

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 1044

By: Jett

AS INTRODUCED

An Act relating to the Oklahoma Open Records Act; amending 51 O.S. 2021, Section 24A.3, as last amended by Section 1, Chapter 402, O.S.L. 2022 (51 O.S. Supp. 2022, Section 24A.3), which relates to definitions; modifying exception to certain definition; and providing an effective date.

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

SECTION 1. AMENDATORY 51 O.S. 2021, Section 24A.3, as last amended by Section 1, Chapter 402, O.S.L. 2022 (51 O.S. Supp. 2022, Section 24A.3), is amended to read as follows:

Section 24A.3. As used in the Oklahoma Open Records Act:

1. "Record" means all documents including but not limited to any book, paper, photograph, microfilm, data files created by or used with computer software, computer tape, disk, record, sound recording, film recording, video record or other material regardless of physical form or characteristic, created by, received by, under the authority of, or coming into the custody, control or possession of public officials, public bodies or their representatives in connection with the transaction of public business, the expenditure

1 of public funds or the administering of public property. "Record"
2 does not mean:

- 3 a. computer software,
- 4 b. nongovernment personal effects,
- 5 c. unless public disclosure is required by other laws or
6 regulations, vehicle movement records of the Oklahoma
7 Transportation Authority obtained in connection with
8 the Authority's electronic toll collection system,
- 9 d. personal financial information, credit reports or
10 other financial data obtained by or submitted to a
11 public body for the purpose of evaluating credit
12 worthiness, obtaining a license, permit or for the
13 purpose of becoming qualified to contract with a
14 public body,
- 15 e. any digital audio/video recordings of the toll
16 collection and safeguarding activities of the Oklahoma
17 Transportation Authority,
- 18 f. any personal information provided by a guest at any
19 facility owned or operated by the Oklahoma Tourism and
20 Recreation Department to obtain any service at the
21 facility or by a purchaser of a product sold by or
22 through the Oklahoma Tourism and Recreation
23 Department,

- 1 g. a Department of Defense Form 214 (DD Form 214) filed
2 with a county clerk including any DD Form 214 filed
3 before July 1, 2002,
- 4 h. except as provided for in Section 2-110 of Title 47 of
5 the Oklahoma Statutes,
6 (1) any record in connection with a Motor Vehicle
7 Report issued by the Department of Public Safety,
8 as prescribed in Section 6-117 of Title 47 of the
9 Oklahoma Statutes, or
10 (2) personal information within driver records, as
11 defined by the Driver's Privacy Protection Act,
12 18 United States Code, Sections 2721 through
13 2725, which are stored and maintained by the
14 Department of Public Safety, or
- 15 i. any portion of any document or information provided to
16 an agency or entity of the state or a political
17 subdivision to obtain licensure under the laws of this
18 state or a political subdivision that contains an
19 applicant's personal address, personal phone number,
20 personal electronic mail address or other contact
21 information. Provided, however, lists of persons
22 licensed, the existence of a license of a person, or a
23 business or commercial address, or other business or
24 commercial information disclosable under state law

1 submitted with an application for licensure shall be
2 public record;

3 2. "Public body" shall include, but not be limited to, any
4 office, department, board, bureau, commission, agency, trusteeship,
5 authority, council, committee, trust or any entity created by a
6 trust, county, city, village, town, township, district, school
7 district, fair board, court, executive office, advisory group, task
8 force, study group or any subdivision thereof, supported in whole or
9 in part by public funds or entrusted with the expenditure of public
10 funds or administering or operating public property, and all
11 committees, or subcommittees thereof. Except for the records
12 required by Section 24A.4 of this title, "public body" does not mean
13 judges, justices, ~~the Council on Judicial Complaints~~, the
14 Legislature or legislators. "Public body" shall not include an
15 organization that is exempt from federal income tax under Section
16 501(c)(3) of the Internal Revenue Code of 1986, as amended, and
17 whose sole beneficiary is a college or university, or an affiliated
18 entity of the college or university, that is a member of The
19 Oklahoma State System of Higher Education. Such organization shall
20 not receive direct appropriations from the Oklahoma Legislature.
21 The following persons shall not be eligible to serve as a voting
22 member of the governing board of the organization:

- 23 a. a member, officer, or employee of the Oklahoma State
24 Regents for Higher Education,

1 b. a member of the board of regents or other governing
2 board of the college or university that is the sole
3 beneficiary of the organization, or

4 c. an officer or employee of the college or university
5 that is the sole beneficiary of the organization;

6 3. "Public office" means the physical location where public
7 bodies conduct business or keep records;

8 4. "Public official" means any official or employee of any
9 public body as defined herein; and

10 5. "Law enforcement agency" means any public body charged with
11 enforcing state or local criminal laws and initiating criminal
12 prosecutions including, but not limited to, police departments,
13 county sheriffs, the Department of Public Safety, the Oklahoma State
14 Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
15 Beverage Laws Enforcement Commission, and the Oklahoma State Bureau
16 of Investigation.

17 SECTION 2. This act shall become effective November 1, 2023.

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