

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2192

By: Murphey

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5
6 AS INTRODUCED

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

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

SECTION 1. AMENDATORY 12 O.S. 2011, Section 3226, is
amended to read as follows:

Section 3226. A. DISCOVERY METHODS; INITIAL DISCLOSURES.

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

9 2. INITIAL DISCLOSURES.

10 a. Except in categories of proceedings specified in
11 subparagraph b of this paragraph, or to the extent
12 otherwise stipulated or directed by order, a party,
13 without awaiting a discovery request, shall provide to
14 other parties a computation of any category of damages
15 claimed by the disclosing party, making available for
16 inspection and copying the documents or other
17 evidentiary material, not privileged or protected from
18 disclosure, on which such computation is based,
19 including materials bearing on the nature and extent
20 of injuries suffered.

21 b. The following categories of proceedings are exempt
22 from initial disclosure under subparagraph a of this
23 paragraph:

24 (1) an action for review of an administrative record,

- 1 (2) a petition for habeas corpus or other proceeding
- 2 to challenge a criminal conviction or sentence,
- 3 (3) an action brought without counsel by a person in
- 4 custody of the United States, a state, or a state
- 5 subdivision,
- 6 (4) an action to enforce or quash an administrative
- 7 summons or subpoena,
- 8 (5) an action by the United States to recover benefit
- 9 payments,
- 10 (6) an action by the United States to collect on a
- 11 student loan guaranteed by the United States,
- 12 (7) a proceeding ancillary to proceedings in other
- 13 courts, and
- 14 (8) an action to enforce an arbitration award.

15 c. Disclosures required under this paragraph shall be
16 made at or within sixty (60) days after service unless
17 a different time is set by stipulation or court order,
18 or unless a party objects that initial disclosures are
19 not appropriate in the circumstances of the action and
20 states the objection in a motion filed with the court.
21 In ruling on the objection, the court shall determine
22 what disclosures, if any, are to be made and set the
23 time for disclosure. A party shall make its initial
24 disclosures based on the information then readily

1 available to it and is not excused from making its
2 disclosures because it has not fully completed its
3 investigation of the case or because it challenges the
4 sufficiency of another party's disclosures or because
5 another party has not made its disclosures.

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

9 1. IN GENERAL.

10 a. Parties may obtain discovery regarding any matter, not
11 privileged, which is relevant to the subject matter
12 involved in the pending action, whether it relates to
13 the claim or defense of the party seeking discovery or
14 to the claim or defense of any other party, including
15 the existence, description, nature, custody, condition
16 and location of any documents, electronically stored
17 information or other tangible things and the identity
18 and location of persons having knowledge of any
19 discoverable matter. It is not a ground for objection
20 that the information sought will be inadmissible at
21 the trial if the information sought appears reasonably
22 calculated to lead to the discovery of admissible
23 evidence.

1 b. A party shall produce upon request pursuant to Section
2 3234 of this title, any insurance agreement under
3 which any person carrying on an insurance business may
4 be liable to satisfy part or all of a judgment which
5 may be entered in the action or to indemnify or
6 reimburse for payments made to satisfy the judgment.
7 Information concerning the insurance agreement is not
8 by reason of disclosure admissible in evidence at
9 trial. For purposes of this section, an application
10 for insurance shall not be treated as a part of an
11 insurance agreement.

12 2. LIMITATIONS ON FREQUENCY AND EXTENT.

13 a. By order, the court may alter the limits on the length
14 of depositions under Section 3230 of this title, on
15 the number of interrogatories under Section 3233 of
16 this title, on the number of requests to produce under
17 Section 3234 of this title, or on the number of
18 requests for admission under Section 3236 of this
19 title.

20 b. A party is not required to provide discovery of
21 electronically stored information from sources that
22 the party identifies as not reasonably accessible
23 because of undue burden or cost. On motion to compel
24 discovery or for a protective order, the party from

1 whom discovery is sought must show that the
2 information is not reasonably accessible because of
3 undue burden or cost. If that showing is made, the
4 court may order discovery from such sources if the
5 requesting party shows good cause, considering the
6 limitations of subparagraph c of this paragraph 2 ~~of~~
7 ~~subsection B of this section~~. The court may specify
8 conditions for the discovery.

