

ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 479

By: Henry of the Senate

and

Toure of the House

An Act relating to grand juries; amending 22 O.S. 1991, Section 340, which relates to advisors to grand juries, secrecy of proceedings, and transcripts of proceedings; * * * and declaring an emergency.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to grand juries; amending 22 O.S. 1991, Section 340, which relates to advisors to grand juries, secrecy of proceedings, and transcripts of proceedings; prohibiting copying, reproduction, and disclosure of contents of transcripts without leave of court; providing exception; authorizing punishment as contempt; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 340, is amended to read as follows:

Section 340. A. The grand jury may at all reasonable times ask the advice of the court or of the district attorney. In no event shall the grand jury be advised as to the sufficiency or insufficiency of the evidence necessary to return a true bill, in a matter under investigation before them. The district attorney, with or without a regularly appointed assistant district attorney individually or collectively, or if the district attorney and all of his or her assistants are disqualified for any reason, a district attorney or assistant district attorney from another district, appointed by the Attorney General of Oklahoma pursuant to Sections

215.9 and 215.13 of Title 19 of the Oklahoma Statutes, and where proper, the Attorney General, or an assistant attorney general, may at all times appear before the grand jury for the purpose of giving information or advice relative to any matter cognizable before them and may interrogate witnesses before them whenever he or she thinks it necessary. A qualified court reporter shall be present and take the testimony of all witnesses ~~and upon.~~

B. Upon request a transcript of ~~said~~ the testimony or any portion thereof shall be made available to an accused or the district attorney, at the expense of the requesting party or officer, and, in the event of an indigent accused, at the expense of the state. ~~But no~~ Any person who obtains a copy of a transcript shall not reproduce the transcript in whole or in part or otherwise disclose its contents to any person other than his or her attorney without leave of the court. Violation of this provision shall be punishable as contempt. Provided, nothing in this section shall prohibit the attorney for the accused, the district attorney or assistant district attorney from reproducing in whole or in part the transcribed testimony of a witness he or she anticipates calling to testify at trial and providing same to said witness for the sole purpose of preparing for trial.

C. No other person is permitted to be present during ~~their~~ sessions of the grand jury except the members of the grand jury, the witness actually under examination, and one attorney representing such witness, except that an interpreter, when necessary, may be present during the interrogation of a witness. ~~Provided; provided~~ that, no person, except the members of the grand jury, shall be permitted to be present during the expression of ~~their~~ juror opinions or the giving of ~~their~~ votes upon any matter before ~~them~~ the grand jury; provided further that neither the district attorney, nor an assistant district attorney, may be present or participate in ~~his~~ an official capacity, as herein provided, during an

investigation by the grand jury of the district attorney's office,
or of any person officially associated with said office.

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."

Passed the House of Representatives the 13th day of April, 1999.

Speaker of the House of
Representatives

Passed the Senate the ____ day of _____, 1999.

President of the Senate