

1 **SENATE FLOOR VERSION**

2 February 19, 2025

3 SENATE BILL NO. 544

By: Wingard of the Senate

4 and

5 Kerbs of the House

6
7
8 An Act relating to identification documents; amending
9 47 O.S. 2021, Section 2-106.3, which relates to the
10 Fraudulent Documents Identification Unit; modifying
11 name of unit; requiring Commissioner of Public Safety
12 to promulgate rules; amending 47 O.S. 2021, Sections
13 6-110.2 and 6-301, as amended by Sections 51 and 76,
14 Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2024,
15 Sections 6-110.2 and 6-301), which relate to driver
16 licenses; modifying certain authority; clarifying
17 certain immunity; stating certain responsibility;
18 authorizing certain agreements; updating statutory
19 language and references; and declaring an emergency.

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

21 SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-106.3, is
22 amended to read as follows:

23 Section 2-106.3. A. Subject to the availability of funding,
24 the Department of Public Safety shall establish a ~~Fraudulent~~
~~Documents Identification (FDI) Unit~~ an Identity Verification Unit
(IVU) for the primary purpose of investigating and apprehending
persons or entities that participate in the sale or distribution of
fraudulent documents used for identification purposes. The unit

1 shall additionally specialize in fraudulent identification documents
2 created and prepared for persons who are unlawfully residing within
3 ~~the State of Oklahoma~~ this state. The Department shall employ
4 sufficient employees to investigate and implement an ~~FDI Unit~~
5 Identity Verification Unit.

6 B. The Commissioner of Public Safety shall promulgate rules to
7 administer the provisions of this section.

8 SECTION 2. AMENDATORY 47 O.S. 2021, Section 6-110.2, as
9 amended by Section 51, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2024,
10 Section 6-110.2), is amended to read as follows:

11 Section 6-110.2. A. Service Oklahoma shall implement a
12 procedure for computerized finger imaging by means of an inkless
13 finger image scanning device and shall require every applicant for
14 an original, renewal, or replacement driver license or
15 identification card to submit to finger imaging for the purposes of
16 proof of identity and to ensure the security of the driver license
17 or identification card issued to the applicant. If the finger image
18 of a person over sixty-five (65) years of age cannot be scanned and
19 the issuing agent can personally verify the individual's identity
20 with alternative identification, the finger imaging shall be
21 overridden. Means must be provided to trace to the agent who
22 authorized the override.

23 B. No unemancipated person under eighteen (18) years of age
24 shall be issued a driver license or identification card by Service

1 Oklahoma unless an authorization form, prescribed and furnished by
2 Service Oklahoma, or notarized affidavit authorizing the finger
3 imaging of the person and signed by the legal custodial parent,
4 legal guardian, or legal custodian of the person, is in the
5 possession of Service Oklahoma.

6 C. No law enforcement agency of the state or federal government
7 other than ~~Service Oklahoma~~ the Department of Public Safety shall
8 have access to any information collected through the use of
9 computerized finger imaging without first obtaining a court order
10 from a judge of competent jurisdiction; provided, however, the
11 Oklahoma State Bureau of Investigation shall have access to such
12 imaging for the purpose of identifying a person who is deceased,
13 missing, or endangered. Each application for an order authorizing
14 the access to any information collected through the use of
15 computerized finger imaging shall be made in writing upon oath or
16 affirmation to a judge of competent jurisdiction. Each application
17 shall establish probable cause for belief that a named individual is
18 committing, has committed, or is about to commit a particular
19 violation of law.

20 D. Service Oklahoma shall adopt rules as may be necessary to
21 carry out the provisions of this section.

22 SECTION 3. AMENDATORY 47 O.S. 2021, Section 6-301, as
23 amended by Section 76, Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2024,
24 Section 6-301), is amended to read as follows:

1 Section 6-301. It shall be unlawful for any person to commit
2 any of the acts specified in paragraph 1 or 2 of this section in
3 relation to an Oklahoma driver license or identification card
4 authorized to be issued by Service Oklahoma pursuant to the
5 provisions of Sections 6-101 through 6-309 of this title or any
6 driver license or other evidence of driving privilege or
7 identification card authorized to be issued by the state of origin.

