

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 COMMITTEE SUBSTITUTE

4 FOR

HOUSE BILL NO. 2192

By: Murphey

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7 COMMITTEE SUBSTITUTE

8 An Act relating to electronic court filings; amending
9 12 O.S. 2011, Section 696.4, which relates to costs
and attorney fees; deleting requests by brief;
10 amending 12 O.S. 2011, Section 3226, which relates to
the Oklahoma Discovery Code; permitting electronic
11 filing for protected material; amending 12A O.S.
2011, Section 15-121, which relates to the Uniform
12 Electronic Transactions Act; exempting court filings
from rules promulgated by Secretary of State;
13 requiring use of electronic signature; directing
procedures adopted by Supreme Court be followed;
14 amending 22 O.S. 2011, Sections 1114.3 and 1114.3A,
which relate to filing traffic citations; allowing
15 electronic filing by district attorney; removing
requirement of paper copy when filing electronically;
16 amending 43 O.S. 2011, Section 9, which relates to
marriage license recording; allowing recording by
17 electronic means as approved by the Supreme Court;
amending 51 O.S. 2011, Section 24A.29, which relates
18 to the Oklahoma Open Records Act; permitting
electronic filing for protected material; and
19 providing an effective date.

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

23 SECTION 1. AMENDATORY 12 O.S. 2011, Section 696.4, is
24 amended to read as follows:

1 Section 696.4 A. A judgment, decree or appealable order may
2 provide for costs, attorney fees, or both of these items, but it
3 need not include them. The preparation and filing of the judgment,
4 decree, or appealable order shall not be delayed pending the
5 determination of these items. Such items may be determined by the
6 court if a timely request is made, regardless of whether a petition
7 in error has been filed.

8 B. If attorney fees or costs, including the amount of such
9 attorney fees or costs have not been included in the judgment,
10 decree or appealable order, a party seeking any of these items must
11 file an application with the court clerk along with the proof of
12 service of the application on all affected parties in accordance
13 with Section 2005 of this title. The application must set forth the
14 amount requested and include information which supports that amount.
15 The application must be filed within thirty (30) days after the
16 filing of the judgment, decree or appealable order unless a
17 posttrial motion pursuant to subsection A of Section 990.2 of this
18 title has been filed within ten (10) days after the filing of the
19 judgment, decree, or appealable order. If such a motion is filed
20 within that time, the application for attorney fees, costs, or
21 interest shall be filed within thirty (30) days after the date an
22 order disposing of the posttrial motion is filed. If the party
23 filing the application did not prepare the judgment, decree, or
24 appealable order, and Section 696.2 of this title required a copy of

1 the judgment, decree, or appealable order to be mailed to the party
2 filing application, and the court records do not reflect the mailing
3 of a copy of the judgment, decree, or appealable order to the party
4 filing the application within three (3) days, exclusive of weekends
5 and holidays, after the filing of the judgment, decree, or
6 appealable order, the application may be filed no later than thirty
7 (30) days after the earliest date on which the court records show
8 that a copy of the judgment, decree, appealable order, or order
9 disposing of the posttrial motion was mailed to the party filing the
10 application. For good cause shown, the court may extend the time
11 for filing the application upon motion filed within the time that
12 the application could be filed. Within fifteen (15) days after the
13 application is filed with the court, any party may file written
14 objections to it, with a copy to the moving party.

15 C. Except as provided in Subsection D of this section, an
16 application for attorney fees for services performed on appeal shall
17 be made to the appellate court ~~either in the applicant's brief on~~
18 ~~appeal or~~ by separate motion filed any time before issuance of
19 mandate. ~~If in the brief, the application shall be made in a~~
20 ~~separate portion that is specifically identified.~~ The application
21 shall cite authority for awarding attorney fees but shall not
22 include evidentiary material concerning their amount. The appellate
23 court shall decide whether to award attorney fees for services on
24 appeal, and if fees are awarded, it shall remand the case to the

1 trial court for a determination of their amount. The trial court's
2 order determining the amount of fees is an appealable order.

3 D. If the right of a party to recover attorney fees depends
4 upon a determination that the party has prevailed in an action, and
5 if the prevailing party in the action cannot be determined from the
6 decision of the appellate court, an application for attorney fees
7 for services performed on appeal shall be made to the trial court in
8 the manner and within the time provided in subsection B of this
9 section.

