

1 STATE OF OKLAHOMA

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

3 SENATE BILL 355

By: Adelson

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5
6 AS INTRODUCED

7 An Act relating to crimes and punishments; amending
8 Section 1, Chapter 98, O.S.L. 2003 (21 O.S. Supp.
9 2008, Section 1959), which relates to subpoenas;
10 allowing use of certain subpoenas for specified
11 offenses; clarifying statutory reference; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY Section 1, Chapter 98, O.S.L. 2003
15 (21 O.S. Supp. 2008, Section 1959), is amended to read as follows:

16 Section 1959. A. When any person has engaged in, is engaged
17 in, or is attempting or conspiring to engage in any conduct
18 constituting a violation of any of the provisions of Section 1021 et
19 seq. or Section 1953 of Title 21 of the Oklahoma Statutes this
20 title, the Oklahoma Attorney General or any district attorney in
21 Oklahoma may conduct an investigation of the activity. On approval
22 of the district judge, the Attorney General or district attorney, in
23 accordance with the provisions of Section 258 of Title 22 of the
24 Oklahoma Statutes and pursuant to the provisions of the Oklahoma
Computer Crimes Act, is authorized before the commencement of any

1 civil or criminal proceeding to subpoena witnesses, compel their
2 attendance, examine them under oath, or require the production of
3 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 pursuant to the provisions of the Oklahoma
20 Computer Crimes Act shall be paid the same fees and mileage as paid
21 witnesses in the courts of this state.

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

1 pursuant to the provisions of this section, knowingly remove from
2 any place, conceal, withhold, destroy, mutilate, alter, or by any
3 other means falsify any business papers or records that are the
4 subject of the subpoena duces tecum.

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

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

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