

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2919

By: Goodwin

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5
6 AS INTRODUCED

7 An Act relating to law enforcement; directing the
8 Oklahoma State Bureau of Investigation to create
9 certain annual report; directing the Oklahoma Highway
10 Patrol Division and local law enforcement agencies to
11 submit use-of-force incidents to the Bureau;
12 specifying information to be submitted; prohibiting
13 certain personal identification information from
14 being reported; making certain data available to the
15 public; directing the Bureau to maintain statewide
16 database; requiring publication of data on website of
17 the Bureau; providing for suspension of peace officer
18 certification for noncompliance; defining terms;
19 providing for codification; and providing an
20 effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 150.21c of Title 74, unless
24 there is created a duplication in numbering, reads as follows:

A. Beginning July 1, 2023, the Oklahoma State Bureau of
Investigation shall create an annual report regarding use-of-force
incidents involving peace officers in Oklahoma. The report shall
include all of the information that is reported to the Bureau

1 pursuant to subsection B of this section by law enforcement agencies
2 that employ peace officers in this state.

3 B. Beginning January 1, 2023, the Oklahoma Highway Patrol
4 Division of the Department of Public Safety and each local law
5 enforcement agency that employs peace officers in this state shall
6 report to the Bureau:

7 1. All use of force by its peace officers that results in death
8 or bodily injury, including:

9 a. the date, time and location of the use of force,

10 b. the perceived demographic information of the person
11 contacted, provided that the identification of these
12 characteristics is based on the observation and
13 perception of the peace officer making the contact and
14 other available data,

15 c. the names of all peace officers who were at the scene,
16 identified by whether the peace officer was involved
17 in the use of force or not, provided that the identity
18 of other peace officers at the scene not directly
19 involved in the use of force shall be identified by
20 the identification number of the officer unless the
21 peace officer is charged criminally or is a defendant
22 in a civil suit as a result arising from the use of
23 force,

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- d. the type of force used, the severity and nature of the injury, whether the peace officer suffered physical injury and the severity of the injury suffered by the peace officer,
- e. whether the peace officer was on duty at the time of the use of force,
- f. whether a peace officer unholstered a weapon during the incident,
- g. whether a peace officer discharged a firearm during the incident,
- h. whether the use of force resulted in a law enforcement agency investigation and the result of the investigation, and
- i. whether the use of force resulted in a citizen complaint and the resolution of that complaint;

2. All instances when a peace officer resigned while under investigation or was terminated for violating department policy;

3. All data relating to contacts conducted by its peace officers, including:

- a. the perceived demographic information of the person contacted, provided that the identification of these characteristics is based on the observation and perception of the peace officer making the contact and other available data,

- 1 b. whether the contact was a traffic stop,
- 2 c. the time, date and location of the contact,
- 3 d. the duration of the contact,
- 4 e. the reason for the contact,
- 5 f. the suspected crime,
- 6 g. the result of the contact, such as:
- 7 (1) no action, warning, citation, property seizure or
- 8 an arrest,
- 9 (2) if a warning or citation was issued, the warning
- 10 provided or violation cited,
- 11 (3) if an arrest was made, the offense charged, or
- 12 (4) if the contact was a traffic stop, the
- 13 information collected, which shall include the
- 14 driver and contact with any passengers in the
- 15 motor vehicle or pedestrians, and
- 16 h. the actions taken by the peace officer during the
- 17 contact including, but not limited to, whether:
- 18 (1) the peace officer asked for consent to search the
- 19 person, and, if so, whether consent was provided,
- 20 (2) the peace officer searched the person or any
- 21 property, and, if so, the basis for the search
- 22 and the type of contraband or evidence
- 23 discovered, if any,
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1 (3) the peace officer seized any property and, if so,
2 the type of property that was seized and the
3 basis for seizing the property,

4 (4) a peace officer unholstered a weapon during the
5 contact, and

6 (5) a peace officer discharged a firearm during the
7 contact; and

8 4. All instances of unannounced entry into a residence, with or
9 without a warrant, including:

10 a. the date, time and location of the use of unannounced
11 entry,

12 b. the perceived demographic information of the subject
13 of the unannounced entry, provided that the
14 identification of these characteristics is based on
15 the observation and perception of the peace officer
16 making the entry and other available data,

17 c. whether a peace officer unholstered a weapon during
18 the unannounced entry, and

19 d. whether a peace officer discharged a firearm during
20 the unannounced entry.

21 C. The Oklahoma Highway Patrol and local law enforcement
22 agencies shall not report the name, address, Social Security number
23 or other unique personal identifying information of the subject of
24 the use of force, victim of the official misconduct or persons

1 contacted, searched or subjected to a property seizure. The data
2 reported pursuant to this section shall be available to the public
3 pursuant to subsection D of this section.

4 D. The Oklahoma State Bureau of Investigation shall maintain a
5 statewide database with data collected pursuant to the provisions of
6 this section, in a searchable format, and publish the database on
7 its website.

8 E. Any local law enforcement agency that fails to meet its
9 reporting obligations pursuant to the provisions of this section
10 shall have the certification of its peace officers suspended
11 indefinitely by the Council on Law Enforcement Education and
12 Training until compliance with the provisions of this section have
13 been met.

14 F. As used in this section:

15 1. "Law enforcement agency" means any department or agency of
16 the state, a county, a municipality, or political subdivision
17 thereof, with the duties to maintain public order, make arrests and
18 enforce the criminal laws of this state or municipal ordinances,
19 which employs CLEET-certified personnel; and

20 2. "Peace officer" shall have the same meaning as that term is
21 defined in Section 99 of Title 21 of the Oklahoma Statutes.

22 SECTION 2. This act shall become effective November 1, 2021.

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24 58-1-6099 GRS 01/15/21