

CHAPTER 9. OKLAHOMA OPEN RECORDS

[Authority: 51 O. S., §§ 24A. 1 through 24A.24; 74 O.S., §§ 150 et seq. (in particular §§ 150.2, 150.9, and 150.12); 75 O. S., § 302(A)(1)]
[Source: Codified 12-30-91]

SUBCHAPTER 1. CRIMINAL HISTORY INFORMATION

375:9-1-1. Purpose

The rules of this Chapter have been adopted for the purpose of complying with the relevant provisions of 75 O.S., Sections 250 *et seq.* (The Oklahoma Administrative Procedures Act). The rules contained in this Chapter outline the procedures for obtaining criminal history records from the Oklahoma State Bureau of Investigation, and set forth the proper manner for criminal justice agencies to submit criminal history record information to the Oklahoma State Bureau of Investigation.

[Source: Amended at 10 Ok Reg 4793, eff 9-17-93 (emergency); Amended at 11 Ok Reg 3323, eff 6-27-94]

375:9-1-1.1. Definitions

The following words or terms, when used in this chapter, shall have the following meaning, unless the context clearly states otherwise:

"**Arrears**" means money which is owed but left unpaid until a future date.

"**Bureau**" means the Oklahoma State Bureau of Investigation.

"**CHIRP**" means the Criminal History Information Request Portal, the OSBI's online system for members of the public to request criminal history record checks.

"**Commercial purpose**" means for purposes of employment, licensing (including Self-Defense Act), adoption, foster parenting, child care, insurance, workers compensation claims, tenancy requirements, civil law suit, and any criminal history record check mandated by law,

"**Criminal history record**" means the "rap sheet" form prepared by the OSBI containing a chronological history of individuals arrests, charges and the dispositions of same within the state of Oklahoma including "rap-back information" as determined appropriate and necessary by the OSBI. OSBI criminal history records do not list an individual's national arrest status.

"**Criminal justice agency**" means an agency which is a governmental agency which meets the definition of a criminal justice agency as contained in the Department of Justice Regulations on Criminal Justice information Systems (Title 28, CFR, Part 20, Subpart A), which defines criminal justice agency as "(c)...(1) courts; (2) a governmental agency or any subunit thereof which performs the administration of criminal justice pursuant to statute or executive order, and which allocates a substantial part of its annual budget to the administration of criminal

justice ("allocates a substantial portion" has been interpreted to mean more than 50% by the originator of Regulations. State and Federal Inspector General offices are included.) (d) The administration of criminal justice means performance by any of the following activities; detection, apprehension, pretrial release, post-trial release, prosecution, adjudication, correctional supervision, or rehabilitation of accused persons or criminal offenders. The administration of criminal justice shall include criminal identification activities and the collection, storage, and dissemination of criminal history record information."

"Director" means the Director of the Oklahoma State Bureau of Investigation.

"Non-serious Non-reportable offenses" offenses which are not recorded in criminal history records, adapted from the list of FBI non-serious offenses. Other misdemeanor and municipal offenses may also qualify as non-serious. See offenses exempted definition. Non-serious Non-reportable offenses include;

