

1 STATE OF OKLAHOMA

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

3 SENATE BILL 766

By: Hamilton

4
5 AS INTRODUCED

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 authorizing promulgation of rules; providing for
20 codification; and declaring an emergency.

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

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

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

27 B. The Office of Homeland Security is authorized to collect,
28 analyze, and disseminate information concerning the activity and
29 identity of individuals reasonably suspected of involvement in
30 terrorism, targeted violence, threats to public safety, or any other

1 threats of organized or violent crime to law enforcement and public
2 safety agencies.

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

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

1 2. Sharing the confidential information with the express
2 authority of the Homeland Security Advisor or the Advisor's
3 designee.

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

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

12 SECTION 2. AMENDATORY 74 O.S. 2021, Section 51.1, as
13 last amended by Section 1, Chapter 257, O.S.L. 2024 (74 O.S. Supp.
14 2024, Section 51.1), is amended to read as follows:

15 Section 51.1. A. There is hereby created within the Department
16 of Public Safety, the Office of Homeland Security. The Commissioner
17 of Public Safety shall be the Homeland Security Advisor and shall
18 possess or obtain federally recognized clearances as appropriate to
19 perform the duties of the position. The Commissioner of Public
20 Safety, as Homeland Security Advisor, shall be responsible for the
21 operation and administration of the Office. The Commissioner shall
22 appoint subordinates and employees and may make such expenditures
23 with appropriated funds, or from such other available funds as may
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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 shall be subject to all
9 requirements set forth by the Commissioner, and the Commissioner may
10 set forth any limitations on the power and scope of the commission.
11 All commissioned staff must obtain and maintain certification as
12 full-time peace officers in accordance with the provisions of
13 Section 3311 of Title 70 of the Oklahoma Statutes.

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

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

19 D. Other federal, state, and local personnel may be assigned to
20 the Office of Homeland Security pursuant to an interagency
21 agreement. All positions and personnel of the Office of Homeland
22 Security shall be exempt from the full-time employee limit of the
23 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 efforts within this state
16 including working with the Governor and Legislature, state agencies,
17 and local elected officials and local governments, emergency
18 responder groups, private-sector businesses, educational
19 institutions, volunteer organizations, and the general public.
20 State agencies receiving federal funding for homeland security
21 purposes shall report the amount and intended use of those funds to
22 the Office of Homeland Security to ensure efficient use of funds and
23 to avoid duplication of efforts.

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 and distributing the
20 federal 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.

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