

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED  
5 SENATE BILL NO. 479

By: Henry of the Senate

and

6 Toure of the House

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10 COMMITTEE SUBSTITUTE

11 An Act relating to grand juries; amending 22 O.S.  
12 1991, Section 340, which relates to advisors to grand  
13 juries, secrecy of proceedings, and transcripts of  
14 proceedings; prohibiting copying, reproduction, and  
15 disclosure of contents of transcripts without leave  
16 of court; providing exception; authorizing punishment  
17 as contempt; and declaring an emergency.

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

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

21 Section 340. A. The grand jury may at all reasonable times ask  
22 the advice of the court or of the district attorney. In no event  
23 shall the grand jury be advised as to the sufficiency or  
24 insufficiency of the evidence necessary to return a true bill, in a  
25 matter under investigation before them. The district attorney, with  
26 or without a regularly appointed assistant district attorney  
27 individually or collectively, or if the district attorney and all of  
28 his or her assistants are disqualified for any reason, a district  
29 attorney or assistant district attorney from another district,  
30 appointed by the Attorney General of Oklahoma pursuant to Sections  
31 215.9 and 215.13 of Title 19 of the Oklahoma Statutes, and where  
32 proper, the Attorney General, or an assistant attorney general, may  
at all times appear before the grand jury for the purpose of giving

1 information or advice relative to any matter cognizable before them  
2 and may interrogate witnesses before them whenever he or she thinks  
3 it necessary. A qualified court reporter shall be present and take  
4 the testimony of all witnesses ~~and upon.~~

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

19 C. No other person is permitted to be present during ~~their~~  
20 sessions of the grand jury except the members of the grand jury, the  
21 witness actually under examination, and one attorney representing  
22 such witness, except that an interpreter, when necessary, may be  
23 present during the interrogation of a witness. ~~Provided;~~ provided  
24 that, no person, except the members of the grand jury, shall be  
25 permitted to be present during the expression of ~~their~~ juror  
26 opinions or the giving of ~~their~~ votes upon any matter before ~~them~~  
27 the grand jury; provided further that neither the district attorney,  
28 nor an assistant district attorney, may be present or participate in  
29 ~~his~~ an official capacity, as herein provided, during an  
30 investigation by the grand jury of the district attorney's office,  
31 or of any person officially associated with said office.

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

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