10 SECTION 2. AMENDATORY 12 O.S. 2011, Section 3226, is
11 amended to read as follows:

12 Section 3226. A. DISCOVERY METHODS; INITIAL DISCLOSURES.

13 1. DISCOVERY METHODS. Parties may obtain discovery by one or
14 more of the following methods: Depositions upon oral examination or
15 written questions; written interrogatories; production of documents
16 or things or permission to enter upon land or other property, for
17 inspection and other purposes; physical and mental examinations; and
18 requests for admission. Except as provided in this section or
19 unless the court orders otherwise under this section, the frequency
20 of use of these methods is not limited.

21 2. INITIAL DISCLOSURES.

22 a. Except in categories of proceedings specified in
23 subparagraph b of this paragraph, or to the extent
24 otherwise stipulated or directed by order, a party,

1 without awaiting a discovery request, shall provide to
2 other parties a computation of any category of damages
3 claimed by the disclosing party, making available for
4 inspection and copying the documents or other
5 evidentiary material, not privileged or protected from
6 disclosure, on which such computation is based,
7 including materials bearing on the nature and extent
8 of injuries suffered.

9 b. The following categories of proceedings are exempt
10 from initial disclosure under subparagraph a of this
11 paragraph:

- 12 (1) an action for review of an administrative record,
- 13 (2) a petition for habeas corpus or other proceeding
14 to challenge a criminal conviction or sentence,
- 15 (3) an action brought without counsel by a person in
16 custody of the United States, a state, or a state
17 subdivision,
- 18 (4) an action to enforce or quash an administrative
19 summons or subpoena,
- 20 (5) an action by the United States to recover benefit
21 payments,
- 22 (6) an action by the United States to collect on a
23 student loan guaranteed by the United States,
- 24

1 (7) a proceeding ancillary to proceedings in other
2 courts, and

3 (8) an action to enforce an arbitration award.

4 c. Disclosures required under this paragraph shall be
5 made at or within sixty (60) days after service unless
6 a different time is set by stipulation or court order,
7 or unless a party objects that initial disclosures are
8 not appropriate in the circumstances of the action and
9 states the objection in a motion filed with the court.
10 In ruling on the objection, the court shall determine
11 what disclosures, if any, are to be made and set the
12 time for disclosure. A party shall make its initial
13 disclosures based on the information then readily
14 available to it and is not excused from making its
15 disclosures because it has not fully completed its
16 investigation of the case or because it challenges the
17 sufficiency of another party's disclosures or because
18 another party has not made its disclosures.

19 B. DISCOVERY SCOPE AND LIMITS. Unless otherwise limited by
20 order of the court in accordance with the Oklahoma Discovery Code,
21 the scope of discovery is as follows:

22 1. IN GENERAL.

23 a. Parties may obtain discovery regarding any matter, not
24 privileged, which is relevant to the subject matter

1 involved in the pending action, whether it relates to
2 the claim or defense of the party seeking discovery or
3 to the claim or defense of any other party, including
4 the existence, description, nature, custody, condition
5 and location of any documents, electronically stored
6 information or other tangible things and the identity
7 and location of persons having knowledge of any
8 discoverable matter. It is not a ground for objection
9 that the information sought will be inadmissible at
10 the trial if the information sought appears reasonably
11 calculated to lead to the discovery of admissible
12 evidence.

13 b. A party shall produce upon request pursuant to Section
14 3234 of this title, any insurance agreement under
15 which any person carrying on an insurance business may
16 be liable to satisfy part or all of a judgment which
17 may be entered in the action or to indemnify or
18 reimburse for payments made to satisfy the judgment.
19 Information concerning the insurance agreement is not
20 by reason of disclosure admissible in evidence at
21 trial. For purposes of this section, an application
22 for insurance shall not be treated as a part of an
23 insurance agreement.

24 2. LIMITATIONS ON FREQUENCY AND EXTENT.

1 a. By order, the court may alter the limits on the length
2 of depositions under Section 3230 of this title, on
3 the number of interrogatories under Section 3233 of
4 this title, on the number of requests to produce under
5 Section 3234 of this title, or on the number of
6 requests for admission under Section 3236 of this
7 title.

