

ENGROSSED HOUSE
BILL NO. 2619

By: Paulk of the House
and
Brown of the Senate

An Act relating to crimes and punishments; amending 21 O.S. 1991, Section 583, which relates to disclosure of grand jury proceedings; making disclosures by a witness a misdemeanor; providing exception; providing for cessation of prohibition; amending 22 O.S. 1991, Section 355, which relates to disclosure of multicounty grand jury proceedings; deleting provision regarding disclosure of testimony; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 583, is amended to read as follows:

Section 583. Every grand juror, district attorney, witness, clerk, judge or other officer who, except when required by a court, willfully discloses any evidence adduced before the grand jury or anything which ~~he himself~~ such person or any member of the grand jury may have said, or in what manner any grand juror may have voted on a matter before ~~him~~ the grand jury, is guilty of a misdemeanor. In no event may a witness be prevented from disclosing the testimony

of the witness to the attorney of the witness. The prohibition against the witness disclosing the testimony shall cease upon issuance of the final report of the grand jury.

SECTION 2. AMENDATORY 22 O.S. 1991, Section 355, is amended to read as follows:

Section 355. A. Disclosure of matters occurring before the multicounty grand jury other than its deliberations and the vote of any juror may be used by the Attorney General in the performance of his duties. The Attorney General may disclose so much of the multicounty grand jury's proceedings to law enforcement agencies as he considers essential to the public interest and effective law enforcement. Otherwise, a grand juror, attorney, interpreter, stenographer, operator of any recording device, or any typist who transcribes recorded testimony may disclose matters occurring before the multicounty grand jury only when so directed by the court. All such persons shall be sworn to secrecy and shall be in contempt of court if they reveal any information which they are sworn to keep secret.

B. 1. A witness subpoenaed to appear and testify before a multicounty grand jury or to produce documents, records, or other evidence shall be entitled to the assistance of counsel, including assistance during such time as the witness is questioned in the presence of the multicounty grand jury.

2. If counsel desired by the witness is not available, the witness shall obtain other counsel within a reasonable time in order that the multicounty grand jury may proceed with its investigation.

3. Such counsel may be retained by the witness or shall be appointed in the case of any person unable to procure sufficient funds to obtain legal representation.

4. Such counsel shall be allowed to be present in the grand jury room during the questioning of the witness and shall be allowed to advise the witness but shall make no objections or arguments or

otherwise address the multicounty grand jury or its legal advisor. The presiding judge shall have the same power to remove such counsel from the grand jury room as a judge has with respect to an attorney in any court proceeding. Violation of this subsection shall be punishable as contempt.

~~C. No witness shall be prohibited from disclosing his testimony before the multicounty grand jury except for cause shown in a hearing before the presiding judge. In no event may a witness be prevented from disclosing his testimony to his attorney.~~

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