

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 196

By: Shaw

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Section 517.1, as last amended
9 by Section 1, Chapter 145, O.S.L. 2017 (19 O.S. Supp.
10 2018, Section 517.1), which relates to retention and
11 disposal of county departmental records; modifying
12 records retention requirement; requiring
13 establishment of retention schedule for certain
14 video; providing for codification; and providing an
15 effective date.

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

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

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

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

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

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

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

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

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

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

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

17 C. The sheriff's office of each county that utilizes or
18 operates audio or video recordings from recording equipment attached
19 to the person of law enforcement officers within the sheriff's
20 office shall establish a video retention schedule that shall consist
21 of requirements for storing and keeping any such audio or video
22 recordings that do not depict or directly relate to the incidents
23 described in paragraphs 1 through 5 of subsection B of this section.
24 The video retention schedule shall establish a method by which

1 recordings shall be classified as either evidentiary or
2 nonevidentiary. Recordings classified as nonevidentiary shall be
3 kept for a minimum of ninety (90) days. Recordings classified as
4 evidentiary shall be kept for a minimum of one (1) year.

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

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

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

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

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