

EHB 2253

1 THE STATE SENATE  
2 Thursday, April 8, 2004

3 ENGROSSED

4 House Bill No. 2253

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2253 - By: O'NEAL of the House and SMITH of  
7 the Senate.

8 [ courts - seal of the district court clerk - certification  
9 of documents - effective date -  
10 emergency ]

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

12 SECTION 1. AMENDATORY 12 O.S. 2001, Section 38, is  
13 amended to read as follows:

14 Section 38. A. Every clerk of a district court shall keep a  
15 seal, to be furnished by the court, which shall contain the name of  
16 the county and the words "Oklahoma" and "District Court". The seal  
17 may be either metallic or nonmetallic.

18 B. Every instrument, document, record, paper or other thing  
19 required to be certified by the court or by the court clerk shall  
20 contain the seal of the court clerk. Where electronic transmission  
21 of a document is allowed, the document shall be deemed certified if  
22 it contains a digital signature or equivalent signing technology, as  
23 approved and supplied by the Supreme Court of Oklahoma. The Supreme  
24 Court shall be the guardian of digital signatures or equivalent

1 signing technology and shall govern all rules as to validity and  
2 authenticity.

3 C. Any person who uses the seal of the court clerk with the  
4 intent to deceive or mislead any person as to the authenticity of  
5 the seal, a certification required by subsection B of this section,  
6 or the thing to which the seal is applied shall be guilty of a  
7 misdemeanor.

8 D. Electronic transmittals of documents shall be allowed if  
9 safeguards are in place to protect against unauthorized users and if  
10 agents intended to receive the transmittals have agreed to  
11 electronic processing of the documents.

12 SECTION 2. This act shall become effective July 1, 2004.

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

17 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 3-31-04 - DO  
18 PASS, As Amended.