

1 Victims and victims' families shall have the right to
2 confidentiality of crime scene and autopsy photographs in clemency
3 hearings. Such photographs submitted to the Pardon and Parole Board
4 for clemency hearing purposes shall not be available to the public
5 and shall be submitted in a separate hearing packet as provided in
6 this act.

7 SECTION 2. AMENDATORY 51 O.S. 2021, Section 24A.5, as
8 last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.
9 2024, Section 24A.5), is amended to read as follows:

10 Section 24A.5. All records of public bodies and public
11 officials shall be open to any person for inspection, copying, or
12 mechanical reproduction during regular business hours; provided:

13 1. The Oklahoma Open Records Act, Sections 24A.1 through 24A.30
14 of this title, does not apply to records specifically required by
15 law to be kept confidential including:

- 16 a. records protected by a state evidentiary privilege
17 such as the attorney-client privilege, the work
18 product immunity from discovery and the identity of
19 informer privileges,
- 20 b. records of what transpired during meetings of a public
21 body lawfully closed to the public such as executive
22 sessions authorized under the Oklahoma Open Meeting
23 Act,

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- 1 c. personal information within driver records as defined
2 by the Driver's Privacy Protection Act, 18 United
3 States Code, Sections 2721 through 2725,
- 4 d. information in the files of the Board of Medicolegal
5 Investigations obtained pursuant to Sections 940 and
6 941 of Title 63 of the Oklahoma Statutes that may be
7 hearsay, preliminary unsubstantiated investigation-
8 related findings, or confidential medical information,
- 9 e. any test forms, question banks and answer keys
10 developed for state licensure examinations, but
11 specifically excluding test preparation materials or
12 study guides,
- 13 f. last names, addresses, Social Security numbers or tax
14 identification numbers, and proof of identification
15 submitted to the Oklahoma Lottery Commission by
16 persons claiming a lottery prize,
- 17 g. unless public disclosure is required by other laws or
18 regulations, vehicle movement records of the Oklahoma
19 Transportation Authority obtained in connection with
20 the Authority's electronic toll collection system,
- 21 h. personal financial information, credit reports, or
22 other financial data obtained by or submitted to a
23 public body for the purpose of evaluating credit
24 worthiness, obtaining a license, permit, or for the

1 purpose of becoming qualified to contract with a
2 public body,

3 i. any digital audio/video recordings of the toll
4 collection and safeguarding activities of the Oklahoma
5 Transportation Authority,

6 j. any personal information provided by a guest at any
7 facility owned or operated by the Oklahoma Tourism and
8 Recreation Department to obtain any service at the
9 facility or by a purchaser of a product sold by or
10 through the Oklahoma Tourism and Recreation
11 Department,

12 k. a Department of Defense Form 214 (DD Form 214) filed
13 with a county clerk, including any DD Form 214 filed
14 before July 1, 2002,

15 l. except as provided for in Section 2-110 of Title 47 of
16 the Oklahoma Statutes:

17 (1) any record in connection with a Motor Vehicle
18 Report issued by the Department of Public Safety,
19 as prescribed in Section 6-117 of Title 47 of the
20 Oklahoma Statutes, or

21 (2) personal information within driver records, as
22 defined by the Driver's Privacy Protection Act,
23 18 U.S.C., Sections 2721 through 2725, which are
24

1 stored and maintained by the Department of Public
2 Safety,

3 m. any portion of any document or information provided to
4 an agency or entity of the state or a political
5 subdivision to obtain licensure under the laws of this
6 state or a political subdivision that contains an
7 applicant's personal address, personal phone number,
8 personal email address, any government-issued
9 identification numbers, or other contact information;
10 provided, however, lists of persons licensed, the
11 existence of a license of a person, or a business or
12 commercial address, or other business or commercial
13 information disclosable under state law submitted with
14 an application for licensure shall be public record,
15 unless the business or commercial address is the same
16 as the applicant's personal address, except when the
17 applicant permits in writing the disclosure of the
18 address,

19 n. an investigative file obtained during an investigation
20 conducted by the State Department of Health into
21 violations of the Long-Term Care Administrator
22 Licensing Act under Title 63 of the Oklahoma Statutes,
23 ~~or~~

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1 o. documents, evidence, materials, records, reports,
2 complaints, or other information in the possession or
3 control of the Attorney General or Insurance
4 Department pertaining to an evaluation, examination,
5 investigation, or review made pursuant to the
6 provisions of the Patient's Right to Pharmacy Choice
7 Act, the Pharmacy Audit Integrity Act, or Sections 357
8 through 360 of Title 59 of the Oklahoma Statutes; or
9 p. crime scene and autopsy photographs of victims
10 submitted to the Pardon and Parole Board for clemency
11 hearing purposes.