- (A) ~~Allow minor in bar; Abusive language; Alms solicitation; Amnesia; AWOL; (unless referred to District Court);~~
- (B) ~~Begging; Breach of Peace; Body attachments; Bond (surrender, increase, exoneration, or revocation);~~
- (C) ~~Card game playing; Careless or reckless driving (As long as under influence of drugs or liquor, hit and run, vehicular manslaughter; involuntary manslaughter NOT involved); Civil commitment; Criminal registration; Curfew violation;~~
- (D) ~~Detention only; Detoxification; Dice game playing; Disregarding traffic signals; Disobeying lawful order; Disturbance; Disturbing public worship; Disturbing the peace; Dog laws; Drag racing; Driving while license suspended or revoked; Drunk; (non-traffic charges); Drunk in or about auto; Drunk in public restroom or restaurant; Drunk on highway; Drug Court sanction/District Court sanction;~~
- (E) Ex-convict registration;
- (F) ~~Failure to give good account; Failure to operate in prudent manner (auto); Failure to register in hotel or register in hotel with someone other than husband or wife; Failure to pay child support warrant; false fire alarm; fighting; fireworks; fishing without a license; for identification purposes only;~~
- (G) ~~Failure to yield for emergency vehicle (blue light or siren); False fire alarm; Felony registration; Fireworks; Fishing without a license; Fighting; For Identification Purposes only~~
- (H) General principals; Going through red light;
- (I) ~~Head lighting Hold (In-State, Federal, and Tribal ONLY); Hunting without a license; Hitchhiking;~~
- (J) ~~Illegal consumption of beer; Illegal possession of beer; Inadequate brakes; Inquiry (unaccompanied by criterion charge); Interview; Intoxication; Investigation (unaccompanied by criterion charge); Investigation (accompanied by criterion charge); Investigation mental; jaywalking; juvenile commitment (mental);~~
- (K) ~~Late hours; Loafer; Lodger; Littering; Loitering; Lottery playing; Lunacy; (unless print pertains to major charge);~~
- (L) ~~Mandatory appearance; Material witness; Medical treatment; Mental/Lunacy; Minor in bar; Minor attempting to buy beer/liquor; Minor in consumption; Minor in gambling house; Minor in possession of alcohol/beer; Misrepresenting age (liquor); Mooching; Minor in possession of tobacco;~~
- (M) ~~Narcotics registration; Negligent driving; No driver's license (operating auto with altered license considered a serious charge); No inspection sticker or expired sticker; No visible means;~~

(N) Obstructing traffic; Operating auto without license;

(O) Panhandling/aggressive panhandling; Parental responsibility – failure to control juvenile; Parking warrants; Patient (unless print pertains to MAJOR charge, i.e. rape, murder); Peace bond; Peace warrant; Possession of lottery tickets, policy slips or numbers; Possession of open bottle or container; Probation or parole check; Profane language; Public drunk; Public intoxication; Public nuisance; Purchasing liquor as minor;
(P) Re-booked on suspension; Runaway;
(Q) Sanction (Drug Court/District Court); Safekeeping; Sex registration; Sleeper; Sleeping in the subway; Speeding; State work furlough; Suspect; Suspicion; (unaccompanied by criterion charge); Suspicious person; Sentencing; Soliciting without a permit; Suicide (attempted);
(R) Taxes due the state; Transporting open container; Traffic violations (minor traffic, vehicle and licensing charge); train riding (hobo); Tramp; Transient; Truancy; Trusty commitment;
(S) Urinating in public; Uninsured motor vehicle; Unlawful blood alcohol content (alone only not with driving charge); Use of language to arouse anger;
(T) Vagabond or rogue; Vagrancy; Venerable control registration; Visiting a common nuisance; Voluntary commitment;
(U) Walking on highway; Wayward; Weekender; Writ, Warrant (failure to appear, pay, or comply for a non-reportable offense)
(V) Use of language to arouse anger.

"Offenses exempted" means ~~non-serious~~ non-reportable offenses or crimes listed under the definition of ~~non-serious~~ non-reportable offenses. The OSBI may also determine that other misdemeanor and municipal offenses are also ~~non-serious~~ non-reportable. Offenses may be considered by the OSBI to be ~~non-serious~~ non-reportable if it is a minor infraction which would not result in substantial harm to any individual or to the public's health or safety. Where harm is pecuniary, substantial shall mean an amount in excess of \$50.00. For example, although the offense of driving under the influence is a misdemeanor it does not qualify as a ~~non-serious~~ non-reportable offense. It shall be maintained in criminal history records because the offense poses a significant risk of harm to the individual's public safety

"OSBI" means the Oklahoma State Bureau of Investigation.

"Other purpose" shall include such things as personal safety and community awareness.

"Rap-back information" means a follow-up chronological history of individuals arrests, charges and the dispositions of same within the state of Oklahoma that occur after the date after the request.

"Request" means a request for criminal history records from the OSBI.