8 b. A party is not required to provide discovery of
9 electronically stored information from sources that
10 the party identifies as not reasonably accessible
11 because of undue burden or cost. On motion to compel
12 discovery or for a protective order, the party from
13 whom discovery is sought must show that the
14 information is not reasonably accessible because of
15 undue burden or cost. If that showing is made, the
16 court may order discovery from such sources if the
17 requesting party shows good cause, considering the
18 limitations of subparagraph c of this paragraph ~~2~~ of
19 ~~subsection B of this section~~. The court may specify
20 conditions for the discovery.

21 c. On motion or on its own, the court shall limit the
22 frequency or extent of discovery otherwise allowed if
23 it determines that:
24

1 (1) the discovery sought is unreasonably cumulative
2 or duplicative, or can be obtained from some
3 other source that is more convenient, less
4 burdensome, or less expensive,

5 (2) the party seeking discovery has had ample
6 opportunity to obtain the information by
7 discovery in the action, or

8 (3) the burden or expense of the proposed discovery
9 outweighs its likely benefit, considering the
10 needs of the case, the amount in controversy, the
11 parties' resources, the importance of the issues
12 at stake in the action, and the importance of the
13 discovery in resolving the issues.

14 3. TRIAL PREPARATION: MATERIALS. Subject to the provisions of
15 paragraph 4 of this subsection, discovery may be obtained of
16 documents and tangible things otherwise discoverable under paragraph
17 1 of this subsection and prepared in anticipation of litigation or
18 for trial by or for another party or by or for the representative of
19 that other party, including his attorney, consultant, surety,
20 indemnitor, only upon a showing that the party seeking discovery has
21 substantial need of the materials in the preparation of his case and
22 that he is unable, without undue hardship, to obtain the substantial
23 equivalent of the materials by other means. In ordering discovery
24 of such materials when the required showing has been made, the court

1 shall protect against disclosure of the mental impressions,
2 conclusions, opinions or legal theories of an attorney or other
3 representative of a party concerning the litigation.

4 A party may obtain, without the required showing provided for in
5 this paragraph, a statement concerning the action or its subject
6 matter previously made by that party. Upon request, a person not a
7 party may obtain without the required showing a statement concerning
8 the action or its subject matter previously made by that person. If
9 the request is refused, the person may move for a court order. The
10 provisions of paragraph 4 of subsection A of Section 3237 of this
11 title apply to the award of expenses incurred in relation to the
12 motion. For purposes of this paragraph, a statement previously made
13 is:

14 a. a written statement signed or otherwise adopted or
15 approved by the person making it, or

16 b. a stenographic, mechanical, electrical, or other
17 recording, or a transcription thereof, which
18 substantially recites an oral statement by the person
19 making it and contemporaneously recorded.

20 4. TRIAL PREPARATION: EXPERTS.

21 a. Discovery of facts known and opinions held by experts,
22 otherwise discoverable under the provisions of
23 paragraph 1 of this subsection and acquired or
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1 developed in anticipation of litigation or for trial,
2 may be obtained only as follows:

3 (1) ~~A~~ a party may, through interrogatories, require
4 any other party to identify each person whom that
5 other party expects to call as an expert witness
6 at trial and give the address at which that
7 expert witness may be located~~.,~~

8 (2) ~~After~~ after disclosure of the names and addresses
9 of the expert witnesses, the other party expects
10 to call as witnesses, the party, who has
11 requested disclosure, may depose any such expert
12 witnesses subject to scope of this section.

13 Prior to taking the deposition the party must
14 give notice as required in subsections A and C of
15 Section 3230 of this title. If any documents are
16 provided to such disclosed expert witnesses, the
17 documents shall not be protected from disclosure
18 by privilege or work product protection and they
19 may be obtained through discovery~~.,~~ and

20 (3) ~~In~~ in addition to taking the depositions of
21 expert witnesses the party may, through
22 interrogatories, require the party who expects to
23 call the expert witnesses to state the subject
24 matter on which each expert witness is expected

1 to testify; the substance of the facts and
2 opinions to which the expert is expected to
3 testify and a summary of the grounds for each
4 opinion; the qualifications of each expert
5 witness, including a list of all publications
6 authored by the expert witness within the
7 preceding ten (10) years; the compensation to be
8 paid to the expert witness for the testimony and
9 preparation for the testimony; and a listing of
10 any other cases in which the expert witness has
11 testified as an expert at trial or by deposition
12 within the preceding four (4) years. An
13 interrogatory seeking the information specified
14 above shall be treated as a single interrogatory
15 for purposes of the limitation on the number of
16 interrogatories in Section 3233 of this title.

