

1 **SENATE FLOOR VERSION**

2 March 4, 2025

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 766

By: Hamilton

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

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

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

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

B. The Office of Homeland Security is authorized to collect,
analyze, and disseminate information concerning the activity and
identity of individuals that, with reasonable suspicion, are

1 suspected of involvement in terrorism, targeted violence, threats to
2 public safety, or any other threats of organized or violent crime to
3 law enforcement and public safety agencies.

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

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

1 be necessary to carry out the purposes of the Oklahoma Homeland
2 Security Act and other programs specified by law.

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

15 C. The Office of Homeland Security shall consist of at least
16 three functions:

- 17 1. Prevention and Intelligence;
- 18 2. Response and Recovery Planning; and
- 19 3. Awareness and Preparedness.

20 D. Other federal, state, and local personnel may be assigned to
21 the Office of Homeland Security pursuant to an interagency
22 agreement. All positions and personnel of the Office of Homeland
23 Security shall be exempt from the full-time employee limit of the
24 Department of Public Safety.

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

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

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

24

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

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

12 G. The Office of Homeland Security shall have the following
13 duties:

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

23 H. The Office of Homeland Security may enter into contracts,
24 agreements, and memoranda of understanding with any public agency,

1 as defined in Section 1003 of this title, for equipment and
2 personnel, or both, to carry out the requirements of the Oklahoma
3 Homeland Security Act. Such agreements may include any provisions
4 agreed upon by the parties and as required by any federal or state
5 grant, if applicable.

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

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

17 K. The Commissioner is authorized to promulgate rules to
18 effectuate the provisions of this section.

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

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
24 March 4, 2025 - DO PASS AS AMENDED BY CS