12 2. All Social Security numbers included in a record may be
13 confidential regardless of the person's status as a public employee
14 or private individual and may be redacted or deleted prior to
15 release of the record by the public body;

16 3. Any reasonably segregable portion of a record containing
17 exempt material shall be provided after deletion of the exempt
18 portions; provided however, the Department of Public Safety shall
19 not be required to assemble for the requesting person specific
20 information, in any format, from driving records relating to any
21 person whose name and date of birth or whose driver license number
22 is not furnished by the requesting person.

23 The Oklahoma State Bureau of Investigation shall not be required
24 to assemble for the requesting person any criminal history records

1 relating to persons whose names, dates of birth, and other
2 identifying information required by the Oklahoma State Bureau of
3 Investigation pursuant to administrative rule are not furnished by
4 the requesting person;

5 4. Any request for a record which contains individual records
6 of persons, and the cost of copying, reproducing or certifying each
7 individual record is otherwise prescribed by state law, the cost may
8 be assessed for each individual record, or portion thereof requested
9 as prescribed by state law. Otherwise, a public body may charge a
10 fee only for recovery of the reasonable, direct costs of record
11 copying, or mechanical reproduction. Notwithstanding any state or
12 local provision to the contrary, in no instance shall the record
13 copying fee exceed twenty-five cents (\$0.25) per page for records
14 having the dimensions of eight and one-half (8 1/2) by fourteen (14)
15 inches or smaller, or a maximum of One Dollar (\$1.00) per copied
16 page for a certified copy. However, if the request:

- 17 a. is solely for commercial purpose, or
- 18 b. would clearly cause excessive disruption of the
19 essential functions of the public body,

20 then the public body may charge a reasonable fee to recover the
21 direct cost of record search and copying; however, publication in a
22 newspaper or broadcast by news media for news purposes shall not
23 constitute a resale or use of a record for trade or commercial
24 purpose and charges for providing copies of electronic data to the

1 news media for a news purpose shall not exceed the direct cost of
2 making the copy. The fee charged by the Department of Public Safety
3 for a copy in a computerized format of a record of the Department
4 shall not exceed the direct cost of making the copy unless the fee
5 for the record is otherwise set by law.

6 Any public body establishing fees under this act shall post a
7 written schedule of the fees at its principal office and with the
8 county clerk.

9 In no case shall a search fee be charged when the release of
10 records is in the public interest, including, but not limited to,
11 release to the news media, scholars, authors and taxpayers seeking
12 to determine whether those entrusted with the affairs of the
13 government are honestly, faithfully, and competently performing
14 their duties as public servants.

15 The fees shall not be used for the purpose of discouraging
16 requests for information or as obstacles to disclosure of requested
17 information;

18 5. The land description tract index of all recorded instruments
19 concerning real property required to be kept by the county clerk of
20 any county shall be available for inspection or copying in
21 accordance with the provisions of the Oklahoma Open Records Act;
22 provided, however, the index shall not be copied or mechanically
23 reproduced for the purpose of sale of the information;

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1 6. A public body must provide prompt, reasonable access to its
2 records but may establish reasonable procedures which protect the
3 integrity and organization of its records and to prevent excessive
4 disruptions of its essential functions. A delay in providing access
5 to records shall be limited solely to the time required for
6 preparing the requested documents and the avoidance of excessive
7 disruptions of the public body's essential functions. In no event
8 may production of a current request for records be unreasonably
9 delayed until after completion of a prior records request that will
10 take substantially longer than the current request. Any public body
11 which makes the requested records available on the Internet shall
12 meet the obligation of providing prompt, reasonable access to its
13 records as required by this paragraph; and

14 7. A public body shall designate certain persons who are
15 authorized to release records of the public body for inspection,
16 copying, or mechanical reproduction. At least one person shall be
17 available at all times to release records during the regular
18 business hours of the public body.

19 SECTION 3. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 332.22 of Title 57, unless there
21 is created a duplication in numbering, reads as follows:

22 A. During a Pardon and Parole Board clemency hearing, autopsy
23 photographs and victim images displayed in crime scene photographs,
24 shall not be presented or displayed to the public.

1 B. Two separate clemency packets shall be submitted to the
2 administrative office of the Board, on or before a date set by the
3 Chairperson:

4 1. A clemency hearing packet submitted to the public; and

5 2. A clemency hearing packet submitted to the Pardon and Parole
6 Board.

7 C. The clemency hearing packet submitted to the public, by the
8 applicable parties, shall not include autopsy photographs and victim
9 images displayed in the crime scene photographs.

10 D. The Board shall receive all photographs via the clemency
11 hearing packets submitted by the parties, including autopsy and
12 victim images displayed in the crime scene photographs. To further
13 ensure the confidentiality and privacy of the victim, the Board
14 shall have the ability to seal from public view any submission
15 included in the public clemency hearing packet that would infringe
16 on the confidentiality or privacy of the victim as determined by a
17 majority vote of the Board.

18 E. The office of the Governor shall receive the clemency
19 hearing packets which include the autopsy and victim images
20 displayed in the crime scene photographs.

21 SECTION 4. This act shall become effective November 1, 2025.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
24 OVERSIGHT, dated 02/27/2025 - DO PASS.