"Requestor" means the person, governmental agency, or other entity who makes a request for criminal history records.

[Source: Added at 10 Ok Reg 4793, eff 9-17-93 (emergency); Added at 11 Ok Reg 3323, eff 6-27-94; Amended at 16 Ok Reg 3323, eff 7-26-99; Amended at 17 Ok Reg 316, eff 11-1-99 (emergency); Amended at 17 Ok Reg 2540, eff 6-26-00; Amended at 30 Ok Reg 1802, eff 8-1-13; Amended at 35 Ok Reg 1760, eff 9-14-18]

375:9-1-2. Request for criminal history records

(a) Obtaining criminal history records.

(1) Members of the public may request criminal history records from the OSBI online through OSBI's Criminal History Information Request Portal (CHIRP) or by completing a Record Check Request Form and ~~faxing~~, delivering or mailing the form to the following address: Oklahoma State Bureau of Investigation, Criminal History Reporting Unit, 6600 N. Harvey, Oklahoma City, Oklahoma 73116.

(2) Delivery of the request in person may be made Monday through Friday (except holidays) between the hours of 8:30 a.m. and 4:30 p.m. unless otherwise posted in advance.

(A) If the request is made by an individual for the sole purpose of determining whether or not his or her own criminal history record is accurate, the cashier at the OSBI will have that individual complete an "Individual Request for Criminal History Record Inspection Form."

(B) Upon completion of the form, a records check clerk will conduct a criminal history check based on the information provided. After completion of this check, the original form will be returned to the requestor, along with a copy of the requestor's criminal history record if any such record exists.

(C) The request form and the individual's criminal history record will be stamped, dated, and initialed by the records clerk prior to their issuance to the requestor. A copy of the request form will be retained in the files of the OSBI.

(D) If a fee is applicable, the cashier will accept payment and prepare a receipt. One copy of the receipt shall be given to the requestor. A records clerk will conduct a criminal history check based on the information provided, returning the completed form to the requestor. The form(s) and record(s) will be stamped with the appropriate stamp(s), dated, and initialed by the searcher prior to their return. A copy of the completed record check form and receipt will be retained for OSBI files. Criminal Justice Agencies will not be charged for these services.

(3) All requests delivered by mail shall include a stamped, self-addressed envelope. Replies will be made by return mail.

(4) All request forms must be typed or the information legibly printed by the requestor. Handwritten requests which are not easily read will be returned unprocessed.

(5) Individuals wanting to request criminal history information online must do so through the OSBI's CHIRP System.

(A) Requestors must create an account to access CHIRP. Account access is free and OSBI will only charge for the searches requested. The third party payment site may charge an online convenience transaction fee for requestors paying by credit card or electronic funds transfer (EFT).

(B) Search requests may be submitted at any time. Searches submitted through CHIRP will be checked against the OSBI's computerized criminal history database for potential candidate matches. Searches where no potential candidate matches are identified will be returned automatically. Searches requiring OSBI Review, which includes all searches of the Department of Corrections Sex Offender and Violent Offender Registries, will be conducted by OSBI Staff during normal business hours (Monday through Friday, 8:30 AM - 4:30 PM, excluding holidays). OSBI's Criminal History Database is sometimes unavailable for system maintenance.

(C) Billing customers may select from possible candidates identified based on the subject identifiers provided or can elect to

have OSBI staff make candidate determinations during regular business hours.

(D) Search results, in electronic format, will be available in CHIRP through the requestors account. Search requests will remain in CHIRP indefinitely, but search results expire after 60 days and will be removed.

(E) Search result forms will contain the date the search was requested and the date OSBI's computerized criminal history database was queried to determine the result.

(b) Required information. Persons, businesses, government agencies, and other entities making requests for criminal history records shall provide the following information to the OSBI:

- (1) the full name of the subject of the record;
- (2) the date of birth or approximate age of the subject of the record;
- (3) the social security number of the subject, if known;
- (4) inked fingerprints of the subject, if ~~available~~ applicable; and
- (5) any other information which tends to establish the identity of the subject such as sex and race.

