

## **SENATE FLOOR VERSION**

February 19, 2025

SENATE BILL NO. 544

By: Wingard of the Senate

and

## Kerbs of the House

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

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

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

(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~~r~~ any license or  
7                 identification card not issued to such person~~r~~ 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

c. bearing the photograph of a person other than the 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 display, 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