

THE HOUSE OF REPRESENTATIVES
Wednesday, February 25, 2009

Committee Substitute for
House Bill No. 1460

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 1460 - By: PETERSON of the House.

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

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

1 SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 1024.5 of Title 21, unless there is created a duplication in numbering,
3 reads as follows:
4 A. When any person has engaged in, is engaged in, or is attempting or conspiring to
5 engage in any conduct constituting a violation of any of the provisions of Section 1024.2
6 of Title 21 of the Oklahoma Statutes, the Oklahoma Attorney General or any district
7 attorney in Oklahoma may conduct an investigation of the activity. On approval of the
8 district judge, the Attorney General or district attorney, in accordance with the
9 provisions of Section 258 of Title 22 of the Oklahoma Statutes, is authorized before the
10 commencement of any civil or criminal proceeding to subpoena witnesses, compel their
11 attendance, examine them under oath, or require the production of any business papers

1 or records by subpoena duces tecum. Evidence collected pursuant to this section shall
2 not be admissible in any civil proceeding.

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

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

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

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

20 E. Any person violating the provisions of this section shall, upon conviction, be
21 guilty of a misdemeanor punishable by imprisonment in the county jail for not more than

1 one (1) year, or by a fine of not more than Five Hundred Dollars (\$500.00), or by both
2 such fine and imprisonment.

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

6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-24-09 - DO PASS,
7 As Amended.