

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 60th Legislature (2025)

4                   HOUSE BILL 1860

By: Roberts of the House

5                   and

6                   Gollihare of the Senate

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9                   AS INTRODUCED

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

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 142A-15 of Title 21, unless

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

1       Victims and victims' families shall have the right to  
2 confidentiality of crime scene and autopsy photographs in clemency  
3 hearings. Such photographs submitted to the Pardon and Parole Board  
4 for clemency hearing purposes shall not be available to the public  
5 and shall be submitted in a separate hearing packet as provided in  
6 this act.

7       SECTION 2.       AMENDATORY       51 O.S. 2021, Section 24A.5, as  
8 last amended by Section 2, Chapter 116, O.S.L. 2024 (51 O.S. Supp.  
9 2024, Section 24A.5), is amended to read as follows:

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

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

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

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

- 1           c. personal information within driver records as defined  
2                 by the Driver's Privacy Protection Act, 18 United  
3                 States Code, Sections 2721 through 2725,  
4           d. information in the files of the Board of Medicolegal  
5                 Investigations obtained pursuant to Sections 940 and  
6                 941 of Title 63 of the Oklahoma Statutes that may be  
7                 hearsay, preliminary unsubstantiated investigation-  
8                 related findings, or confidential medical information,  
9           e. any test forms, question banks and answer keys  
10                 developed for state licensure examinations, but  
11                 specifically excluding test preparation materials or  
12                 study guides,  
13           f. last names, addresses, Social Security numbers or tax  
14                 identification numbers, and proof of identification  
15                 submitted to the Oklahoma Lottery Commission by  
16                 persons claiming a lottery prize,  
17           g. unless public disclosure is required by other laws or  
18                 regulations, vehicle movement records of the Oklahoma  
19                 Transportation Authority obtained in connection with  
20                 the Authority's electronic toll collection system,  
21           h. personal financial information, credit reports, or  
22                 other financial data obtained by or submitted to a  
23                 public body for the purpose of evaluating credit  
24                 worthiness, obtaining a license, permit, or for the

purpose of becoming qualified to contract with a public body,

- i. any digital audio/video recordings of the toll collection and safeguarding activities of the Oklahoma Transportation Authority,
  - j. any personal information provided by a guest at any facility owned or operated by the Oklahoma Tourism and Recreation Department to obtain any service at the facility or by a purchaser of a product sold by or through the Oklahoma Tourism and Recreation Department,
  - k. a Department of Defense Form 214 (DD Form 214) filed with a county clerk, including any DD Form 214 filed before July 1, 2002,
  - l. except as provided for in Section 2-110 of Title 47 of the Oklahoma Statutes:
    - (1) any record in connection with a Motor Vehicle Report issued by the Department of Public Safety, as prescribed in Section 6-117 of Title 47 of the Oklahoma Statutes, or
    - (2) personal information within driver records, as defined by the Driver's Privacy Protection Act,

stored and maintained by the Department of Public Safety,

- m. any portion of any document or information provided to an agency or entity of the state or a political subdivision to obtain licensure under the laws of this state or a political subdivision that contains an applicant's personal address, personal phone number, personal email address, any government-issued identification numbers, or other contact information; provided, however, lists of persons licensed, the existence of a license of a person, or a business or commercial address, or other business or commercial information disclosable under state law submitted with an application for licensure shall be public record, unless the business or commercial address is the same as the applicant's personal address, except when the applicant permits in writing the disclosure of the address,

n. an investigative file obtained during an investigation conducted by the State Department of Health into violations of the Long-Term Care Administrator

~~or~~

1           o. documents, evidence, materials, records, reports,  
2           complaints, or other information in the possession or  
3           control of the Attorney General or Insurance  
4           Department pertaining to an evaluation, examination,  
5           investigation, or review made pursuant to the  
6           provisions of the Patient's Right to Pharmacy Choice  
7           Act, the Pharmacy Audit Integrity Act, or Sections 357  
8           through 360 of Title 59 of the Oklahoma Statutes; or  
9           p. crime scene and autopsy photographs of victims  
10           submitted to the Pardon and Parole Board for clemency  
11           hearing purposes.

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

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

23           The Oklahoma State Bureau of Investigation shall not be required  
24           to assemble for the requesting person any criminal history records

1 relating to persons whose names, dates of birth, and other  
2 identifying information required by the Oklahoma State Bureau of  
3 Investigation pursuant to administrative rule are not furnished by  
4 the requesting person;

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

1 news media for a news purpose shall not exceed the direct cost of  
2 making the copy. The fee charged by the Department of Public Safety  
3 for a copy in a computerized format of a record of the Department  
4 shall not exceed the direct cost of making the copy unless the fee  
5 for the record is otherwise set by law.

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

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

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

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

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

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

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

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

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

- 4           1. A clemency hearing packet submitted to the public; and  
5           2. A clemency hearing packet submitted to the Pardon and Parole  
6 Board.

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

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

18      E. The office of the Governor shall receive the clemency  
19 hearing packets which include the autopsy and victim images  
20 displayed in the crime scene photographs.

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

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY  
OVERSIGHT, dated 02/27/2025 - DO PASS.

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