

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1232

By: Henshaw

AS INTRODUCED

An Act relating to poor persons; requiring all cases of suspected willful misrepresentation or fraud regarding AFDC to be referred to Attorney General; providing for powers and duties; authorizing certain subpoenas; providing for refusals; providing for contempt; providing for collection of certain penalties; providing for codification; providing for an effective date; and declaring an emergency.

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 200e of Title 56, unless there is created a duplication in numbering, reads as follows:

A. The Department of Human Services shall refer all cases of suspected willful misrepresentation or fraud regarding the payment of any assistance to a person pursuant to the Aid to Families with Dependent Children program to the Office of the Attorney General for the purpose of investigation, civil action, criminal action or referral to the district attorney. The provisions of this section shall not prohibit the Department from investigating or additionally referring to other proper law enforcement cases of suspected willful misrepresentation or fraud regarding such payments.

B. 1. In carrying out these responsibilities, the Attorney General shall have all the powers necessary to comply with federal laws and regulations, the power to cross-designate assistant United States attorneys as assistant attorneys general, the power to issue or cause to be issued subpoenas or other process in aid of investigations and prosecutions, the power to administer oaths and take sworn statements under penalty of perjury, the power to serve and execute search warrants in any county, and shall have all the powers of a district attorney.

2. Subpoenas ad testificandum or duces tecum issued pursuant to this section may be served by the Attorney General, any peace officer, or any competent person over eighteen (18) years of age, and may require attendance or production at any place in this state. A refusal to obey such subpoena, or willful failure to appear, be sworn, testify, or produce records at the place and time specified shall constitute contempt and shall be enforced by the district court of the county where issued or the county where served, at the election of the Attorney General, as if it was a contempt on that court.

C. The Attorney General shall have authority to collect all penalties, amounts of restitution, or interest accruing on any amount of restitution to be made and any penalties to be paid from and after default in the payment thereof levied pursuant to the provisions of this section. However, this subsection is not in any way intended to affect the contempt power of any court.

SECTION 2. This act shall become effective July 1, 1993.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

