

SHORT TITLE: Evidence; modifying condition allowing admissibility of certain evidence; effective date.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 589

By: Shedrick

AS INTRODUCED

An Act relating to evidence; amending 12 O.S. 1991, Section 3004, which relates to admissibility of other evidence of original; modifying condition allowing admissibility of certain evidence; clarifying language; amending 21 O.S. 1991, Section 451, which relates to penalty for offering false evidence; adding statutory reference; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 3004, is amended to read as follows:

Section 3004. The original is not required, and other evidence of the contents of a writing, recording, or photograph is admissible if:

1. All originals are lost or have been destroyed, unless the proponent lost or destroyed ~~them~~ the originals in bad faith;
2. No original can be obtained by any available judicial process or procedure;
3. At a time when an original was under the control of the party against whom offered, ~~he~~ the party was put on notice, by the pleadings or otherwise, that the contents would be a subject of proof at the hearings and ~~he~~ the party does not produce the original at the hearing; or

4. The writing, recording, or photograph is ~~not closely~~ related to an issue other than a controlling issue.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 451, is amended to read as follows:

Section 451. Any person who, upon any trial, proceedings, inquiry or investigation whatever, authorized by law, offers in evidence, as genuine, any book, paper, document, record, or other instrument in writing, knowing the same to have been forged, or fraudulently altered, is punishable in the same manner as the forging or false alteration of ~~such the~~ the instrument is made punishable by the provisions of ~~this code~~ Section 1 et seq. of Title 21 of the Oklahoma Statutes.

SECTION 3. This act shall become effective November 1, 1995.

45-1-0719 KSM