(c) Method of search. Searches for criminal history records shall be conducted by systems and personnel of the Oklahoma State Bureau of Investigation.

(d) Fees.

(1) Requests which clearly would cause excessive disruption of the Oklahoma State Bureau of Investigation's essential functions or any request for criminal history information made by any private entity, state agency, board, department, or commission for licensing, or other non-law enforcement purpose will pay a fee based on the following schedule for the type of record requested:

(A) Name Search, Oklahoma records only, the cost is \$15.00.

(B) Fingerprint search, Oklahoma records only, the cost is \$ 19.00.

(C) Fingerprint search, Oklahoma and FBI records, the cost is \$41.00. Fingerprint searches of Oklahoma and FBI records sought under the authority of the federal Volunteers for Children Act/National Child Protection Act shall be reduced to ~~\$35.00~~ \$29.50.

(D) Oklahoma Department of Corrections Offender Lookup

(i) Mary Rippe Violent Offender Check, the cost is \$2.00.

(ii) Sex Offender Check, the cost is \$2.00.

(2) All requests not for a commercial purpose must be accompanied by a document copying fee of \$.25 per page. Certified copies of any requested documents will be supplies for \$1.00 per page.

(3) Persons checking the accuracy of their records will not be charged a fee.

(4) Fees may be paid by nationally recognized credit card, electronic funds transfer, money order, cashier's check, certified check, or cash when the application is made in person. Cash will not be accepted with applications delivered by mail.

(5) Personal checks will not be accepted under any circumstances. Fees submitted for requests numbering two or more shall be paid with one credit card or electronic funds transfer transaction, money order, cashier's check, certified check, or business check rather than with a \$15.00 remittance for each name search requested. Checks shall be made payable to OSBI.

375:9-1-2.1. Payment in arrears for criminal history checks

(a) **Who may request payment in arrears.** Public schools, government agencies, corporations or other commercial entities who anticipate making frequent voluminous requests for criminal history records may make application to the OSBI for the privilege of making payment in arrears for this service. Such applications must include the following information:

- (1) Name, business address, and service agent of entity making application, and a current credit report.
- (2) The minimum number of monthly requests to be 50.
- (3) In the case of corporations, certification from the Oklahoma Secretary of State that corporate taxes are paid in full and that the corporation is licensed to do business in the State of Oklahoma.
- (4) To qualify for establishing an account, the customer must demonstrate their need through three months of 50 or more requests.

(b) **Payment in arrears procedures.**

- (1) Once the OSBI has agreed to accept payment in arrears, the applicant must advise the OSBI in writing of any changes which affect the application information.
- (2) Payments in arrears may be made by cashiers check, or drawn upon an account of a bank or savings and loan. Checks should be made payable to the OSBI. Payments must be made within (30) thirty days of the date of billing invoice.
- (3) The OSBI may bill in arrears certain customers who submit fifty or more subject names per month. The OSBI may discontinue billing in arrears those customers who fail to submit fifty or more subjects per month for two consecutive months. Customers who are removed from billing will not be added back as a billing customer; and if so, can only be re-instated with a letter of explanation on how the previous problem had been corrected and a statement that the customer acknowledges that future billings not meeting the minimum requirement will result in cancellation of the privilege with no possibility of re- instatement. The requirement of fifty or more subjects per month does not apply to public schools and state agencies. These entities may apply to the OSBI for billing arrears as outlined in (a) of this section. The OSBI Director shall determine on a case by case basis which public schools and state agencies are to be billed in arrears.
- (4) The OSBI may discontinue billing in arrears those customers whose account is more than (30) thirty days delinquent from the date the invoice was printed. Such customers must repay for any requests made after notification in writing of the discontinuation of their billing accounts. Notification will be made by certified mail.
- ~~(5) Request forms that are faxed by billing customers shall not include more than ten names. Customers will be billed for duplicate names and duplicates faxes.~~
- (6) Request forms must be typed or the information legibly printed by the requestor. Handwritten requests which are not easily read will be returned unprocessed.
- (7) The minimum monthly requirement must be maintained on an ongoing basis or the billing privilege will be revoked (occasional volume less than the minimum monthly requirement will be allowed provided it does not

exceed three months in a twelve month period.) Re-instatement will only be allowed upon written explanation of the change in business that will result in maintaining the minimum monthly requirement; failure to maintain the level for more than three months in a twelve month period will result in permanent cancellation of the account privileges.

