

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1460

By: Peterson

4  
5 AS INTRODUCED

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

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

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

18 A. When any person has engaged in, is engaged in, or is  
19 attempting or conspiring to engage in any conduct constituting a  
20 violation of any of the provisions of Section 1024.2 of Title 21 of  
21 the Oklahoma Statutes, the Oklahoma Attorney General or any district  
22 attorney in Oklahoma may conduct an investigation of the activity.  
23 On approval of the district judge, the Attorney General or district  
24 attorney, in accordance with the provisions of Section 258 of Title  
25 22 of the Oklahoma Statutes, is authorized before the commencement

1 of any civil or criminal proceeding to subpoena witnesses, compel  
2 their attendance, examine them under oath, or require the production  
3 of any business papers or records by subpoena duces tecum. Evidence  
4 collected pursuant to this section shall not be admissible in any  
5 civil proceeding.

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

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

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

21 D. No person shall, with intent to avoid, evade, prevent, or  
22 obstruct compliance in whole or in part by any person with any duly  
23 served subpoena of the Attorney General or district attorney  
24 pursuant to the provisions of this section, knowingly remove from

1 any place, conceal, withhold, destroy, mutilate, alter, or by any  
2 other means falsify any business papers or records that are the  
3 subject of the subpoena duces tecum.

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

9 SECTION 2. This act shall become effective November 1, 2009.

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11 52-1-5476 GRS 01/07/09

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