

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1860

By: Roberts

6 AS INTRODUCED

7 An Act relating to confidential records; prescribing  
8 right of victims to confidentiality of certain crime  
9 scene and autopsy photographs; requiring certain  
10 photographs submitted to the Pardon and Parole Board  
11 be kept confidential; amending 51 O.S. 2021, Section  
12 24A.5, as last amended by Section 2, Chapter 116,  
13 O.S.L. 2024 (51 O.S. Supp. 2024, Section 24A.5),  
14 which relates to the Open Records Act; adding certain  
15 victim photographs to list of confidential records;  
prohibiting certain victim photographs submitted to  
the Board from being presented to the public;  
requiring parties to submit two separate clemency  
hearing packets to the Board; clarifying contents for  
each packet; allowing Board to seal certain records;  
clarifying which packet the Governor will receive;  
providing for codification; and providing an  
effective date.

16  
17 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

18 SECTION 1. NEW LAW A new section of law to be codified

19 in the Oklahoma Statutes as Section 142A-15 of Title 21, unless

20 there is created a duplication in numbering, reads as follows:

21 Victims and victims' families shall have the right to  
22 confidentiality of crime scene and autopsy photographs in clemency  
23 hearings. Such photographs submitted to the Pardon and Parole Board

1 for clemency hearing purposes shall not be available to the public  
2 and shall be submitted in a separate hearing packet as provided in  
3 this act.

4 SECTION 2. AMENDATORY 51 O.S. 2021, Section 24A.5, as  
5 last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.  
6 2024, Section 24A.5), is amended to read as follows:

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

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

13 a. records protected by a state evidentiary privilege  
14 such as the attorney-client privilege, the work  
15 product immunity from discovery and the identity of  
16 informer privileges,

17 b. records of what transpired during meetings of a public  
18 body lawfully closed to the public such as executive  
19 sessions authorized under the Oklahoma Open Meeting  
20 Act,

21 c. personal information within driver records as defined  
22 by the Driver's Privacy Protection Act, 18 United  
23 States Code, Sections 2721 through 2725,

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

- 1           i. any digital audio/video recordings of the toll  
2           collection and safeguarding activities of the Oklahoma  
3           Transportation Authority,
- 4           j. any personal information provided by a guest at any  
5           facility owned or operated by the Oklahoma Tourism and  
6           Recreation Department to obtain any service at the  
7           facility or by a purchaser of a product sold by or  
8           through the Oklahoma Tourism and Recreation  
9           Department,
- 10          k. a Department of Defense Form 214 (DD Form 214) filed  
11          with a county clerk, including any DD Form 214 filed  
12          before July 1, 2002,
- 13          l. except as provided for in Section 2-110 of Title 47 of  
14          the Oklahoma Statutes:
- 15           (1) any record in connection with a Motor Vehicle  
16           Report issued by the Department of Public Safety,  
17           as prescribed in Section 6-117 of Title 47 of the  
18           Oklahoma Statutes, or
- 19           (2) personal information within driver records, as  
20           defined by the Driver's Privacy Protection Act,  
21           18 U.S.C., Sections 2721 through 2725, which are  
22           stored and maintained by the Department of Public  
23           Safety,
- 24

- 1                   m. any portion of any document or information provided to  
2                   an agency or entity of the state or a political  
3                   subdivision to obtain licensure under the laws of this  
4                   state or a political subdivision that contains an  
5                   applicant's personal address, personal phone number,  
6                   personal email address, any government-issued  
7                   identification numbers, or other contact information;  
8                   provided, however, lists of persons licensed, the  
9                   existence of a license of a person, or a business or  
10                  commercial address, or other business or commercial  
11                  information disclosable under state law submitted with  
12                  an application for licensure shall be public record,  
13                  unless the business or commercial address is the same  
14                  as the applicant's personal address, except when the  
15                  applicant permits in writing the disclosure of the  
16                  address,
- 17                  n. an investigative file obtained during an investigation  
18                  conducted by the State Department of Health into  
19                  violations of the Long-Term Care Administrator  
20                  Licensing Act under Title 63 of the Oklahoma Statutes,  
21                  or
- 22                  o. documents, evidence, materials, records, reports,  
23                  complaints, or other information in the possession or  
24                  control of the Attorney General or Insurance

1                   Department pertaining to an evaluation, examination,  
2                   investigation, or review made pursuant to the  
3                   provisions of the Patient's Right to Pharmacy Choice  
4                   Act, the Pharmacy Audit Integrity Act, or Sections 357  
5                   through 360 of Title 59 of the Oklahoma Statutes; or  
6                   p.       crime scene and autopsy photographs of victims  
7                   submitted to the Pardon and Parole Board for clemency  
8                   hearing purposes.

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

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

20                  The Oklahoma State Bureau of Investigation shall not be required  
21                  to assemble for the requesting person any criminal history records  
22                  relating to persons whose names, dates of birth, and other  
23                  identifying information required by the Oklahoma State Bureau of

1 Investigation pursuant to administrative rule are not furnished by  
2 the requesting person;

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

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

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

1 for a copy in a computerized format of a record of the Department  
2 shall not exceed the direct cost of making the copy unless the fee  
3 for the record is otherwise set by law.

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

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

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

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

22 6. A public body must provide prompt, reasonable access to its  
23 records but may establish reasonable procedures which protect the  
24 integrity and organization of its records and to prevent excessive

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

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

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

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

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

1       1. A clemency hearing packet submitted to the public; and  
2       2. A clemency hearing packet submitted to the Pardon and Parole  
3 Board.

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

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

15       E. The office of the Governor shall receive the clemency  
16 hearing packets which include the autopsy and victim images  
17 displayed in the crime scene photographs.

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

20       60-1-11690           SW           01/13/25