

ESB 355

THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 2009

ENGROSSED

Senate Bill No. 355

As Amended

ENGROSSED SENATE BILL NO. 355 - By: ADELSON of the Senate and PETERS of the House.

(crimes and punishments – subpoenas - clarifying statutory reference - effective date)

1 SECTION 1. AMENDATORY Section 1, Chapter 98, O.S.L. 2003 (21 O.S.
2 Supp. 2008, Section 1959), is amended to read as follows:
3 Section 1959. A. When any person has engaged in, is engaged in, or is attempting
4 or conspiring to engage in any conduct constituting a violation of any of the provisions of
5 Section 1021 et seq. or Section 1953 of Title 21 of the Oklahoma Statutes this title, the
6 Oklahoma Attorney General or any district attorney in Oklahoma may conduct an
7 investigation of the activity. On approval of the district judge, the Attorney General or
8 district attorney, in accordance with the provisions of Section 258 of Title 22 of the
9 Oklahoma Statutes and pursuant to the provisions of the Oklahoma Computer Crimes
10 Act, is authorized before the commencement of any civil or criminal proceeding to
11 subpoena witnesses, compel their attendance, examine them under oath, or require the

1 production of any business papers or records by subpoena duces tecum. Evidence
2 collected pursuant to this section shall 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 pursuant to the provisions of the Oklahoma Computer Crimes Act shall be paid the same
15 fees and mileage as paid witnesses in the courts of this state.

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

21 E. Any person violating the provisions of this section shall be guilty, upon
22 conviction, of a misdemeanor.

1 SECTION 2. This act shall become effective November 1, 2009.
2 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04-07-09 - DO PASS,
3 As Amended.