- 17 b. A party may discover facts known or opinions held by
18 an expert who has been retained or specially employed
19 by another party in anticipation of litigation or
20 preparation for trial and who is not expected to be
21 called as a witness at trial, only upon motion, when
22 the court may order discovery as provided in Section
23 3235 of this title or upon a showing of exceptional
24 circumstances under which it is impracticable for the

1 party seeking discovery to obtain facts or opinions on
2 the same subject by any other means.

3 c. Unless manifest injustice would result:

4 (1) ~~The~~ the court shall require that the party
5 seeking discovery pay the expert a reasonable fee
6 for time spent in responding to discovery under
7 division (2) of subparagraph a of this paragraph
8 and subparagraph b of this paragraph~~-, and~~

9 (2) ~~The~~ the court shall require that the party
10 seeking discovery with respect to discovery
11 obtained under subparagraph b of this paragraph,
12 pay the other party a fair portion of the fees
13 and expenses reasonably incurred by the latter
14 party in obtaining facts and opinions from the
15 expert.

16 5. CLAIMS OF PRIVILEGE OR PROTECTION OF TRIAL PREPARATION
17 MATERIALS.

18 a. When a party withholds information otherwise
19 discoverable under the Oklahoma Discovery Code by
20 claiming that it is privileged or subject to
21 protection as trial preparation material, the party
22 shall make the claim expressly and shall describe the
23 nature of the documents, communications, or things not
24 produced or disclosed in a manner that, without

1 revealing information itself privileged or protected,
2 will enable other parties to assess the applicability
3 of the privilege or protection.

4 b. If information produced in discovery is subject to a
5 claim of privilege or of protection as trial
6 preparation material, the party making the claim may
7 notify any party that received the information of the
8 claim and the basis for it. After being notified, a
9 party shall promptly return, sequester, or destroy the
10 specified information and any copies the party has;
11 shall not use or disclose the information until the
12 claim is resolved; shall take reasonable steps to
13 retrieve the information if the party has disclosed it
14 before being notified; and may promptly present the
15 information to the court under seal for a
16 determination of the claim. The producing party shall
17 preserve the information until the claim is resolved.
18 This mechanism is procedural only and does not alter
19 the standards governing whether the information is
20 privileged or subject to protection as trial
21 preparation material or whether such privilege or
22 protection has been waived.

23 C. PROTECTIVE ORDERS.
24

1 1. Upon motion by a party or by the person from whom discovery
2 is sought, accompanied by a certification that the movant has in
3 good faith conferred or attempted to confer, either in person or by
4 telephone, with other affected parties in an effort to resolve the
5 dispute without court action, and for good cause shown, the court in
6 which the action is pending or on matters relating to a deposition,
7 the district court in the county where the deposition is to be taken
8 may enter any order which justice requires to protect a party or
9 person from annoyance, harassment, embarrassment, oppression or
10 undue delay, burden or expense, including one or more of the
11 following:

- 12 a. that the discovery not be had,
- 13 b. that the discovery may be had only on specified terms
14 and conditions, including a designation of the time or
15 place,
- 16 c. that the discovery may be had only by a method of
17 discovery other than that selected by the party
18 seeking discovery,
- 19 d. that certain matters not be inquired into, or that the
20 scope of the disclosure or discovery be limited to
21 certain matters,
- 22 e. that discovery be conducted with no one present except
23 persons designated by the court,

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- 1 f. that a deposition after being sealed be opened only by
2 order of the court,
3 g. that a trade secret or other confidential research,
4 development or commercial information not be disclosed
5 or be disclosed only in a designated way, and
6 h. that the parties simultaneously file specified
7 documents or information enclosed in sealed envelopes
8 to be opened as directed by the court.

