

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 766

6 By: Hamilton

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Office of Homeland Security;
9 creating the Targeted Violence Prevention Act;
10 providing short title; authorizing the Office of
11 Homeland Security to take certain actions; requiring
12 confidentiality of certain information; prohibiting
13 certain use of disseminated information; creating
14 felony offense; providing penalty; defining terms;
15 providing certain exceptions; providing certain
16 privilege; authorizing promulgation of rules;
17 amending 74 O.S. 2021, Section 51.1, as last amended
18 by Section 1, Chapter 257, O.S.L. 2024 (74 O.S. Supp.
19 2024, Section 51.1), which relates to the Oklahoma
20 Homeland Security Act; updating statutory language;
21 updating statutory reference; authorizing
22 promulgation of rules; providing for codification;
23 and declaring an emergency.

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

25 SECTION 1. NEW LAW A new section of law to be codified
26 in the Oklahoma Statutes as Section 51.1b of Title 74, unless there
27 is created a duplication in numbering, reads as follows:

28 A. This act shall be known and may be cited as the "Targeted
29 Violence Prevention Act".

1 B. The Office of Homeland Security is authorized to collect,
2 analyze, and disseminate information concerning the activity and
3 identity of individuals that, with probable cause, are suspected of
4 involvement in terrorism, targeted violence, threats to public
5 safety, or any other threats of organized or violent crime to law
6 enforcement and public safety agencies.

7 C. Any information disseminated pursuant to the provisions of
8 this section shall be confidential, and the recipients of such
9 information shall comply with the handling terms associated with the
10 disclosure. Unauthorized release or unauthorized use of information
11 disseminated pursuant to this section shall be a felony punishable
12 by imprisonment in the custody of the Department of Corrections for
13 a term not to exceed three (3) years, by a fine not more than Fifty
14 Thousand Dollars (\$50,000.00), or by both such imprisonment and
15 fine. Such offense shall also be punishable by termination of
16 employment and revocation of the individual's certification as a
17 peace officer in this state. As used in this subsection,
18 "unauthorized release" or "unauthorized use" shall include, but not
19 be limited to, disseminating or disclosing confidential information
20 in a manner which exceeds the scope of the handling terms associated
21 with the disclosure or is in violation of any rules promulgated
22 pursuant to this act. Provided, however, the following shall not
23 constitute an unauthorized release or unauthorized use of
24 confidential information disseminated by the Office:

1 1. Sharing the confidential information with a law enforcement
2 officer or prosecutorial authority for use in a criminal
3 investigation or prosecution; or

4 2. Sharing the confidential information with the express
5 authority of the Homeland Security Advisor or the Advisor's
6 designee.

7 D. Information collected or disseminated pursuant to the
8 provisions of this section shall be privileged and not discoverable
9 nor subject to subpoena or order for production issued by any court,
10 other than production in a district court criminal proceeding for
11 the prosecution of crimes which are the subject of the information
12 sought.

13 E. The Commissioner of Public Safety is authorized to
14 promulgate rules to effectuate the provisions of this section.

15 SECTION 2. AMENDATORY 74 O.S. 2021, Section 51.1, as
16 last amended by Section 1, Chapter 257, O.S.L. 2024 (74 O.S. Supp.
17 2024, Section 51.1), is amended to read as follows:

18 Section 51.1. A. There is hereby created within the Department
19 of Public Safety, the Office of Homeland Security. The Commissioner
20 of Public Safety shall be the Homeland Security Advisor and shall
21 possess or obtain federally recognized clearances as appropriate to
22 perform the duties of the position. The Commissioner of Public
23 Safety, as Homeland Security Advisor, shall be responsible for the
24 operation and administration of the Office. The Commissioner shall

1 appoint subordinates and employees and may make such expenditures
2 with appropriated funds, or from such other available funds as may
3 be necessary to carry out the purposes of the Oklahoma Homeland
4 Security Act and other programs specified by law.

