

**ENGROSSED**

**House Bill No. 2819**

**As Amended**

ENGROSSED HOUSE BILL NO. 2819 - By: Sullivan of the House and  
Williamson of the Senate.

An Act relating to electronic signatures; amending 11 O.S. 2001, Section 28-113.1, which relates to municipal prosecutions by verified complaint; defining and providing statutory reference for certain term; amending 22 O.S. 2001, Section 7, which relates to the definition of signature; adding digital and electronic signature to definition; amending 22 O.S. 2001, Section 303, as amended by Section 9, Chapter 275, O.S.L. 2004 (22 O.S. Supp. 2007, Section 303), which relates to subscription, endorsement and verification of complaint and information; defining and providing statutory reference for certain term; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 28-113.1, is amended to read as follows:

Section 28-113.1 A. Notwithstanding other provisions of law, when a law enforcement officer issues a citation or ticket as the basis for a complaint or information, for an offense against a municipal ordinance which is declared to be a misdemeanor, the citation or ticket shall be properly verified if:

1. The issuing officer subscribes the officer's signature on the citation, ticket or complaint to the following statement:

1 "I, the undersigned issuing officer, hereby certify and swear  
2 that I have read the foregoing information and know the facts and  
3 contents thereof and that the facts supporting the criminal charge  
4 stated therein are true." Such a subscription by an issuing  
5 officer, in all respects, shall constitute a sworn statement, as if  
6 sworn to upon an oath administered by an official authorized by law  
7 to administer oaths; and

8 2. The citation or ticket states the specific facts supporting  
9 the criminal charge and the ordinance or statute alleged to be  
10 violated; or

11 3. A complainant verifies by oath, subscribed on the citation,  
12 ticket or complaint, that he has read the information, knows the  
13 facts and contents thereof and that the facts supporting the  
14 criminal charge stated therein are true. For purposes of such an  
15 oath and subscription, any law enforcement officer of the state,  
16 county or municipality of the State of Oklahoma issuing the  
17 citation, ticket or complaint shall be authorized to administer the  
18 oath to the complainant.

19 B. As used in this section, the term "signature" shall include  
20 a digital or electronic signature, as defined in Section 15-102 of  
21 Title 12A of the Oklahoma Statutes.

22 SECTION 2. AMENDATORY 22 O.S. 2001, Section 7, is  
23 amended to read as follows:

1 Section 7. The term "signature" includes a mark when the person  
2 cannot write, ~~his~~ the name being written near it, and the mark being  
3 witnessed by a person who writes ~~his own~~ their name as a witness,  
4 except to an affidavit or deposition, or a paper executed before a  
5 judicial officer, in which case the attestation of the officer is  
6 sufficient. The term "signature" also includes a digital or  
7 electronic signature, as defined in Section 15-102 of Title 12A of  
8 the Oklahoma Statutes in any case involving a misdemeanor.

9 SECTION 3. AMENDATORY 22 O.S. 2001, Section 303, as  
10 amended by Section 9, Chapter 275, O.S.L. 2004 (22 O.S. Supp. 2007,  
11 Section 303), is amended to read as follows:

12 Section 303. A. The district attorney shall subscribe the  
13 district attorney's name to informations filed in the district court  
14 and endorse thereon the names and last-known addresses of all the  
15 witnesses known to the district attorney at the time of filing the  
16 same, if intended to be called by the district attorney at a  
17 preliminary examination or at trial. Thereafter, the district  
18 attorney shall also endorse thereon the names and last-known  
19 addresses of such other witnesses as may afterwards become known to  
20 the district attorney, if they are intended to be called as  
21 witnesses at a preliminary examination or at trial, at such time as  
22 the court may by rule prescribe.

1       Upon filing of an application by the district attorney, notice  
2 to defense counsel, and hearing establishing need for witness  
3 protection or preservation of the integrity of evidence, the  
4 district court may excuse witness endorsement, or some part thereof.  
5 Such proceedings shall be conducted in camera, and the record shall  
6 be sealed and filed in the office of the district court clerk, and  
7 shall not be opened except by order of the district court.

8       B. Notwithstanding other provisions of law, when a law  
9 enforcement officer issues a citation or ticket as the basis for a  
10 complaint or information, for a violation of law declared to be a  
11 misdemeanor, the citation or ticket shall be properly verified if:

12       1. The issuing officer subscribes the officer's signature on  
13 the citation, ticket or complaint to the following statement:

14       "I, the undersigned issuing officer, hereby certify and  
15 swear that I have read the foregoing information and know  
16 the facts and contents thereof and that the facts  
17 supporting the criminal charge stated therein are true."

18 Such a subscription by an issuing officer, in all respects, shall  
19 constitute a sworn statement, as if sworn to upon an oath  
20 administered by an official authorized by law to administer oaths;  
21 and

1           2. The citation or ticket states the specific facts supporting  
2 the criminal charge and the ordinance or statute alleged to be  
3 violated; or

4           3. A complainant verifies by oath, subscribed on the citation,  
5 ticket or complaint, that the complainant has read the information,  
6 knows the facts and contents thereof and that the facts supporting  
7 the criminal charge stated therein are true. For purpose of such an  
8 oath and subscription, any law enforcement officer of the state or  
9 of a county or municipality of the state issuing the citation,  
10 ticket or complaint shall be authorized to administer the oath to  
11 the complainant.

12           C. As used in this section, the term "signature" shall include  
13 a digital or electronic signature, as defined in Section 15-102 of  
14 Title 12A of the Oklahoma Statutes.

15           SECTION 4. This act shall become effective November 1, 2008.

16           COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-1-08 - DO PASS,  
17 As Amended.