

ENGROSSED HOUSE
BILL NO. 2411

By: Key

An Act relating to jurors; amending 38 O.S. 1991, Sections 101 and 102, which relate to grand jury petitions; providing that grand jury petition is to be liberally construed; providing that grand jury petition need not include specific allegations of crime or offense; and providing an effective date.

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

SECTION 1. 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 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. The petition shall not be required to include in its content specific allegations of crime or offense.

SECTION 2. 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. The sufficiency of a grand jury petition shall be liberally construed and such petition shall not be required to include in its content specific allegations of crime or offense. 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. 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 3. This act shall become effective November 1, 1996.

Passed the House of Representatives the 5th day of March, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President

of the Senate