

ENGROSSED SENATE AMENDMENT
TO
ENGROSSED HOUSE BILL NO. 1299

By: Mass of the House

and

Dickerson of the Senate

An Act relating to jurors; amending 38 O.S. 1991,
Section 102, which relates to sufficiency of
petition for grand jury; requiring new evidence
under certain circumstances; establishing certain
requirements for circulation of petition for grand
jury; amending 38 O.S. 1991, Section 108, which
relates to civil liability of petitioners for grand
jury; providing for assessment of costs under
certain circumstances; providing for codification;
and providing an effective date.

AMENDMENT NO. 1. Page 1, strike the title, enacting clause and
entire bill and insert

"[grand juries - setting criminal penalties - codification
-
effective date]

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 311.1, is
amended to read as follows:

Section 311.1 A. Every petition for the convening of a grand
jury shall contain on the outer page thereof the word "Warning" and

underneath this in ten-point type the words, "It is a ~~felony~~ misdemeanor for anyone to sign a petition for the convening of a grand jury with any name other than his own, or knowingly to sign his name more than once for the convening of the grand jury, or to sign such petition when he is not a legal voter of the county."

B. Any person who signs a petition for the convening of a grand jury with any name other than his own, or knowingly signs his name more than once for the convening of a grand jury or signs such a petition when he is not a legal voter of the county shall be guilty of a misdemeanor punishable by a fine of up to Ten Thousand Dollars (\$10,000.00) or imprisonment in the county jail for up to one (1) year or by both such fine and imprisonment.

SECTION 2. AMENDATORY 38 O.S. 1991, Section 101, is amended to read as follows:

Section 101. ~~Beginning November 1, 1989, any person, group of persons or organization~~ A. Any resident or residents of a county desiring to circulate a petition for the impaneling of a grand jury, pursuant to the provisions of Section 18 of Article II of the Oklahoma Constitution shall file a copy of said petition with the court clerk of the county prior to the obtaining of any signatures upon such petition. Any such petition, upon its face, shall state the subject matter or matters of the prospective grand jury and shall state a reasonably specific identification of areas to be inquired into and sufficient general allegations to warrant a finding that such inquiry may lead to information which, if true, would warrant a true bill of indictment or action for removal of a particular public official.

B. Any person who is not a resident of a county and who files or attempts to file a petition for the impaneling of a grand jury pursuant to the provisions of Section 18 of Article II of the Oklahoma Constitution with the county clerk of the county shall be

guilty of a misdemeanor punishable by a fine of up to One Thousand Dollars (\$1,000.00).

SECTION 3. AMENDATORY 38 O.S. 1991, Section 102, is amended to read as follows:

Section 102. Within four (4) days, excluding Saturdays, Sundays and holidays, following the initial filing of any petition calling for the impaneling of a grand jury, the presiding district judge shall enter an order stating whether the face of the petition contains a reasonably specific identification of areas to be inquired into and sufficient general allegations to warrant a finding that such inquiry may lead to information which, if true, would warrant a true bill of indictment or action for removal. An order determining such petition to be deficient shall quash said petition, and shall set forth clearly in writing each and every deficiency found by said judge. Any petition which fails to set forth allegations sufficient to warrant a finding that an inquiry may lead to evidence of criminal activity or grounds for removal of a public official shall be found to be deficient. Petitioners shall have two (2) days to amend the petition to conform to the district judge's order. Upon the filing of said amended petition, the district judge shall enter an order within two (2) days stating whether the face of the amended petition contains the requirements set forth in this section. Any such order quashing an amended petition shall be appealable when entered. An order determining such petition or amended petition to be sufficient shall not be appealable.

SECTION 4. AMENDATORY 38 O.S. 1991, Section 103, is amended to read as follows:

Section 103. Upon the entering of an order determining the petition to be sufficient, or upon the successful appeal of an order determining the petition to be insufficient, the circulators of said petition shall have forty-five (45) days to obtain a sufficient

or of the city of _____ (as the case may be). (Signature and post office address of affiant.)

Subscribed and sworn to before me this _____ day of _____ A.D. 19__.

SECTION 7. This act shall become effective November 1, 1995."

Passed the Senate the 27th day of March, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker of the House of Representatives