

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 COMMITTEE SUBSTITUTE  
4 FOR  
5 HOUSE BILL NO. 1460

By: Peterson

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to crimes and punishments; authorizing investigation of certain  
9 unlawful acts; establishing authority to subpoena witnesses and certain items;  
10 providing for examination of certain items; granting exception; providing for  
11 witness fees; prohibiting certain unlawful conduct; providing penalty; providing  
12 for codification; and declaring an emergency.

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

14 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as  
15 Section 1024.5 of Title 21, unless there is created a duplication in numbering, reads as follows:

16 A. When any person has engaged in, is engaged in, or is attempting or conspiring to engage in  
17 any conduct constituting a violation of any of the provisions of Section 1024.2 of Title 21 of the  
18 Oklahoma Statutes, the Oklahoma Attorney General or any district attorney in Oklahoma may conduct  
19 an investigation of the activity. On approval of the district judge, the Attorney General or district  
20 attorney, in accordance with the provisions of Section 258 of Title 22 of the Oklahoma Statutes, is  
21 authorized before the commencement of any civil or criminal proceeding to subpoena witnesses,  
22 compel their attendance, examine them under oath, or require the production of any business papers or  
23 records by subpoena duces tecum. Evidence collected pursuant to this section shall not be admissible  
24 in any civil proceeding.

1 B. Any business papers and records subpoenaed by the Attorney General or district attorney  
2 shall be available for examination by the person who produced the material or by any duly authorized  
3 representative of the person. Transcripts of oral testimony shall be available for examination by the  
4 person who produced such testimony and their counsel.

5 Except as otherwise provided for in this section, no business papers, records, or transcripts or  
6 oral testimony, or copies of it, subpoenaed by the Attorney General or district attorney shall be  
7 available for examination by an individual other than another law enforcement official without the  
8 consent of the person who produced the business papers, records or transcript.

9 C. All persons served with a subpoena by the Attorney General or district attorney shall be paid  
10 the same fees and mileage as paid witnesses in the courts of this state.

11 D. No person shall, with intent to avoid, evade, prevent, or obstruct compliance in whole or in  
12 part by any person with any duly served subpoena of the Attorney General or district attorney pursuant  
13 to the provisions of this section, knowingly remove from any place, conceal, withhold, destroy,  
14 mutilate, alter, or by any other means falsify any business papers or records that are the subject of the  
15 subpoena duces tecum.

16 E. Any person violating the provisions of this section shall, upon conviction, be guilty of a  
17 misdemeanor punishable by imprisonment in the county jail for not more than one (1) year, or by a  
18 fine of not more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

19 SECTION 2. It being immediately necessary for the preservation of the public peace, health and  
20 safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in  
21 full force from and after its passage and approval.

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23 52-1-7083 GRS 02/24/09  
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