

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1753

By: Kerbs

6 AS INTRODUCED

7 An Act relating to identity verification; amending 47  
8 O.S. 2021, Section 2-106.3, which relates to  
9 Fraudulent Documents Identification Unit; modifying  
10 the name of certain unit; authorizing the adoption  
11 and enforcement of certain rules; amending 47 O.S.  
12 2021, Section 6-110.2, as amended by Section 51,  
13 Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2024, Section  
14 6-110.2), which relates to computerized finger  
15 imaging; modifying responsible agency; amending 47  
16 O.S. 2021, Section 6-301, as amended by Section 76,  
17 Chapter 282, O.S.L. 2022 (47 O.S. Supp. 2024, Section  
18 6-301), unlawful use of driver license or  
19 identification card; modifying responsible agency;  
20 making certain exception; requiring certain person be  
21 responsible for return of license; requiring certain  
22 interagency agreements; and declaring an emergency.

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

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

Section 2-106.3. A. Subject to the availability of funding,  
the Department of Public Safety shall establish ~~a Fraudulent~~  
~~Documents Identification (FDI) Unit~~ an Identity Verification Unit

1      (IVU) for the primary purpose of investigating and apprehending  
2      persons or entities that participate in the sale or distribution of  
3      fraudulent documents used for identification purposes. The unit  
4      shall additionally specialize in fraudulent identification documents  
5      created and prepared for persons who are unlawfully residing within  
6      the State of Oklahoma. The Department shall employ sufficient  
7      employees to investigate and implement an ~~FDI~~ Unit IVU.

8      B. The Commissioner of Public Safety is hereby authorized to  
9      adopt and enforce such rules as may be necessary for operation of  
10     the IVU and to carry out the power and duties assigned to the IVU by  
11     this title.

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

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

1 Means must be provided to trace to the agent who authorized the  
2 override.

3       B. No unemancipated person under eighteen (18) years of age  
4 shall be issued a driver license or identification card by Service  
5 Oklahoma unless an authorization form, prescribed and furnished by  
6 Service Oklahoma, or notarized affidavit authorizing the finger  
7 imaging of the person and signed by the legal custodial parent,  
8 legal guardian, or legal custodian of the person, is in the  
9 possession of Service Oklahoma.

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

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

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

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

13             1. It is a misdemeanor for any licensee:

- 14                 a. to display or cause or permit to be displayed one's  
15                     own license after such license has been suspended,  
16                     revoked or canceled or to possess one's own license  
17                     after having received notice of its suspension,  
18                     revocation, or cancellation,
- 19                 b. to lend one's own license or identification card to  
20                     any other person or knowingly permit the use thereof  
21                     by another,
- 22                 c. to display or cause or permit to be displayed or to  
23                     possess a license or identification card issued to  
24                     oneself which bears altered information concerning the

- date of birth, expiration date, sex, height, eye  
color, weight or license or card number,
- d. to fail or refuse to surrender to Service Oklahoma  
upon its lawful demand any license or identification  
card which has been suspended, revoked or canceled,
- e. to permit any unlawful use of a license or  
identification card issued to oneself,
- f. to do any act forbidden or fail to perform any act  
required by this chapter, excepting those acts as  
provided in paragraph 2 of this section,
- g. to display or represent as one's own, any license or  
identification card not issued to such person, unless  
under conditions provided in subparagraph e of  
paragraph 2 of this section, or
- h. to add to, delete from, alter, or deface the required  
information on a driver license or identification  
card.

2. It is a felony for any person:

- a. to create, publish or otherwise manufacture an  
Oklahoma or other state license or identification card  
or facsimile thereof, or to create, manufacture or  
possess an engraved plate or other such device, card,  
laminate, digital image or file, or software for the  
printing of an Oklahoma or other state license or

- identification card or facsimile thereof, except as  
authorized pursuant to this title,
- b. to display or cause or permit to be displayed or to knowingly possess any state counterfeit or fictitious license or identification card,
  - c. to display or cause to be displayed or to knowingly possess any state license or identification card bearing a fictitious or forged name or signature,
  - d. to display or cause to be displayed or to knowingly possess any state license or identification card bearing the photograph of any person, other than the person named thereon as licensee,
  - e. to display or represent as one's own, any license or identification card not issued to him or her, for the purpose of committing a fraud in any commercial transaction or to mislead a peace officer in the performance of his or her duties, or
  - f. to use a false or fictitious name in any application for a license or identification card or to knowingly make a false statement or to knowingly conceal a material fact or otherwise commit a fraud in any such application.

3. It is a felony for any employee or person authorized to

24 issue or approve the issuance of licenses or identification cards

1 under this title to knowingly issue or attempt to issue a license or  
2 identification card or to knowingly give approval for, cause, or  
3 attempt to cause a license or identification card to be issued:

- 4       a. to a person not entitled thereto,
- 5       b. bearing erroneous information thereon, or
- 6       c. bearing the photograph of a person other than the  
7                   person named thereon.

8 Such conduct shall be grounds for termination of employment of the  
9 employee.

10      4. The violation of any of the provisions of paragraph 1 of  
11 this section shall constitute a misdemeanor and shall, upon  
12 conviction thereof, be punishable by a fine of not less than Twenty-  
13 five Dollars (\$25.00), nor more than Two Hundred Dollars (\$200.00);  
14 the violation of any of the provisions of paragraph 2 or 3 of this  
15 section shall constitute a felony and shall, upon conviction  
16 thereof, be punishable by a fine not exceeding Ten Thousand Dollars  
17 (\$10,000.00) or a term of imprisonment in the custody of the  
18 Department of Corrections not to exceed seven (7) years, or by both  
19 such fine and imprisonment.

20      5. Notwithstanding any provision of this section, ~~Service~~  
21 ~~Oklahoma~~ the Department of Public Safety, through its Identity  
22 Verification Unit (IVU), may, upon the request of the chief  
23 administrator of a law enforcement, military, or intelligence  
24 agency, authorize the issuance to and display, and possession by a

1 person of a license which would otherwise be a violation of this  
2 section, for the sole purpose of aiding in a criminal investigation  
3 or a military or intelligence operation. While acting pursuant to  
4 such authorization by ~~Service Oklahoma~~ the Department, such person  
5 shall not be prosecuted for a violation under this section unless  
6 the person exceeds the scope or duration of the Department's  
7 authorization. Upon termination of such investigation or operation  
8 or upon request, ~~Service Oklahoma~~ shall forthwith cause such licensee  
9 ~~to be returned to Service Oklahoma~~ of the Department, the chief  
10 administrator of the law enforcement agency requesting the issuance  
11 of the license and the recipient of the license shall be jointly  
12 responsible to ensure the license is promptly returned to the  
13 Department. The Department and Service Oklahoma shall enter into  
14 interagency agreements as may be necessary to fulfill the powers and  
15 duties set forth in this subsection. The Department is authorized  
16 to enter into interagency agreements with law enforcement agencies  
17 requesting issuance of such a license setting forth the terms of the  
18 authorization for use of the license, the terms for custody and  
19 control of the license, and the terms for duration and revocation of  
20 authorization to use or possess the license.

21 SECTION 4. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23 declared to exist,

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1 by reason whereof this act shall take effect and be in full force  
2 from and after its passage and approval.

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4 60-1-10690      JBH      12/16/24

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