9 c. On motion or on its own, the court shall limit the
10 frequency or extent of discovery otherwise allowed if
11 it determines that:

12 (1) the discovery sought is unreasonably cumulative
13 or duplicative, or can be obtained from some
14 other source that is more convenient, less
15 burdensome, or less expensive,

16 (2) the party seeking discovery has had ample
17 opportunity to obtain the information by
18 discovery in the action, or

19 (3) the burden or expense of the proposed discovery
20 outweighs its likely benefit, considering the
21 needs of the case, the amount in controversy, the
22 parties' resources, the importance of the issues
23 at stake in the action, and the importance of the
24 discovery in resolving the issues.

1 3. TRIAL PREPARATION: MATERIALS. Subject to the provisions of
2 paragraph 4 of this subsection, discovery may be obtained of
3 documents and tangible things otherwise discoverable under paragraph
4 1 of this subsection and prepared in anticipation of litigation or
5 for trial by or for another party or by or for the representative of
6 that other party, including his attorney, consultant, surety,
7 indemnitor, only upon a showing that the party seeking discovery has
8 substantial need of the materials in the preparation of his case and
9 that he is unable, without undue hardship, to obtain the substantial
10 equivalent of the materials by other means. In ordering discovery
11 of such materials when the required showing has been made, the court
12 shall protect against disclosure of the mental impressions,
13 conclusions, opinions or legal theories of an attorney or other
14 representative of a party concerning the litigation.

15 A party may obtain, without the required showing provided for in
16 this paragraph, a statement concerning the action or its subject
17 matter previously made by that party. Upon request, a person not a
18 party may obtain without the required showing a statement concerning
19 the action or its subject matter previously made by that person. If
20 the request is refused, the person may move for a court order. The
21 provisions of paragraph 4 of subsection A of Section 3237 of this
22 title apply to the award of expenses incurred in relation to the
23 motion. For purposes of this paragraph, a statement previously made
24 is:

- 1 a. a written statement signed or otherwise adopted or
2 approved by the person making it, or
3 b. a stenographic, mechanical, electrical, or other
4 recording, or a transcription thereof, which
5 substantially recites an oral statement by the person
6 making it and contemporaneously recorded.

7 4. TRIAL PREPARATION: EXPERTS.

- 8 a. Discovery of facts known and opinions held by experts,
9 otherwise discoverable under the provisions of
10 paragraph 1 of this subsection and acquired or
11 developed in anticipation of litigation or for trial,
12 may be obtained only as follows:

13 (1) ~~A~~ a party may, through interrogatories, require
14 any other party to identify each person whom that
15 other party expects to call as an expert witness
16 at trial and give the address at which that
17 expert witness may be located.

18 (2) ~~After~~ after disclosure of the names and addresses
19 of the expert witnesses, the other party expects
20 to call as witnesses, the party, who has
21 requested disclosure, may depose any such expert
22 witnesses subject to scope of this section.

23 Prior to taking the deposition the party must
24 give notice as required in subsections A and C of

1 Section 3230 of this title. If any documents are
2 provided to such disclosed expert witnesses, the
3 documents shall not be protected from disclosure
4 by privilege or work product protection and they
5 may be obtained through discovery~~-,~~ and

6 (3) ~~In~~ in addition to taking the depositions of
7 expert witnesses the party may, through
8 interrogatories, require the party who expects to
9 call the expert witnesses to state the subject
10 matter on which each expert witness is expected
11 to testify; the substance of the facts and
12 opinions to which the expert is expected to
13 testify and a summary of the grounds for each
14 opinion; the qualifications of each expert
15 witness, including a list of all publications
16 authored by the expert witness within the
17 preceding ten (10) years; the compensation to be
18 paid to the expert witness for the testimony and
19 preparation for the testimony; and a listing of
20 any other cases in which the expert witness has
21 testified as an expert at trial or by deposition
22 within the preceding four (4) years. An
23 interrogatory seeking the information specified
24 above shall be treated as a single interrogatory

1 for purposes of the limitation on the number of
2 interrogatories in Section 3233 of this title.

3 b. A party may discover facts known or opinions held by
4 an expert who has been retained or specially employed
5 by another party in anticipation of litigation or
6 preparation for trial and who is not expected to be
7 called as a witness at trial, only upon motion, when
8 the court may order discovery as provided in Section
9 3235 of this title or upon a showing of exceptional
10 circumstances under which it is impracticable for the
11 party seeking discovery to obtain facts or opinions on
12 the same subject by any other means.

