

1 **SENATE FLOOR VERSION**

February 16, 2023

2 **AS AMENDED**

3 SENATE BILL NO. 1002

By: Thompson (Roger)

4
5 An Act relating to law enforcement investigations;
6 amending 47 O.S. 2021, Section 2-108, which relates
7 to powers and duties of the commissioner; modifying
8 powers; directing certain notification; amending 74
9 O.S. 2021, Section 150.2, which relates to powers and
10 duties; modifying powers; directing certain
11 notification; and declaring an emergency.

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

13 SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-108, is
14 amended to read as follows:

15 Section 2-108. A. The Commissioner is hereby vested with the
16 power and is charged with the duty of observing, administering, and
17 enforcing the provisions of this title and of all laws regulating
18 the operation of vehicles or the use of the highways, the
19 enforcement and administration of which are now or hereafter vested
20 in the Department. The Commissioner may appoint any employee of the
21 Department to serve as the personal representative of the
22 Commissioner for the purpose of fulfilling any such duty or
23 combination of duties.

24 B. The Commissioner is hereby authorized to adopt and enforce
such rules as may be necessary to carry out the provisions of the

1 Highway Safety Code and any other laws the enforcement and
2 administration of which are vested in the Department.

3 C. The Commissioner may adopt an official seal for the use of
4 the Department.

5 D. The Commissioner may adopt an authorized facsimile signature
6 of the Commissioner, and may appoint any employee of the Department
7 to serve as the personal representative of the Commissioner for the
8 purpose of affixing the authorized facsimile signature of the
9 Commissioner to administrative letters, notices, and orders to
10 enforce the provisions of the law. Provided, however, it shall be
11 unlawful and shall constitute the crime of forgery to affix or
12 endorse the facsimile signature of the Commissioner, as herein
13 provided, to any instrument, voucher, check, claim, or draft for the
14 payment of money due and owing to the State of Oklahoma. In lieu of
15 the signature of the Commissioner or the authorized facsimile
16 signature of the Commissioner, the Commissioner may direct and
17 authorize any employee of the Department to affix the signature of
18 the employee to administrative letters, notices, and orders to
19 enforce the provisions of the law.

20 E. The Commissioner has the authority to enter into interagency
21 transfers with the Oklahoma State Bureau of Investigation, the
22 Oklahoma Bureau of Narcotics and Dangerous Drugs and the Oklahoma
23 Alcoholic Beverages Laws Enforcement Commission as provided for in
24 Section 1 of this act.

1 F. The Commissioner has the authority to investigate and
2 cooperate with municipal or county law enforcement agencies when a
3 manhunt or missing child situation happens in the state. Municipal
4 or county law enforcement shall be required to notify the
5 Commissioner, or his or her designee, within the first **six (6)** hours
6 of opening the local investigation.

7 SECTION 2. AMENDATORY 74 O.S. 2021, Section 150.2, is
8 amended to read as follows:

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

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

14 2. Maintain fingerprint and other identification files
15 including criminal history records, juvenile identification files,
16 and DNA profiles;

17 3. Establish, coordinate and maintain the automated fingerprint
18 identification system (AFIS) and the deoxyribonucleic acid (DNA)
19 laboratory;

20 4. Operate teletype, mobile and fixed radio or other
21 communications systems;

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

1 6. Assist the Director of the Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control, the Chief Medical Examiner,
3 and all law enforcement officers and district attorneys when such
4 assistance is requested, in accordance with the policy determined by
5 the Oklahoma State Bureau of Investigation Commission established in
6 Section 150.3 of this title;

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

9 8. Investigate, detect, institute and maintain actions
10 involving vehicle theft pursuant to Section 150.7a of this title or
11 oil, gas or oil field equipment theft pursuant to Sections 152.2
12 through 152.9 of this title;

13 9. Investigate any criminal threat made to the physical safety
14 of elected or appointed officials of this state or any political
15 subdivision of the state and forward the results of that
16 investigation to the Department of Public Safety, and provide
17 security to foreign elected or appointed officials while they are in
18 this state on official business;

19 10. Investigate and detect violations of the Oklahoma Computer
20 Crimes Act;

21 11. Investigate and enforce all laws relating to any crime
22 listed in Section 571 of Title 57 of the Oklahoma Statutes that
23 occurs on the turnpikes;

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1 12. Investigate and detect criminal activity involving files,
2 records, assets, properties, buildings or employees of the Oklahoma
3 State Bureau of Investigation. Nothing in this paragraph shall
4 limit or prevent any criminal investigation of the matter by the
5 sheriff of the county or any law enforcement agency of competent
6 jurisdiction; ~~and~~

7 13. Contract with municipal or county law enforcement agencies
8 to conduct administrative reviews of law enforcement use-of-force
9 investigations for compliance with current investigative procedures,
10 standards and law. All funds received as a result of the contract
11 will be deposited in the OSBI Revolving Fund. Any review of use-of-
12 force investigation shall be done by a certified police officer; and

13 14. Investigate and cooperate with municipal or county law
14 enforcement agencies when a manhunt or missing child situation
15 happens in the state. Municipal or county law enforcement shall be
16 required to notify the Bureau within the first **six (6)** hours of
17 opening the local investigation.

18 SECTION 3. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
23 February 16, 2023 - DO PASS AS AMENDED
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