

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 2032

By: Rice, Roach, Nance and
Tibbs of the House

and

Helton of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to civil procedure; defining terms; establishing information provided to crime stoppers organizations is privileged; specifying procedure for review and release of information; requiring records or report to be kept for specified period of time; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2510.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Crime stoppers organization" means a private, nonprofit organization that accepts and expends donations for rewards to persons who report to the organization information concerning criminal activity and that forwards the information to the appropriate law enforcement agency; and

2. "Privileged communication" means a statement by any person who wishes to remain anonymous to a crime stoppers organization for the purpose of reporting alleged criminal activity.

B. Evidence of a privileged communication between a person submitting a report of a criminal act to a crime stoppers organization and the person who accepts the report on behalf of the

organization is not admissible in a court or an administrative proceeding.

C. Records of a crime stoppers organization concerning a privileged communication of criminal activity may not be compelled to be produced before a court or other tribunal except upon the motion of a criminal defendant to the court in which the offense is being tried that the records or report contains evidence that is exculpatory to the defendant in the trial of that offense.

D. Upon the motion of a defendant under subsection C of this section, the court may issue an order for production of the records or report. The court shall conduct an in camera inspection of materials produced under the order to determine whether the records or report contain evidence that is exculpatory to the defendant.

E. If the court determines that the records or report produced contain evidence that is exculpatory to the defendant, the court shall present the evidence to the defendant in a form that does not disclose the identity of the person who was the source of the evidence, unless the state or federal constitution requires the disclosure of the identity of that person.

F. The court shall return to the crime stoppers organization the records or report that are produced under this section but not disclosed to the defendant. The crime stoppers organization shall store the records or report until the conclusion of the criminal trial and the expiration of the time for all direct appeals in the case.

SECTION 2. This act shall become effective November 1, 2002.

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