ENGROSSED HOUSE
BILL NO. 1845 By: Pope (Clay)

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 303, as amended by Section 1, Chapter 68, O.S.L. 1992 (22 O.S. Supp. 1994, Section 303), which relates to the subscription, endorsement and verification of information used to file criminal charges; providing that attachment of sworn affidavit can verify criminal charge; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 303, as amended by Section 1, Chapter 68, O.S.L. 1992 (22 O.S. Supp. 1994, Section 303), is amended to read as follows:

Section 303. A. The district attorney shall subscribe his name to informations filed in the district court and endorse thereon the names and last-known addresses of all the witnesses known to him at the time of filing the same, if intended to be called by him at a preliminary examination or at trial. Thereafter, he shall also endorse thereon the names and last-known addresses of such other witnesses as may afterwards become known to him, if they are intended to be called as witnesses at a preliminary examination or at trial, at such time as the court may by rule prescribe. All informations shall be verified by the oath of the prosecuting

attorney, complainant or some other person upon the information or by an accompanying sworn affidavit from said parties.

Upon filing of a verified application by the district attorney, notice to defense counsel, and hearing establishing need for witness protection or preservation of the integrity of evidence, the district court may excuse witness endorsement, or some part thereof. Such proceedings shall be conducted in camera, and the record shall be sealed and filed in the office of the district court clerk, and shall not be opened except by order of the district court.

B. Notwithstanding other provisions of law, when a law enforcement officer issues a citation or ticket as the basis for a complaint or information, for a violation of law declared to be a misdemeanor, the citation or ticket shall be properly verified if:

1. The issuing officer subscribes the officer's signature on the citation, ticket or complaint to the following statement:

"I, the undersigned issuing officer, hereby certify and swear that I have read the foregoing information and know the facts and contents thereof and that the facts supporting the criminal charge stated therein are true."

Such a subscription by an issuing officer, in all respects, shall constitute a sworn statement, as if sworn to upon an oath administered by an official authorized by law to administer oaths; and

2. The citation or ticket states the specific facts supporting the criminal charge and the ordinance or statute alleged to be violated; ~~or~~

3. The citation or ticket is accompanied by a sworn affidavit stating specific facts supporting the criminal charge; or

4. A complainant verifies by oath, subscribed on the citation, ticket or complaint, that he has read the information, knows the facts and contents thereof and that the facts supporting the criminal charge stated therein are true. For purpose of such an

oath and subscription, any law enforcement officer of the state or of a county or municipality of the state issuing the citation, ticket or complaint shall be authorized to administer the oath to the complainant.

SECTION 2. This act shall become effective November 1, 1995.

Passed the House of Representatives the 8th day of March, 1995.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1995.

President of the Senate