9 2. If the motion for a protective order is denied in whole or
10 in part, the court may, on such terms and conditions as are just,
11 order that any party or person provide or permit discovery. The
12 provisions of paragraph 4 of subsection A of Section 3237 of this
13 title apply to the award of expenses incurred in relation to the
14 motion. Any protective order of the court which has the effect of
15 removing any material obtained by discovery from the public record
16 shall contain the following:

- 17 a. a statement that the court has determined it is
18 necessary in the interests of justice to remove the
19 material from the public record,
20 b. specific identification of the material which is to be
21 removed or withdrawn from the public record, or which
22 is to be filed but not placed in the public record,
23 and
24

1 c. a requirement that any party obtaining a protective
2 order place the protected material in a sealed manila
3 envelope clearly marked with the caption and case
4 number and is clearly marked with the word
5 "CONFIDENTIAL", and stating the date the order was
6 entered and the name of the judge entering the order~~†~~.
7 This requirement may also be satisfied by requiring
8 the party to file the documents pursuant to the
9 procedure for electronically filing sealed or
10 confidential documents approved for electronic filing
11 in the courts of this state.

12 3. No protective order entered after the filing and
13 microfilming of documents of any kind shall be construed to require
14 the microfilm record of such filing to be amended in any fashion~~†~~.

15 4. The party or counsel which has received the protective order
16 shall be responsible for promptly presenting the order to
17 appropriate court clerk personnel for appropriate action~~†~~.

18 5. All documents produced or testimony given under a protective
19 order shall be retained in the office of counsel until required by
20 the court to be filed in the case~~†~~.

21 6. Counsel for the respective parties shall be responsible for
22 informing witnesses, as necessary, of the contents of the protective
23 order~~†~~ and~~†~~.

1 7. When a case is filed in which a party intends to seek a
2 protective order removing material from the public record, the
3 plaintiff(s) and defendant(s) shall be initially designated on the
4 petition under pseudonym such as "John or Jane Doe", or "Roe", and
5 the petition shall clearly indicate that the party designations are
6 fictitious. The party seeking confidentiality or other order
7 removing the case, in whole or in part, from the public record,
8 shall immediately present application to the court, seeking
9 instructions for the conduct of the case, including confidentiality
10 of the records.

11 D. SEQUENCE AND TIMING OF DISCOVERY. Unless the court upon
12 motion, for the convenience of parties and witnesses and in the
13 interests of justice, orders otherwise, methods of discovery may be
14 used in any sequence. The fact that a party is conducting
15 discovery, whether by deposition or otherwise, shall not operate to
16 delay discovery by any other party.

17 E. SUPPLEMENTATION OF RESPONSES. A party who has responded to
18 a request for discovery with a response that was complete when it
19 was made is under no duty to supplement the response to include
20 information thereafter acquired, except as follows:

21 1. A party is under a duty seasonably to supplement the
22 response with respect to any question directly addressed to:

23 a. the identity and location of persons having knowledge
24 of discoverable matters, and

1 b. the identity of each person expected to be called as
2 an expert witness at trial, the subject matter on
3 which the person is expected to testify, and the
4 substance of the testimony of the person;

5 2. A party is under a duty seasonably to amend a prior response
6 to an interrogatory, request for production, or request for
7 admission if the party obtains information upon the basis of which:

8 a. (1) the party knows that the response was incorrect
9 in some material respect when made, or

10 (2) the party knows that the response, which was
11 correct when made, is no longer true in some
12 material respect, and

13 b. the additional or corrective information has not
14 otherwise been made known to the other parties during
15 the discovery process or in writing; and

16 3. A duty to supplement responses may be imposed by order of
17 the court, agreement of the parties, or at any time prior to trial
18 through new requests for supplementation of prior responses.

19 F. DISCOVERY CONFERENCE. At any time after commencement of an
20 action, the court may direct the attorneys for the parties to appear
21 for a conference on the subject of discovery. The court shall do so
22 upon motion by the attorney for any party if the motion includes:

23 1. A statement of the issues as they then appear;

24 2. A proposed plan and schedule of discovery;

1 3. Any limitations proposed to be placed on discovery;

2 4. Any other proposed orders with respect to discovery; and

3 5. A statement showing that the attorney making the motion has
4 made a reasonable effort to reach agreement with opposing attorneys
5 on the matters set forth in the motion.

6 Each party and his attorney are under a duty to participate in
7 good faith in the framing of a discovery plan if a plan is proposed
8 by the attorney for any party. Notice of the motion shall be served
9 on all parties. Objections or additions to matters set forth in the
10 motion shall be served not later than ten (10) days after service of
11 the motion.

12 Following the discovery conference, the court shall enter an
13 order tentatively identifying the issues for discovery purposes,
14 establishing a plan and schedule for discovery, setting limitations
15 on discovery, if any; and determining such other matters, including
16 the allocation of expenses, as are necessary for the proper
17 management of discovery in the action. In preparing the plan for
18 discovery the court shall protect the parties from excessive or
19 abusive use of discovery. An order shall be altered or amended
20 whenever justice so requires.

