

ENROLLED SENATE
BILL NO. 585

By: Wilkerson of the Senate

and

Askins and Nance of the
House

An Act relating to criminal procedure; amending 22 O.S. 2001, Sections 351 and 353, which relate to grand juries; making language gender neutral; modifying jurisdiction of multicounty grand juries; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 351, is amended to read as follows:

Section 351. A. 1. Whenever the Attorney General considers it to be in the public interest to convene a grand jury with jurisdiction extending beyond the boundaries of a single county, he or she shall file a verified application with the Chief Justice of the ~~State~~ Supreme Court, or with such Justice of the ~~State~~ Supreme Court as is designated by rule to receive such application.

2. The application shall:

a. state that in the judgment of the Attorney General, the convening of a multicounty grand jury is necessary because of organized crime or public corruption, or both, involving more than one county of the state and that, in the judgment of the Attorney General, the investigation cannot be adequately performed by a county grand jury~~+~~, and

b. specify those counties for which the multicounty grand jury is to be convened.

3. The Supreme Court, within fifteen (15) days, shall determine whether or not to issue an order convening the multicounty grand jury. If an order is issued convening said jury, the purpose or purposes shall be set forth in such order.

B. An order granting the convening of a multicounty grand jury issued under subsection A of this section shall:

1. Convene a multicounty grand jury having jurisdiction over all counties any subject matter listed in Section 353 of this title which occurs in any single county or in multiple counties of this state approved by the ~~State~~ Supreme Court and requested in the application by the Attorney General;

2. Designate a district court judge to be the presiding judge over such multicounty grand jury and provide that such judge shall, with respect to investigations, indictments, reports, and all other proper activities of said multicounty grand jury, have jurisdiction over all counties in the jurisdiction of said multicounty grand jury; and

3. Provide for such other incidental arrangements as may be necessary, including a determination of the share of costs attributable to the state.

C. The impaneling of a multicounty grand jury shall not be construed to diminish the responsibility or the authority of any district ~~attorney~~ attorneys within their respective jurisdictions to investigate and prosecute organized crime or public corruption, or any other crime.

SECTION 2. AMENDATORY 22 O.S. 2001, Section 353, is amended to read as follows:

Section 353. A. The jurisdiction of a multicounty grand jury impaneled under the Multicounty Grand Jury Act shall extend throughout the state ~~or through all counties,~~ including but not limited to, a single county as designated in the State Supreme Court's order convening the multicounty grand jury.

B. The subject matter jurisdiction of the multicounty grand jury shall be limited to:

1. Murder;
2. Rape;
3. Bribery;
4. Extortion;
5. Arson;
6. Perjury;
7. Fraud;
8. Embezzlement;

9. Manufacturing, distribution, dispensing, possession or possession with intent to manufacture, distribute or dispense, a controlled dangerous substance, or any other violation of Section 2-101 et seq. of Title 63 of the Oklahoma Statutes;

10. Organized crime, which for purposes of the Multicounty Grand Jury Act, means any unlawful activity of an association trafficking in illegal goods or services, including but not limited to, gambling; loan sharking; controlled dangerous substances; labor racketeering, or other unlawful activities; or any continuing criminal conspiracy or other unlawful practice which has as its objectives improper governmental influence or economic gain through fraudulent or coercive practices;

11. Public corruption, which for purposes of the Multicounty Grand Jury Act, means any unlawful activity under color of or in connection with any public office or employment of any law enforcement officer, public official, public employee, candidate for public office, or any agent thereof;

12. The registration or failure to register securities;

13. The offer or sale of securities; ~~and~~

14. The sale or purchase of goods or services by or for the state or any political subdivision thereof, or the misappropriation of funds belonging to or entrusted to the state or any political subdivision thereof; and

15. All character and grades of crime pursuant to Section 18 of Article II of the Oklahoma Constitution.

SECTION 3. This act shall become effective November 1, 2003.

Passed the Senate the 15th day of May 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 29th day of May, 2003.

Presiding Officer of the House
of Representatives

