

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 461

6 By: Hamilton

7 COMMITTEE SUBSTITUTE

8 An Act relating to law enforcement officers; defining
9 terms; directing prosecuting agencies that maintain
10 Brady-Giglio lists to adopt certain policies;
11 directing prosecuting agencies to provide certain
12 notices; requiring certain information within the
13 notice; directing prosecuting agencies to provide
14 written notice after making certain determinations;
15 requiring certain information within the written
16 notice; authorizing officers to submit requests for
17 reconsideration; providing procedures for requesting
18 reconsideration; stating continuing duty of
19 prosecuting agencies; allowing prosecuting agencies
20 the ability to remove names; stating restriction for
21 causes of action; providing for codification; and
22 providing an effective date.

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

24 SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 39.1 of Title 22, unless there
is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Brady-Giglio list" means a list compiled by a prosecuting
individual that contains the names and details of officers who have

1 sustained incidents of untruthfulness, criminal convictions, candor
2 issues, or some other type of issue which places the credibility of
3 the officer into question;

4 2. "Officer" means a certified law enforcement officer, peace
5 officer, firefighter, emergency medical technician, corrections
6 officer, detention officer, jailer, probation or parole officer,
7 communications officer, or any other law enforcement officer
8 certified by the Council on Law Enforcement Education and Training
9 and employed by a municipality, county, or state agency; and

10 3. "Prosecuting individual" means the Attorney General, a
11 district attorney, a special prosecutor, a city attorney, or any
12 other individual authorized to prosecute crimes in this state.

13 B. A prosecuting individual that maintains a Brady-Giglio list
14 shall adopt a policy that includes, but is not limited to, the
15 following information:

16 1. The criteria used by the prosecuting individual to place an
17 officer on a Brady-Giglio list;

18 2. The right of the officer to receive written notice before
19 the prosecuting individual places the officer on a Brady-Giglio
20 list;

21 3. The right of the officer to provide input to the prosecuting
22 individual before the prosecuting individual makes a final
23 determination of whether the officer should be placed on a Brady-
24 Giglio list;

1 4. The duty of the prosecuting individual to provide notice of
2 his or her decision regarding placement of the officer on a Brady-
3 Giglio list;

4 5. The right of the officer to make a request for
5 reconsideration of the determination of the prosecuting individual
6 to include the officer on a Brady-Giglio list and to submit
7 supporting and corroborating documents and evidence in support of
8 the request for reconsideration made by the officer; and

9 6. The applicable time frame and procedures for notifying the
10 officer of the final decision of the prosecuting individual on the
11 request for reconsideration made by the officer.

12 C. Before a prosecuting individual places an officer on a
13 Brady-Giglio list, the prosecuting individual shall send a written
14 notice by United States Postal Service mail or electronic mail to
15 the current or last known employer of the officer. Upon receipt of
16 the notice, and if the contact information of the officer is known,
17 the current or last known employer of the officer shall provide the
18 written notice to the officer. The written notice shall include,
19 but not be limited to, the following information:

20 1. A statement that the officer may be placed on a Brady-Giglio
21 list maintained by the prosecuting individual;

22 2. The right of the officer to request documents, records, and
23 any other evidence in the possession of the prosecuting individual
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1 relevant to the determination of placing the officer on a Brady-
2 Giglio list maintained by the prosecuting individual;

3 3. The right of the officer to provide information to the
4 prosecuting individual prior to the prosecuting individual making
5 his or her final determination; and

6 4. The procedural requirements for the officer to provide
7 information to the prosecuting individual prior to the prosecuting
8 individual's final determination, including the method and time
9 frame for submitting the request for reconsideration and any
10 supporting and corroborating documents and evidence from any
11 pertinent sources.

12 D. If a prosecuting individual makes the determination to place
13 an officer on a Brady-Giglio list, the prosecuting individual shall
14 send a written notice by United States Postal Service or electronic
15 mail to the current or last known employer of the officer. Upon
16 receipt of the notice, and if the contact information of the officer
17 is known, the current or last known employer of the officer shall
18 provide the written notice to the officer. The written notice shall
19 include, but not be limited to, the following information:

20 1. The right of the officer to make a request to reconsider his
21 or her placement on the Brady-Giglio list maintained by the
22 prosecuting individual;

23 2. The procedural requirements for an officer to provide
24 information to the prosecuting individual prior to the prosecuting

1 individual's final determination, including the method and time
2 frame for submitting the request for reconsideration and any
3 supporting and corroborating documents and evidence from any
4 pertinent sources; and

5 3. A statement that, if the officer intends to make a request
6 for reconsideration, the officer must submit the written request for
7 reconsideration to the prosecuting individual within thirty (30)
8 days of the notice being sent to the officer's current or last known
9 employer.

10 E. If an officer submits a request for reconsideration pursuant
11 to this subsection and the request for reconsideration made by the
12 officer is approved by the prosecuting individual, the officer shall
13 be removed from the Brady-Giglio list maintained by the prosecuting
14 individual. If the request for reconsideration made by the officer
15 is denied by the prosecuting individual, the name of the officer
16 shall remain on the Brady-Giglio list maintained by the prosecuting
17 individual. If the officer does not submit a request for
18 reconsideration or fails to comply with the requirements for
19 submitting a request for reconsideration, the name of the officer
20 shall remain on the Brady-Giglio list maintained by the prosecuting
21 individual.

22 F. An officer whose name was placed on the Brady-Giglio list
23 maintained by the prosecuting individual prior to the effective date
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1 of this act shall have the right to request reconsideration as
2 follows:

3 1. A prosecuting individual who maintains a Brady-Giglio list
4 prior to the effective date of this act shall notify all officers on
5 the list within ninety (90) days of the effective date of this act,
6 pursuant to provisions of subsection D of this section; and

7 2. Upon receipt of a notification from a prosecuting individual
8 pursuant to paragraph 1 of this subsection, the officer who intends
9 to make a request for reconsideration must submit the written
10 request to the prosecuting individual within thirty (30) days of the
11 notice being sent to the officer's current or last known employer.

12 G. The provisions of this section shall not be construed to
13 limit the duty of a prosecuting individual to produce Brady-Giglio
14 discovery evidence in all cases as required by the United States
15 Constitution, the Oklahoma Constitution, and the rules of criminal
16 procedure, including after the initial placement of an officer on a
17 Brady-Giglio list, while the decision or a request for
18 reconsideration is still under consideration.

19 H. The provisions of this section shall not be construed to
20 limit or restrict the ability of a prosecuting individual to remove
21 an officer from a Brady-Giglio list if, upon receipt of additional
22 supporting and corroborating information or a change in factual
23 circumstances at any time, the prosecuting individual determines

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1 that the officer no longer requires placement on a Brady-Giglio
2 list.

3 I. The provisions of this section shall not create a private
4 cause of action against a prosecuting individual or an employee of a
5 prosecuting individual for any damages caused by the inclusion of an
6 officer on a Brady-Giglio list maintained by a prosecuting
7 individual.

8 SECTION 2. This act shall become effective November 1, 2025.

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