

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1513

By: Askins

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 1991, Section 397, as amended by Section 1, Chapter 174, O.S.L. 1993 (12 O.S. Supp. 1994, Section 397), which relates to Writ of Habeas Corpus for prisoner witness in civil proceeding; deleting limitation for applying for a Writ of Habeas Corpus for certain purpose; and declaring an emergency.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 397, as amended by Section 1, Chapter 174, O.S.L. 1993 (12 O.S. Supp. 1994, Section 397), is amended to read as follows:

Section 397. A. A person confined in any prison in this state may by order of any court of record, be required to be produced for oral examination as a witness by the court in the county where he is imprisoned, but in all other cases his examination must be by deposition.

B. A prisoner confined in any prison or jail in this state who is the complaining party or defending party in a civil action ~~brought pursuant to this title~~ may apply for a Writ of Habeas Corpus for the purpose of appearing before the court. If the court issues

such writ, it shall be issued to the custodian of the prisoner and shall order the prisoner to be delivered to the court the prisoner has named in the writ.

C. If upon application by the prisoner or the prisoner's attorney the court issues a Writ of Habeas Corpus as provided in subsection B of this section, it shall order the person applying for such writ or other appropriate party to pay to the custodian executing the writ all costs of transporting the prisoner to and from the court. The writ shall serve as a judgment against the prisoner and may be enforced by the detaining governmental unit without further order of any court for a period of five (5) years after the date of the writ. The custodian executing the release shall notify the prisoner and the court, at the time of delivery, of the costs of transportation.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-6326

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