8 1. It is a misdemeanor for any licensee:

9 a. to display or cause or permit to be displayed one's
10 own license after such license has been suspended,
11 revoked, or canceled or to possess one's own license
12 after having received notice of its suspension,
13 revocation, or cancellation,

14 b. to lend one's own license or identification card to
15 any other person or knowingly permit the use thereof
16 by another,

17 c. to display or cause or permit to be displayed or to
18 possess a license or identification card issued to
19 oneself which bears altered information concerning the
20 date of birth, expiration date, sex, height, eye
21 color, weight, or license or card number,

22 d. to fail or refuse to surrender to Service Oklahoma
23 upon its lawful demand any license or identification
24 card which has been suspended, revoked, or canceled,

- 1 e. to permit any unlawful use of a license or
2 identification card issued to oneself,
3 f. to do any act forbidden or fail to perform any act
4 required by this chapter, excepting those acts as
5 provided in paragraph 2 of this section,
6 g. to display or represent as one's own~~7~~ any license or
7 identification card not issued to such person~~7~~ unless
8 under conditions provided in subparagraph e of
9 paragraph 2 of this section, or
10 h. to add to, delete from, alter, or deface the required
11 information on a driver license or identification
12 card.

13 2. It is a felony for any person:

- 14 a. to create, publish, or otherwise manufacture an
15 Oklahoma or other state license or identification card
16 or facsimile thereof, or to create, manufacture, or
17 possess an engraved plate or other such device, card,
18 laminate, digital image or file, or software for the
19 printing of an Oklahoma or other state license or
20 identification card or facsimile thereof, except as
21 authorized pursuant to this title,
22 b. to display or cause or permit to be displayed or to
23 knowingly possess any state counterfeit or fictitious
24 license or identification card,

- 1 c. to display or cause to be displayed or to knowingly
2 possess any state license or identification card
3 bearing a fictitious or forged name or signature,
4 d. to display or cause to be displayed or to knowingly
5 possess any state license or identification card
6 bearing the photograph of any person, other than the
7 person named thereon as licensee,
8 e. to display or represent as one's own, any license or
9 identification card not issued to him or her, for the
10 purpose of committing a fraud in any commercial
11 transaction or to mislead a peace officer in the
12 performance of his or her duties, or
13 f. to use a false or fictitious name in any application
14 for a license or identification card or to knowingly
15 make a false statement or to knowingly conceal a
16 material fact or otherwise commit a fraud in any such
17 application.

18 3. It is a felony for any employee or person authorized to
19 issue or approve the issuance of licenses or identification cards
20 under this title to knowingly issue or attempt to issue a license or
21 identification card or to knowingly give approval for, cause, or
22 attempt to cause a license or identification card to be issued:

- 23 a. to a person not entitled thereto,
24 b. bearing erroneous information thereon, or

1 c. bearing the photograph of a person other than the
2 person named thereon.

3 Such conduct shall be grounds for termination of employment of the
4 employee.

5 4. The violation of any of the provisions of paragraph 1 of
6 this section shall constitute a misdemeanor and shall, upon
7 conviction thereof, be punishable by a fine ~~of~~ not less than Twenty-
8 five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00);
9 the violation of any of the provisions of paragraph 2 or 3 of this
10 section shall constitute a felony and shall, upon conviction
11 thereof, be punishable by a fine not ~~exceeding~~ to exceed Ten
12 Thousand Dollars (\$10,000.00) or a term of imprisonment in the
13 custody of the Department of Corrections not to exceed seven (7)
14 years, or by both such fine and imprisonment.

15 5. Notwithstanding any provision of this section, ~~Service~~
16 ~~Oklahoma~~ the Department of Public Safety, through the Identity
17 Verification Unit established pursuant to Section 2-106.3 of this
18 title, may, upon the request of the chief administrator of a law
19 enforcement, military, or intelligence agency, authorize the
20 issuance to and display⁷ and possession by a person of a license
21 which would otherwise be a violation of this section, for the sole
22 purpose of aiding in a criminal investigation or a military or
23 intelligence operation. While acting pursuant to such authorization
24 by ~~Service Oklahoma~~ the Department, such person shall not be

1 prosecuted for a violation under this section unless the person
2 exceeds the scope or duration of the Department's authorization.
3 Upon termination of such investigation or operation or upon request
4 of the Department, Service Oklahoma shall forthwith cause such
5 license to be returned to Service Oklahoma the chief administrator
6 of the law enforcement agency that requests the issuance of the
7 license and the recipient of the license shall be jointly
8 responsible to ensure the license is promptly returned to the
9 Department. The Department and Service Oklahoma shall enter into
10 interagency agreements as may be necessary to fulfill the powers and
11 duties set forth in this paragraph. The Department may enter into
12 interagency agreements with law enforcement agencies that request
13 issuance of such a license to set forth the terms of the
14 authorization for use of the license, the terms for custody and
15 control of the license, and the terms for duration and revocation of
16 authorization to use or possess the license.

17 SECTION 4. It being immediately necessary for the preservation
18 of the public peace, health or safety, an emergency is hereby
19 declared to exist, by reason whereof this act shall take effect and
20 be in full force from and after its passage and approval.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
22 February 19, 2025 - DO PASS
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