

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 388

By: Rabon

AS INTRODUCED

An Act relating to civil procedure; amending 12 O.S. 2001, Section 394, which relates to punishment for contempt; making language gender neutral; increasing certain fines; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 2001, Section 394, is amended to read as follows:

Section 394. A. The punishment for the contempt provided in Section 393 of this title shall be as follows: When the witness fails to attend, in obedience to the subpoena, except in case of a demand and failure to pay ~~his~~ fees, the court or officer may fine the witness in a sum not exceeding ~~Fifty Dollars (\$50.00)~~ One Hundred Dollars (\$100.00). In other cases, the court or officer may fine the witness in a sum not exceeding ~~Fifty Dollars (\$50.00)~~ One Hundred Dollars (\$100.00), or may imprison ~~him~~ the witness in the county jail, there to remain until ~~he~~ the witness shall submit to be sworn, testify or give ~~his~~ a deposition. The fine imposed by the court shall be paid into the county treasury, and that imposed by the officer shall be for the use of the party for whom the witness was subpoenaed. The witness shall, also, be liable to the party injured for any damages occasioned by ~~his~~ the failure to attend, or ~~his~~ refusal to be sworn, testify or give ~~his~~ a deposition.

B. The punishment provided in this section shall not apply where the witness refuses to subscribe a deposition.

SECTION 2. This act shall become effective November 1, 2003.

49-1-1002

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