21 Subject to the right of a party who properly moves for a
22 discovery conference to prompt convening of the conference, the
23 court may combine the discovery conference with a pretrial
24 conference.

1 G. SIGNING OF DISCOVERY REQUESTS, RESPONSES AND OBJECTIONS.

2 Every request for discovery, response or objection thereto made by a
3 party represented by an attorney shall be signed by at least one of
4 the party's attorneys of record in the party's individual name whose
5 address shall be stated. A party who is not represented by an
6 attorney shall sign the request, response or objection and state the
7 party's address. The signature of the attorney or party constitutes
8 a certification that the party has read the request, response or
9 objection, and that it is:

10 1. To the best of the party's knowledge, information and belief
11 formed after a reasonable inquiry consistent with the Oklahoma
12 Discovery Code and warranted by existing law or a good faith
13 argument for the extension, modification or reversal of existing
14 law;

15 2. Interposed in good faith and not primarily to cause delay or
16 for any other improper purpose; and

17 3. Not unreasonable or unduly burdensome or expensive, given
18 the nature and complexity of the case, the discovery already had in
19 the case, the amount in controversy, and other values at stake in
20 the litigation. If a request, response or objection is not signed,
21 it shall be deemed ineffective.

22 If a certification is made in violation of the provisions of
23 this subsection, the court, upon motion or upon its own initiative,
24 shall impose upon the person who made the certification, the party

1 on whose behalf the request, response or objection is made, or both,
2 an appropriate sanction, which may include an order to pay to the
3 amount of the reasonable expenses occasioned thereby, including a
4 reasonable attorney fee.

5 SECTION 3. AMENDATORY 12A O.S. 2011, Section 15-121, is
6 amended to read as follows:

7 Section 15-121. (a) No person, other than a state agency,
8 board, or commission, shall act as a registered certification
9 authority in this state until such person:

10 (1) Registers with the Secretary on forms approved and provided
11 by the Secretary;

12 (2) Files with the Secretary a good and sufficient surety bond,
13 certificate of insurance, or other evidence of financial security in
14 the amount of Two Hundred Fifty Thousand Dollars (\$250,000.00); and

15 (3) Meets the requirements of any rules promulgated by the
16 Secretary.

17 (b) District and appellate court filings shall not be subject
18 to the rules and regulations promulgated by the Secretary of State,
19 but shall require the use of a registered certification authority or
20 electronic signature pursuant to rules adopted by the Supreme Court.

21 (c) If a registered certification authority fails to maintain
22 any of the qualifications listed in subsection (a) of this section,
23 the registration of the certification authority shall be deemed
24 lapsed.

1 (d) Any person who knowingly acts as a registered certification
2 authority who has not met the requirements set forth in subsection
3 (a) of this section shall, upon conviction, be guilty of a
4 misdemeanor and shall be punished by a fine of not more than One
5 Thousand Dollars (\$1,000.00) or up to thirty (30) days in a county
6 jail, or both, for each violation. Each violation shall be a
7 separate offense under this section.

8 (e) Notwithstanding any contractual provisions to the contrary,
9 a certification authority shall be liable for damages suffered by
10 any person injured as a result of the fraudulent or unauthorized
11 acts of the certification authority.

12 (f) In addition to any civil or criminal actions, the Secretary
13 or the Attorney General may apply to the district court in the
14 county in which a violation of this section has allegedly occurred
15 for an order enjoining or restraining the person from continuing the
16 acts specified in the complaint. The court may grant a temporary or
17 permanent injunction or restraining order, with or without bond, as
18 it deems just and proper.

19 (g) The Secretary is authorized to adopt rules to implement the
20 provisions of this section, and related provisions.

21 (h) The Secretary shall have the authority to establish
22 reciprocity with other states and nations for purposes of this
23 section, and related provisions.
24

1 SECTION 4. AMENDATORY 22 O.S. 2011, Section 1114.3, is
2 amended to read as follows:

3 Section 1114.3 A. Upon issuing a traffic citation required to
4 be filed in district court, the arresting officer or the law
5 enforcement agency employing the arresting officer shall deliver or
6 forward the "Complaint Information" and "Abstract of Court Record"
7 parts of the citation, in electronic or written format:

8 1. To the district court clerk without the endorsement of the
9 district attorney or an assistant district attorney. It shall be
10 the duty of the district court clerk to deliver the "Complaint
11 Information" to the district attorney who shall endorse or decline
12 and file the "Complaint Information" with the district court clerk;
13 or

14 2. If the officer has issued a citation which could result in
15 the district attorney filing an information, to the district
16 attorney who shall endorse or decline and file both parts of the
17 citation with the district court clerk.