[Source: Added at 10 Ok Reg 4793, eff 9-17-93 (emergency); Added at 11 Ok Reg 3323, eff 6-27-94; Amended at 16 Ok Reg 3323, eff 7-26-99]

375:9-1-3. Results of search for criminal history record

Results of the criminal history record search will be returned bearing one of the following notations:

- (1) "SUBJECT IDENTICAL WITH SUBJECT OF ATTACHED OKLAHOMA STATE BUREAU OF INVESTIGATION NUMBER _____."
- (2) "THE ATTACHED FINGERPRINT CARD WAS SEARCHED THROUGH THE OSBI AND NO ARREST DATA WAS REVEALED."
- (3) "NO RECORD WAS FOUND MATCHING THE SUBJECT NAME AND/OR DESCRIPTION"
- (4) "BASED UPON THE INFORMATION PROVIDED, THE SUBJECT MAY BE THE SAME AS OSBI # _____. A COPY OF THE RECORD IS ATTACHED."
- (5) "THE SUBJECT IS CURRENTLY REGISTERED WITH THE OKLAHOMA DEPARTMENT OF CORRECTIONS."
- (6) "NONE" OF THE CANDIDATES PRESENTED AS POSSIBLE MATCHES WERE SELECTED BY THE CHIRP AUTHORIZED USER"

[Source: Amended at 10 Ok Reg 4793, eff 9-17-93 (emergency); Amended at 11 Ok Reg 3323, eff 6-27-94; Amended at 26 Ok Reg 1679, eff 6-26-09; Amended at 35 Ok Reg 1760, eff 9-14-18]

375:9-1-3.1. Challenges to the correctness and/or completeness of criminal history records

(a) **Who may challenge the correctness and/or completeness of criminal history records.** Only those persons, their parent(s) in the case of a minor, their attorney(s), or their legal guardian(s) whose records are in question may challenge the correctness and/or completeness of their criminal history records.

(b) **Procedure to challenge the correctness or completeness when the identity of the person identified in the record is not in question.**

(1) All documentation identified in this subsection shall be delivered or mailed to the OSBI at the following address: Oklahoma State Bureau of Investigation, Criminal History Management Unit, 6600 N. Harvey, Suite 140, Oklahoma City, Oklahoma 73116. Persons identified in subsection (a) of this section who believe their criminal history record(s) to be incorrect and/or incomplete may seek to correct or supplement the record by providing the OSBI with certified copies of the following official documents pertaining to the applicant's case. Included with this documentation, the person must also provide his or her current mailing address to the OSBI. Persons who fail to provide such address will not have their requests processed.

- (A) Fingerprint card submissions;
- (B) Certified court documents;
- (C) Arrest Disposition Reporting System (ADRS) entries;

(D) Official documents from a District Attorney (internal forms or letters on District Attorney letterhead with an original signature of the District Attorney or Assistant District Attorney may be submitted along with a certified document from the court clerk indicating no court records are available); or

(E) Official documents from an arresting agency (internal forms or letters on letterhead with an original signature of the agency head or the agency head's designees may be submitted along with a certified document from the court clerk indicating no court records are available).

(2) The OSBI shall review the documentation provided by the person(s) challenging the record and shall take appropriate action to correct and/or supplement the criminal record when the OSBI deems it appropriate.

(c) Procedure to challenge the correctness or completeness when the identity of the person identified in the record is in question.

(1) If an individual claims not to be the same person as identified on a criminal history record despite matching identifying information in the record, an accuracy check shall be performed as follows:

(A) The individual must present themselves, a valid government issued photo identification, and their social security card to the OSBI during regular business hours of the OSBI at the following address: Oklahoma State Bureau of Investigation, Criminal History Management Unit, 6600 N. Harvey, Oklahoma City, Oklahoma 73116.

