

1 ENGROSSED HOUSE
2 BILL NO. 1995

By: Nollan of the House

3 and

4 Shaw of the Senate

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6
7 [counties and county officers - directing sheriff to
8 keep recordings pursuant to video retention
9 schedule - directing sheriffs to establish video
10 retention schedule upon approval by the district
11 attorney - effective date]
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15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 19 O.S. 2011, Section 517.1, as
17 last amended by Section 1, Chapter 145, O.S.L. 2017 (19 O.S. Supp.
18 2018, Section 517.1), is amended to read as follows:

19 Section 517.1 A. The governing body of each county may
20 establish a length of time for the county to keep departmental
21 records and authorize the sheriff to properly dispose of or digitize
22 all records not specifically addressed in other statutes.

23 B. Except as otherwise provided in this section, records shall
24 be kept for a minimum of seven (7) years. However, ~~if the sheriff~~

1 ~~is the sole source for such records, the records shall be kept for a~~
2 ~~minimum of seven (7) years; provided, that~~ the sheriff shall be
3 required to keep any audio or video recordings from recording
4 equipment attached to the person of a law enforcement officer
5 according to the video retention schedule for that county created
6 pursuant to subsection C of this section; provided, that the county
7 shall keep for a minimum of one (1) year any such recordings that
8 depict anything other than an or directly relate to:

9 1. An officer-involved shooting, ~~use;~~

10 2. Use of lethal force, ~~incidents involving;~~

11 3. Incidents resulting in medical treatment, ~~incidents where;~~

12 4. Incidents identified in a written application ~~is received~~

13 for the preservation of the ~~specific event,~~ recording of the
14 incident received by a county sheriff within ninety (90) days of the
15 recording of the incident; or ~~upon request of~~

16 5. Incidents identified for preservation as requested by the
17 district attorney ~~may be kept at a minimum of one (1) year to be~~
18 ~~determined by the county sheriff.~~

19 C. The sheriff's office of each county that utilizes or
20 operates audio or video recordings from recording equipment attached
21 to the person of a law enforcement officer within the sheriff's
22 office shall establish a video retention schedule that shall consist
23 of requirements for storing and keeping any such audio or video
24 recordings that do not depict or directly relate to the incidents

1 described in paragraphs 1 through 5 of subsection B of this section.

2 The video retention schedule shall establish a method by which
3 recordings shall be classified as either evidentiary or
4 nonevidentiary. Recordings classified as nonevidentiary shall be
5 kept for a minimum of ninety (90) days. Recordings classified as
6 evidentiary shall be kept for a minimum of one (1) year.

7 D. Any written reports and records related to the audio or
8 video recordings described in subsections B and C of this section
9 shall be kept for a minimum of seven (7) years.

10 SECTION 2. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 517.2 of Title 19, unless there
12 is created a duplication in numbering, reads as follows:

13 The sheriff's office of each county that utilizes or operates
14 audio or video recordings from the recording equipment attached to
15 the person of a law enforcement officer within the sheriff's office
16 shall establish, upon approval of the district attorney for that
17 jurisdiction, a video retention schedule that shall state which
18 video-recorded incidents or actions taken by the law enforcement
19 officer, other than the incidents described in paragraphs 1 through
20 5 of subsection B of Section 517.1 of Title 19 of the Oklahoma
21 Statutes, are classified as either nonevidentiary or evidentiary
22 recordings. Recordings classified as nonevidentiary shall be kept
23 for a minimum of ninety (90) days.

24 SECTION 3. This act shall become effective November 1, 2019.

1 Passed the House of Representatives the 5th day of March, 2019.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2019.

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8 Presiding Officer of the Senate