

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 HOUSE BILL 2819

By: Sullivan

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5
6 AS INTRODUCED

7 An Act relating to electronic signatures; amending 11
8 O.S. 2001, Section 28-113.1, which relates to
9 municipal prosecutions by verified complaint;
10 defining and providing statutory reference for
11 certain term; amending 22 O.S. 2001, Section 7, which
12 relates to the definition of signature; adding
13 digital and electronic signature to definition;
14 amending 22 O.S. 2001, Section 303, as amended by
15 Section 9, Chapter 275, O.S.L. 2004 (22 O.S. Supp.
16 2007, Section 303), which relates to subscription,
17 endorsement and verification of complaint and
18 information; defining and providing statutory
19 reference for certain term; and providing an
20 effective date.

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

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

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

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

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

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

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

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

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

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

14 Section 303. A. The district attorney shall subscribe the
15 district attorney's name to informations filed in the district court
16 and endorse thereon the names and last-known addresses of all the
17 witnesses known to the district attorney at the time of filing the
18 same, if intended to be called by the district attorney at a
19 preliminary examination or at trial. Thereafter, the district
20 attorney shall also endorse thereon the names and last-known
21 addresses of such other witnesses as may afterwards become known to
22 the district attorney, if they are intended to be called as
23 witnesses at a preliminary examination or at trial, at such time as
24 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

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

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

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

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

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