~~(i) Upon an individual showing to the satisfaction of the Director of the OSBI Information Services Division or his designee that presenting themselves to the OSBI in person at the address of the of the Oklahoma State Bureau of Investigation at 6600 N. Harvey, Oklahoma City, Oklahoma 73116 shall constitute an undue burden, the person shall be allowed to present themselves and photo identification at an alternate law enforcement agency location approved by the Director of the OSBI Information Services Division or his designee for the purpose of being fingerprinted as set forth in these rules. Individuals who are unable to present themselves to the OSBI during regular business hours without undue burden may request to present themselves, a valid government issued photo identification, and their social security card to an alternate law enforcement agency. The Director of the Information Services Division of the OSBI or his/her designee shall review and approve/deny such requests. If approved, the Director or designee will specify which law enforcement agency the individual will use for being fingerprinted as set forth in these rules.~~

(ii) Any such alternative location so approved shall forward the fingerprints, along with a copy of the individual's government issued photo identification, social security card, and photo of the individual directly to the following address: Oklahoma State Bureau of Investigation, Criminal History Management Unit, 6600 N. Harvey, Oklahoma City, Oklahoma 73116. A letter, written on agency letterhead, shall accompany the documentation and shall identify the law enforcement officer(s) who met with and fingerprinted the individual. Such fingerprints shall not be returned to the person so fingerprinted except by the OSBI,

after following the procedure to verify the accuracy of a criminal history record as set forth in these rules.

(B) The individual will be fingerprinted and have his/her government issued photo identification and social security card verified by OSBI personnel or alternative personnel approved on a case-by-case basis by the Director of the Information Services Division of the OSBI or his designee.

(C) The prints of the individual will be compared to the fingerprints associated with the contested criminal history record.

(D) If it is determined that the individual contesting the record is the same person identified in the contested criminal history record, the individual will be given a copy of his/her criminal history record notified accordingly.

(E) If it is determined that the individual contesting the record is not the same person identified in the contested criminal history record, the individual's fingerprints taken by OSBI or designated law enforcement personnel will be processed through OSBI AFIS to ~~check~~ determine if the individual is the subject of any other criminal history record.

(F) If a check of those prints through OSBI AFIS indicates the individual is the subject of some other criminal history record, but not the contested record which the person contends inaccurately identifies him, the Director of the OSBI may direct that the contested information be taken off the public record and not disseminated to members of the general public. Any documentation supporting such a decision shall be retained by the OSBI and made available to law enforcement agencies and District Attorney offices for criminal justice purposes.

(G) If a check of those prints through OSBI AFIS indicates the individual has no criminal history record, the fingerprint card will be stamped with a stamp that indicates a search of that fingerprint card through OSBI reveals that the individual does not have an arrest record in the files of the OSBI and that the individual is not the same person associated with the contested criminal history record now determined to be inaccurate. The individual will also be provided with a letter on official OSBI letterhead indicating the same information.

(H) If a check of those prints through OSBI AFIS indicates the individual has no criminal history record, the Director of the OSBI may direct that the record be taken off the public record and not disseminated to members of the general public. Any documentation supporting such a decision shall be retained by the OSBI and made available to law enforcement agencies and District Attorney offices for criminal justice purposes.

(d) Obtaining a copy of an individual's own criminal history for the purpose of checking accuracy

(1) An individual may request a copy of his or her own criminal history record for the purposes of checking the accuracy of such record.

(2) An individual shall be provided with one copy of such record free of charge. All other requests for the criminal history record by the individual shall require payment of the fee as set forth by administrative rule unless the criminal history record reflects new information that has been added or modified as a direct result of documentation provided by the individual since the last free copy was provided. In that case, another free copy of the criminal history record shall be provided.

(3) Any such copy of a criminal history record obtained for the purpose of checking its accuracy shall not be used for any other purpose and shall not be given to any other person. Such criminal history records shall be stamped with a stamp indicating that the record is not to be used for employment or other purposes.

