated
21 image or record may be used by the district attorney in lieu of the
22 destroyed record, file or case, for all purposes.

23 SECTION 2. This act shall become effective November 1, 2020.
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1 Passed the Senate the 2nd day of March, 2020.

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Presiding Officer of the Senate

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5 Passed the House of Representatives the ____ day of _____,

6 2020.

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Presiding Officer of the House
of Representatives

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