

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

SENATE BILL NO. 1011

BY: RUBOTTOM

AS INTRODUCED

AN ACT RELATING TO DISTRICT ATTORNEYS; PROVIDING  
SUBPOENA POWER FOR DISTRICT ATTORNEYS UNDER CERTAIN  
CIRCUMSTANCES; PROVIDING FOR ALTERNATE MEANS OF  
COMPLIANCE; PROVIDING PROCEDURES FOR CONTEMPT OR  
REFUSAL TO OBEY SUBPOENA AND AUTHORIZING  
PUNISHMENT; PROVIDING PROCEDURE TO QUASH CERTAIN  
SUBPOENAS; PROVIDING FOR CODIFICATION; AND  
PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. NEW LAW A new section of law to be codified  
in the Oklahoma Statutes as Section 215.16a of Title 19, unless  
there is created a duplication in numbering, reads as follows:

A. In any investigation relating to the functions of any office  
of district attorney which requires witnesses or records, the  
district attorney of the district or his assistant may subpoena  
witnesses, compel the attendance and testimony of witnesses, and  
require the production of any records, including books, papers,  
documents, and other tangible things which constitute or contain  
evidence, which the district attorney or his assistant finds  
relevant or material to the investigation. The attendance of  
witnesses and the production of records may be required from any

place in the state to a designated location in the county of which the subpoenaed person is an inhabitant or in which the subpoenaed person carries on business or may be found. Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of this state.

B. 1. The witness shall have the option of complying with the subpoena authorized by subsection A of this section by:

- a. Appearing or producing documents, as requested; or
- b. Notifying the district attorney, in writing, of refusal to appear or produce documents, within ten (10) days of the date of service.

2. The subpoena form shall clearly set forth the optional means of compliance including instructions for sending written notice of refusal.

C. A subpoena issued pursuant to this section may be served in the manner provided by subsection C of Section 2004.1 of Title 12 of the Oklahoma Statutes.

D. In the event of contumacy by the person subpoenaed or his refusal to obey a subpoena issued to any person, the district attorney may invoke the aid of any district court of the state within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the district attorney to produce records, if so ordered, or to give testimony regarding the matter under investigation. Any failure to obey the order of the court may be punished by the court as an indirect contempt. All process in any such case may be served in any county in which such person may be found.

E. The district court of the county wherein the subpoena is served may quash a subpoena issued pursuant to this section, upon a

motion to quash the subpoena filed with the court by the party to whom the subpoena is issued.

SECTION 2. This act shall become effective September 1, 1992.

43-2-1837

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