(4) If a request for a criminal history record is made in order to check the accuracy of the record and the check indicates that no record exist, the person requesting the record shall be informed of that fact verbally. If the person wishes to obtain further documentation of that fact, they shall pay a record search fee as set forth by administrative rule.

[Source: Added at 5 Ok Reg 3241, eff 7-13-98; Amended at 17 Ok Reg 883, eff 1-26-00 (emergency); Amended at 17 Ok Reg 2540, eff 6-26-00]

375:9-1-4. Open Records Act requests for criminal history records

(a) **Open Records Act requests.** When a request for a criminal history record is properly submitted pursuant to Title 51 O.S. §24A.1, et seq, (The Oklahoma Open Records Act) it shall be forwarded to the OSBI's Criminal Identification Section. A criminal history check will be performed and ~~an attempt will be made to locate dispositions for all arrest entities on any record found as a result of such a search.~~ The record check results will be sent to the requestor along with a form letter.

(b) **Freedom of Information Act request.** Those requests for criminal history records which purport to be submitted pursuant to Title 5 U.S.C. section 552 et seq. (The Freedom of Information Act), shall be treated as Open Records Act requests.

[Source: Amended at 10 Ok Reg 4793, eff 9-17-93 (emergency); Amended at 11 Ok Reg 3323, eff 6-27-94]

375:9-1-5. Obtaining criminal history record

(a) A requestor may not seek a national criminal history record unless there is a statutory ~~requirement~~ authorization underlying the request which provides that a national or FBI criminal history records check may be conducted for a particular governmental purpose.

(b) The OSBI provides specific informational services to the public in processing criminal history records. OSBI employees receive and process requests which have all the necessary information for conducting the search. When OSBI delivers the results of a criminal records check to a requestor, OSBI employees shall explain the elements of the record for the requestor. OSBI employees will refer the requestor to the arresting agency for additional information. OSBI employees shall not give advice to the requestor about how the criminal history information applies to the requestor's reason or purpose in obtaining the record. The requestor must use his or her discretion, seek counsel on the issue from the office which gave rise to the request, and analyze any laws and regulations which may apply to the requestor's purpose.

[Source: Added at 16 Ok Reg 3323, eff 7-26-99; Amended at 30 Ok Reg 1802, eff 8-1-13]

375:9-1-6. Form and content of criminal history data

(a) The form of reporting criminal history information shall be on the form of OSBI fingerprint cards, on the attached carbon, forms or supplemental forms. The content of the information to be reported shall be;

(1) Initial report of arresting agency:

(A) Arresting agency ORI Number

(B) Offender Tracking Number (OTN)

(C) Name and arrestee and known aliases

(D) Date of arrest

(E) Date of birth

(F) Place of birth

(G) Alien registration number, if applicable

(H) Sex of arrestee

(I) Age of arrestee

(J) Charge designation (misdemeanor or felony)

(K) Offenses of arrest

(L) Social Security Number

(M) Physical characteristics of arrestee (race, height, weight, eyes, hair)

(N) Right and left hand fingerprints

(O) Signatures of arrestee and official taking fingerprints

(P) Disposition, if available (released on bail; released without

charge; declination to prosecute; dismissed; guilty plea to charge; sentence; deferred sentence or prosecution; acquittal)

(2) Subsequent reports by District Attorneys, Prosecuting Authorities or Municipal Courts:

(A) Disposition (dismissal, guilty plea and charge, conviction, acquittal, deferred sentence or prosecution sentence)

(B) Involvement of controlled substances

(C) Offenses actually charged

(D) Date of charges filed

(E) Court case number identification

(F) Designation as felony or misdemeanor

(G) Number of counts

(H) Offenses identified by code

(b) The method of reporting criminal history information to the OSBI shall be by completion of OSBI fingerprint card forms and the attached carbon forms commonly referred to as "buck slips". OSBI shall supply all reporting entities with fingerprint cards. The entity reporting the information shall ~~be transmitted~~ transmit the information by mail to the OSBI.

