

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1299

By: Mass

AS INTRODUCED

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.

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

SECTION 1. 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. If

the allegations in the petition calling for the impaneling of a grand jury have been the subject of a previous grand jury, the petition shall identify evidence regarding those allegations that has been discovered since the discharge of the previous grand jury and shall state why that evidence could not have been discovered prior to the discharge of the previous grand jury. Failure to do so shall result in a finding of a deficiency in the petition. 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 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 103.1 of Title 38, unless there is created a duplication in numbering, reads as follows:

Any person, group of persons or organization filing a petition calling for the impaneling of a grand jury or circulating a petition to impanel a grand jury shall be residents of the county in which the grand jury would be impaneled. Each page of a petition containing signatures shall state the name and address of the person circulating that portion of the petition.

SECTION 3. AMENDATORY 38 O.S. 1991, Section 108, is amended to read as follows:

Section 108. Any person responsible for the creation, drafting or circulating of a grand jury petition may be held liable for civil damages for libel or slander due to any false allegation made in the body of said petition, if such allegations are proven to be made

with malice and with an ulterior or illicit purpose. Any person, group of persons or organization responsible for the creation, drafting or circulating of a grand jury petition may be assessed the costs of the grand jury if no criminal indictment or indictment for removal of officer is returned on the subject matter stated in the petition for grand jury.

SECTION 4. This act shall become effective November 1, 1995.

45-1-5614            LAC