18 B. Upon receipt of a traffic citation by the district court
19 clerk, the district court clerk shall deliver the original
20 "Complaint Information" to the district attorney. The district
21 court clerk's office shall maintain the "Abstract of Court Record"
22 part of the citation until the final disposition of the case.

23 C. After final disposition of the case by the district
24 attorney, including a case which is declined, the district court

1 clerk shall clearly mark the "Abstract of Court Record" part of the
2 citation with the disposition information of the case and forward
3 the "Abstract of Court Record" to the Department of Public Safety,
4 as provided in Section 18-101 of Title 47 of the Oklahoma Statutes.
5 The "Abstract of Court Record" copy of the citation shall not be
6 obscured by any official stamp of the district court or the district
7 court clerk's office.

8 D. Forwarding of the "Abstract of Court Record" copy of a
9 citation by electronic means to the Department of Public Safety
10 shall be in a manner and format as approved by the Department, and
11 shall include the information required by Section 18-101 of Title 47
12 of the Oklahoma Statutes.

13 E. A traffic citation that is certified by the arresting
14 officer, the complainant, the district attorney, or the assistant
15 district attorney shall constitute an information against the person
16 arrested and served with the traffic citation.

17 F. For purposes of this section, "endorsement by the district
18 attorney" and "filing with the court clerk" may be accomplished by
19 electronic means using any method approved for electronic filing in
20 the courts of this state. Both the "Complaint Information" and
21 "Abstract of Court Record" parts of the citation may be forwarded
22 to, and provided by, the district court clerk in an electronic form.
23 Neither a paper copy of the citation, nor an original "wet ink"
24

1 endorsement or signature shall be required from any party when using
2 an approved electronic method.

3 SECTION 5. AMENDATORY 22 O.S. 2011, Section 1114.3A, is
4 amended to read as follows:

5 Section 1114.3A A. Upon issuing a citation other than a
6 traffic citation as provided for in Section 1114.3 of this title,
7 that is required to be filed in district court, the arresting
8 Highway Patrol officer or the Department of Public Safety shall
9 deliver or forward the "Complaint Information" or "Abstract of Court
10 Record" of the citation, in electronic or written format:

11 1. To the district court clerk without the endorsement of the
12 district attorney or an assistant district attorney. It shall be
13 the duty of the district court clerk to deliver the "Complaint
14 Information" to the district attorney who shall endorse or decline
15 and file the "Complaint Information" with the district court clerk;
16 or

17 2. To the district attorney, if the Highway Patrol officer has
18 issued a citation which could result in the district attorney filing
19 an information. The district attorney shall endorse or decline and
20 file both parts of the citation with the district court clerk.

21 B. Upon receipt of a citation by the district court clerk, the
22 district court clerk shall deliver the original "Complaint
23 Information" to the district attorney. The district court clerk's
24

1 office shall maintain the "Abstract of Court Record" part of the
2 citation until the final disposition of the case.

3 C. After final disposition of the case by the district
4 attorney, including a case which is declined, the district court
5 clerk shall clearly mark the "Abstract of Court Record" part of the
6 citation with the disposition information of the case and forward
7 the "Abstract of Court Record" to the Department of Public Safety,
8 in the same manner as for a traffic citation as prescribed in
9 Section 18-101 of Title 47 of the Oklahoma Statutes. The "Abstract
10 of Court Record" part of the citation shall not be obscured by any
11 official stamp of the district court or the district court clerk's
12 office.

13 D. Forwarding of the "Abstract of Court Record" part of a
14 citation by electronic means to the Department of Public Safety
15 shall be allowable in a manner and format approved by the
16 Department.

17 E. A citation that is certified by the arresting Highway Patrol
18 officer, the district attorney or an assistant district attorney
19 shall constitute an information against the person arrested and
20 served with a citation.

