

ENGROSSED SENATE
BILL NO. 1262

By: Coffee of the Senate
and
Cargill of the House

An Act relating to civil procedure; rendering certain communications inadmissible in a civil action; defining term; providing exception; 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 2408.1 of Title 12, unless there is created a duplication in numbering, reads as follows:

A. A court in a civil action may not admit a communication that:

1. Expresses a sense of sympathy, compassion or benevolence relating to the pain, suffering, or death of an individual;

2. Is made to the individual or a person related by blood, marriage or adoption to the individual; and

3. Is offered to prove liability of the communicator in relation to the individual.

B. As used in this section, "communication" includes an oral statement, a writing, or a gesture.

C. Notwithstanding the provisions of subsections A and B of this section, a communication which also includes a statement or statements concerning negligence or culpable conduct by the communicator is admissible to prove liability of the communicator.

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

Passed the Senate the 25th day of February, 2002.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2002.

Presiding Officer of the House
of Representatives