

An Act

ENROLLED SENATE
BILL NO. 1012

By: Brown of the Senate

and

Mulready of the House

An Act relating to insurance fraud; amending 36 O.S. 2011, Section 361, as amended by Section 4, Chapter 235, O.S.L. 2012 (36 O.S. Supp. 2015, Section 361), which relates to Anti-Fraud Unit; modifying certain investigative and prosecutorial authority; and providing an effective date.

SUBJECT: Insurance fraud

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

SECTION 1. AMENDATORY 36 O.S. 2011, Section 361, as amended by Section 4, Chapter 235, O.S.L. 2012 (36 O.S. Supp. 2015, Section 361), is amended to read as follows:

Section 361. A. There is hereby created within the Insurance Department, under the control and direction of the Insurance Commissioner, an "Anti-Fraud Unit" within the Legal and Investigation Division of the Insurance Department.

B. Violations of any statute or administrative rule of this state pertaining to suspected insurance fraud or pertaining to any insurance product ~~or~~, insurance organization ~~that has been used as an instrument of criminal activity~~, or licensee under the regulation or authority of the Commissioner may be investigated by the Anti-Fraud Unit. Whenever the Unit determines that a violation of any criminal law of this state may have occurred, it may refer the matter to the Oklahoma State Bureau of Investigation for further investigation pursuant to Section 150.5 of Title 74 of the Oklahoma

Statutes or the Attorney General pursuant to Section 18b of Title 74 of the Oklahoma Statutes. The Insurance Department shall retain the authority to initiate and prosecute any administrative or civil action it deems necessary or advisable.

C. The Anti-Fraud Unit may employ investigators who may be commissioned by the Insurance Commissioner to serve as peace officers, as defined by and pursuant to the guidelines and requirements of Section 3311 of Title 70 of the Oklahoma Statutes and Sections 99 and 99a of Title 21 of the Oklahoma Statutes.

D. Records, documents, reports and evidence obtained or created by the Anti-Fraud Unit as a result of an inquiry or investigation of any suspected insurance related crime shall be confidential and shall not be subject to the Oklahoma Open Records Act or to outside review or release by any individual. Information and records shall be disclosed upon request to officers and agents of federal, state, county, or municipal law enforcement agencies, to the Oklahoma State Bureau of Investigation, to the Attorney General's office and to district attorneys, in the furtherance of criminal investigations.

SECTION 2. This act shall become effective November 1, 2016.

Passed the Senate the 1st day of March, 2016.

James W. Moore
Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2016.

John D. Jones
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 13th

day of April, 20 16, at 2:00 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 19th

day of April, 20 16, at 3:17 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 19th

day of April, 20 16, at 4:05 o'clock P M.

By: Chris Benge