21 F. For purposes of this section, "endorsement by the district
22 attorney" and "filing with the court clerk" may be accomplished by
23 electronic means using any method approved for electronic filing in
24 the courts of this state. Both the "Complaint Information" and

1 "Abstract of Court Record" parts of the citation may be forwarded
2 to, and provided by, the district court clerk in an electronic form.
3 Neither a paper copy of the citation, nor an original "wet ink"
4 endorsement or signature shall be required from any party when using
5 an approved electronic method.

6 SECTION 6. AMENDATORY 43 O.S. 2011, Section 9, is
7 amended to read as follows:

8 Section 9. The judge or clerk of the district court issuing any
9 marriage license shall make a complete record of the application,
10 license, and certificate thereon, on an optical disc, microfilm,
11 microfiche, imaging, ~~or~~ in a book kept by the judge or clerk for
12 that purpose, properly indexed, or by electronic means using any
13 method approved by the Supreme Court; and the record of the license
14 shall be made before it is delivered to the person procuring the
15 same, and the record of the certificate shall be made upon the
16 return of the license; provided, that all records pertaining to the
17 issuance of such license shall be open to public inspection during
18 office hours; provided further, that after recording of the original
19 license and completed certificate as hereinbefore required, it shall
20 be returned to the persons to whom the same was issued, with the
21 issuing officer's certificate ~~on the back thereof~~ affixed thereon
22 showing the book and page or case number where the same has been
23 recorded.

24

1 SECTION 7. AMENDATORY 51 O.S. 2011, Section 24A.29, is
2 amended to read as follows:

3 Section 24A.29 A. Unless confidentiality is specifically
4 required by law, any order directing the withholding or removal of
5 pleadings or other material from a public record shall contain:

6 1. A statement that the court has determined it is necessary in
7 the interests of justice to remove the material from the public
8 record and in those instances where such withholding is required by
9 law, the order shall so indicate;

10 2. Specific identification of the material which is to be
11 withheld, removed or withdrawn from the public record, or which is
12 to be filed but not placed in the public record; and

13 3. A requirement that any party seeking to file protected
14 materials place such materials in a sealed manila envelope clearly
15 marked with the caption and case number, the word "CONFIDENTIAL",
16 and stating the date the order was entered and the name of the judge
17 entering the order. This requirement may also be satisfied by
18 requiring the party to file the documents pursuant to the procedure
19 for electronically filing sealed or confidential documents approved
20 for electronic filing in the courts of this state.

21 B. No protective order entered after the filing and
22 microfilming of documents of any kind shall be construed to require
23 the microfilm record of such filing to be amended in any fashion,
24 and no other accounting entries may be affected by such order.

1 C. The party or counsel who has received the protective order
2 shall be responsible for promptly presenting the order to
3 appropriate supervisory court clerk personnel for action.

4 D. All documents produced or testimony given under a protective
5 order shall be retained in the office of counsel until required by
6 the court to be filed in the case.

7 E. Counsel for the respective parties shall be responsible for
8 informing witnesses and other persons, as necessary, of the contents
9 of the protective order.

10 F. When a case is filed in which a party intends to seek an
11 order withholding removing material from the public record, the
12 parties shall be initially designated on the petition under a
13 pseudonym such as "John or Jane Doe", or "Roe", and the petition
14 shall clearly indicate that the party designations are fictitious.
15 The party seeking confidentiality or other order withholding or
16 removing the case, in whole or in part from the public record, shall
17 immediately present application to the court, seeking instructions
18 for the conduct of the case, including confidentiality of the
19 records.

20 G. It shall be the duty of the party filing confidential
21 materials with the court to remove the materials from the custody of
22 the court clerk within sixty (60) days after dismissal or other
23 disposition of the main case in which the materials were filed. If
24 the party fails to remove confidential documents, the court clerk

1 shall be authorized to destroy without notice such materials after a
2 period of one (1) year has elapsed since the dismissal or other
3 disposition of the main case in which materials were filed.

4 H. Municipal courts shall keep confidential all personal
5 identifying information of the parties involved in any case in
6 municipal court, except where such information is provided to the
7 Oklahoma Tax Commission for purposes of collection of municipal
8 court fees. The personal identifying information that shall be kept
9 confidential includes the following:

- 10 1. Credit card numbers;
- 11 2. Social security numbers; and
- 12 3. Bank account numbers.

13 SECTION 8. This act shall become effective November 1, 2012.

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