[Source: Added at 16 Ok Reg 3323, eff 7-26-99; Amended at 19 Ok Reg 2296, eff 6-27-02]

SUBCHAPTER 7. UNIFORM CRIME REPORT

375:9-7-1. Purpose

The rules of this subchapter have been adopted for the purpose of complying with the relevant provisions of 75 O.S., Sections 250 et seq. (The Oklahoma Administrative Procedures Act). The rules contained in this subchapter outline the procedures for obtaining copies of the publication "~~Uniform Crime Report~~, Crime in Oklahoma".

[Source: Added at 12 Ok Reg 1207, eff 5-11-95]

375:9-7-2. Definitions

The following words or terms, when used in this subchapter, shall have the following meaning, unless the context clearly indicates otherwise.

"**Bureau**" means the Oklahoma State Bureau of Investigation.

"**Director**" means the Director of the Oklahoma State Bureau of Investigation.

"**Educational institution**" means any school, institution of higher education, or institution established for the purpose of training law enforcement officers, whether publicly or privately operated, which is not operated for profit.

"**Law enforcement agency**" means any governmental law enforcement agency.

"**Law enforcement professional**" means any individual law enforcement officer, or other employee of a law enforcement agency.

"**Non-profit organization**" means a corporation or other entity which is not operated for profit.

"**Public library**" means any government operated library which is open to public use.

"**OSBI**" means the Oklahoma State Bureau of Investigation.

~~"**UCR**" means "Uniform Crime Report, Crime in Oklahoma".~~

[Source: Added at 12 Ok Reg 1207, eff 5-11-95]

375:9-7-3. Requests for ~~the~~ UCR Crime in Oklahoma

(a) Obtaining copies or subscriptions.

~~(1) Crime in Oklahoma is available on the OSBI website at www.osbi.ok.gov under the news and publications menu. Law enforcement agencies, law enforcement professionals, other governmental agencies, educational institutions, public libraries, nonprofit organizations, corporations or other business entities, and other persons or entities may request copies of the UCR from the OSBI by delivering or mailing a letter of request to the following address: Oklahoma State Bureau of Investigation, Uniform Crime Reporting Department, 6600 N. Harvey, Suit 300, Oklahoma City, Oklahoma 73116.~~

(2) Individuals who need assistance obtaining a copy may contact the Statistical Analysis Center of the OSBI. Delivery of the request in person may be made Monday through Friday (except holidays) between the hours of 8:30 a.m. and 4:30 p.m.

(b) Required information.

~~(1) Law enforcement agencies and other governmental agencies making a request for the UCR shall provide the following information to the OSBI:~~

- ~~(A) the full name of the agency;~~
- ~~(B) the number of copies needed; and~~
- ~~(C) the address of the agency.~~

~~(2) Non-profit organizations, educational institutions, and public libraries making a request for the UCR shall provide the following information to the OSBI:~~

- ~~(A) the full name of the organization or institution;~~
- ~~(B) a brief statement of why the organization or institution requests copies of the UCR;~~
- ~~(C) the number of copies needed; and~~
- ~~(D) the address of the organization or institution.~~

~~(3) Law Enforcement Professionals making a request for the UCR shall provide the following information to the OSBI:~~

- ~~(A) the full name of the person;~~
- ~~(B) the name of the law enforcement agency the person works for;~~
- ~~(C) job title; and~~
- ~~(D) the address of the person.~~

~~(4) Corporations, persons and other entities making a request for the UCR shall provide the following information to the OSBI:~~

- ~~(A) the full name of the person or organization;~~
- ~~(B) the address of the person or organization.~~

(c) Fees.

~~(1) Law enforcement agencies, law enforcement professionals, educational institutions, members of the Oklahoma State Legislature, news media, public libraries, and non-profit organizations shall not be charged a fee to receive copies of the UCR.~~

~~(2) All corporations, individuals, or organizations not described in subsection (c)(1) of this section shall pay a fee of five dollars (\$5.00) for every copy of the UCR received.~~

~~(3) Payment of the fee shall be made in advance by check or money order payable to "Oklahoma State Bureau of Investigation".~~