5 B. The Commissioner may commission any employees appointed to
6 the Office as peace officers. Any member of the Office who receives
7 a commission pursuant to the provisions of this subsection shall
8 exercise the powers and authority of an officer of the Department of
9 Public Safety, as provided for in Section 2-117 of Title 47 of the
10 Oklahoma Statutes, provided such ~~commissions~~ commission shall be
11 subject to all requirements set forth by the Commissioner, and the
12 Commissioner may set forth any limitations on the power and scope of
13 the commission. All commissioned staff ~~must~~ shall obtain and
14 maintain certification as full-time peace officers in accordance
15 with the provisions of Section 3311 of Title 70 of the Oklahoma
16 Statutes.

17 C. The Office of Homeland Security shall consist of at least
18 three functions:

- 19 1. Prevention and Intelligence;
- 20 2. Response and Recovery Planning; and
- 21 3. Awareness and Preparedness.

22 D. Other federal, state, and local personnel may be assigned to
23 the Office of Homeland Security pursuant to an interagency
24 agreement. All positions and personnel of the Office of Homeland

1 Security shall be exempt from the full-time employee limit of the
2 Department of Public Safety.

3 E. The Office of Homeland Security shall have the duty and
4 responsibility to develop and coordinate the implementation and
5 administration of a comprehensive statewide strategy that is
6 integrated into the emergency operations plan to secure this state
7 from the results of acts of terrorism, from a public health
8 emergency, from cyberterrorism, and from weapons of mass destruction
9 as that term is defined in 18 U.S.C., Section 2332a, and to perform
10 other duties assigned by the Commissioner. These duties shall
11 include, but not be limited to:

12 1. Representing this state with federal agencies as the state
13 Homeland Security Advisor for purposes of accessing federal funds
14 and cooperating with federal agencies in the development and
15 implementation of a nationwide homeland security plan of response;
16 and

17 2. Coordinating the ~~Homeland Security~~ homeland security efforts
18 within this state including working with the Governor and
19 Legislature, state agencies, ~~and~~ local elected officials and local
20 governments, emergency responder groups, private-sector businesses,
21 educational institutions, volunteer organizations, and the general
22 public. State agencies receiving federal funding for homeland
23 security purposes shall report the amount and intended use of those
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1 funds to the Office of Homeland Security to ensure efficient use of
2 funds and to avoid duplication of efforts.

3 F. Included in the comprehensive statewide strategy and
4 consistent with the National Strategy for Homeland Security, as
5 promulgated by the Executive Office of the President of the United
6 States, or its successor plan or plans, the Office of Homeland
7 Security shall establish the following strategic objectives for this
8 state:

- 9 1. To prevent terrorist attacks;
- 10 2. To reduce vulnerability to terrorism;
- 11 3. To minimize the damage from and to recover from terrorist
12 attacks; and
- 13 4. Such other duties as the Governor may prescribe.

14 G. The Office of Homeland Security shall have the following
15 duties:

- 16 1. Establish a plan for the effective implementation of a
17 statewide emergency all-hazards response system including the duties
18 and responsibilities of regional emergency response teams;
- 19 2. Create, implement, and administer an advisory system;
- 20 3. Coordinate and prepare applications for federal funds
21 related to homeland security and ~~accessing~~ access and ~~distributing~~
22 ~~the federal~~ distribute such funds; and
- 23 4. Cooperate with federal agencies in the development and
24 implementation of a nationwide homeland security plan or response.

1 H. The Office of Homeland Security may enter into contracts,
2 agreements, and memoranda of understanding with any public agency,
3 as defined in Section 1003 of this title, for equipment and
4 personnel, or both, to carry out the requirements of the Oklahoma
5 Homeland Security Act. Such agreements may include any provisions
6 agreed upon by the parties and as required by any federal or state
7 grant, if applicable.

8 I. All state agencies and political subdivisions of this state
9 and all officers and employees of those agencies and political
10 subdivisions are hereby directed to cooperate with and lend
11 assistance to the Office of Homeland Security.

12 J. All personnel, motor vehicles, computer and communications
13 equipment, training equipment, records, furniture, and other
14 property and equipment allocated to the Office of Homeland Security
15 shall remain with the Office of Homeland Security upon its transfer
16 from the Oklahoma Department of Emergency Management to the
17 Department of Public Safety as of ~~the effective date of this act~~ May
18 1, 2024.

19 K. The Commissioner is authorized to promulgate rules to
20 effectuate the provisions of this section.

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

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