

EHB 1460

THE STATE SENATE
Monday, April 6, 2009

ENGROSSED

House Bill No. 1460

As Amended

ENGROSSED HOUSE BILL NO. 1460 - By: Peterson, Denney, Billy, Tibbs,
Sears and Pittman of the House and Anderson of the Senate.

[crimes and punishments - investigation - unlawful acts -
codification -

emergency]

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

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

A. When any person has engaged in, is engaged in, or is
attempting or conspiring to engage in any conduct constituting a
violation of any of the provisions of Section 1024.2 of Title 21 of
the Oklahoma Statutes, the Oklahoma Attorney General or any district
attorney in Oklahoma may conduct an investigation of the activity.
On approval of the district judge, the Attorney General or district
attorney, in accordance with the provisions of Section 258 of Title
22 of the Oklahoma Statutes, is authorized before the commencement
of any civil or criminal proceeding to subpoena witnesses, compel
their attendance, examine them under oath, or require the production
of any business papers or records by subpoena duces tecum. Evidence

1 collected pursuant to this section shall not be admissible in any
2 civil proceeding.

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

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

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

18 D. No person shall, with intent to avoid, evade, prevent, or
19 obstruct compliance in whole or in part by any person with any duly
20 served subpoena of the Attorney General or district attorney
21 pursuant to the provisions of this section, knowingly remove from
22 any place, conceal, withhold, destroy, mutilate, alter, or by any

1 other means falsify any business papers or records that are the
2 subject of the subpoena duces tecum.

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-31-09 - DO
13 PASS, As Amended and Coauthored.