13 c. Unless manifest injustice would result:

14 (1) ~~The~~ the court shall require that the party
15 seeking discovery pay the expert a reasonable fee
16 for time spent in responding to discovery under
17 division (2) of subparagraph a of this paragraph
18 and subparagraph b of this paragraph~~-, and~~

19 (2) ~~The~~ the court shall require that the party
20 seeking discovery with respect to discovery
21 obtained under subparagraph b of this paragraph,
22 pay the other party a fair portion of the fees
23 and expenses reasonably incurred by the latter
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1 party in obtaining facts and opinions from the
2 expert.

3 5. CLAIMS OF PRIVILEGE OR PROTECTION OF TRIAL PREPARATION
4 MATERIALS.

- 5 a. When a party withholds information otherwise
6 discoverable under the Oklahoma Discovery Code by
7 claiming that it is privileged or subject to
8 protection as trial preparation material, the party
9 shall make the claim expressly and shall describe the
10 nature of the documents, communications, or things not
11 produced or disclosed in a manner that, without
12 revealing information itself privileged or protected,
13 will enable other parties to assess the applicability
14 of the privilege or protection.
- 15 b. If information produced in discovery is subject to a
16 claim of privilege or of protection as trial
17 preparation material, the party making the claim may
18 notify any party that received the information of the
19 claim and the basis for it. After being notified, a
20 party shall promptly return, sequester, or destroy the
21 specified information and any copies the party has;
22 shall not use or disclose the information until the
23 claim is resolved; shall take reasonable steps to
24 retrieve the information if the party has disclosed it

1 before being notified; and may promptly present the
2 information to the court under seal for a
3 determination of the claim. The producing party shall
4 preserve the information until the claim is resolved.
5 This mechanism is procedural only and does not alter
6 the standards governing whether the information is
7 privileged or subject to protection as trial
8 preparation material or whether such privilege or
9 protection has been waived.

10 C. PROTECTIVE ORDERS.

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

22 a. that the discovery not be had,
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- 1 b. that the discovery may be had only on specified terms
2 and conditions, including a designation of the time or
3 place,
4 c. that the discovery may be had only by a method of
5 discovery other than that selected by the party
6 seeking discovery,
7 d. that certain matters not be inquired into, or that the
8 scope of the disclosure or discovery be limited to
9 certain matters,
10 e. that discovery be conducted with no one present except
11 persons designated by the court,
12 f. that a deposition after being sealed be opened only by
13 order of the court,
14 g. that a trade secret or other confidential research,
15 development or commercial information not be disclosed
16 or be disclosed only in a designated way, and
17 h. that the parties simultaneously file specified
18 documents or information enclosed in sealed envelopes
19 to be opened as directed by the court+.

20 2. If the motion for a protective order is denied in whole or
21 in part, the court may, on such terms and conditions as are just,
22 order that any party or person provide or permit discovery. The
23 provisions of paragraph 4 of subsection A of Section 3237 of this
24 title apply to the award of expenses incurred in relation to the

1 motion. Any protective order of the court which has the effect of
2 removing any material obtained by discovery from the public record
3 shall contain the following:

4 a. a statement that the court has determined it is
5 necessary in the interests of justice to remove the
6 material from the public record,

7 b. specific identification of the material which is to be
8 removed or withdrawn from the public record, or which
9 is to be filed but not placed in the public record,
10 and

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

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

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

4 5. 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 6. Counsel for the respective parties shall be responsible for
8 informing witnesses, as necessary, of the contents of the protective
9 order~~†~~and.

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

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

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

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

9 a. the identity and location of persons having knowledge
10 of discoverable matters, and

11 b. the identity of each person expected to be called as
12 an expert witness at trial, the subject matter on
13 which the person is expected to testify, and the
14 substance of the testimony of the person;

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

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

20 (2) the party knows that the response, which was
21 correct when made, is no longer true in some
22 material respect, and
23
24

1 b. the additional or corrective information has not
2 otherwise been made known to the other parties during
3 the discovery process or in writing; and

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

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

- 11 1. A statement of the issues as they then appear;
- 12 2. A proposed plan and schedule of discovery;
- 13 3. Any limitations proposed to be placed on discovery;
- 14 4. Any other proposed orders with respect to discovery; and
- 15 5. A statement showing that the attorney making the motion has
16 made a reasonable effort to reach agreement with opposing attorneys
17 on the matters set forth in the motion.

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

1 Following the discovery conference, the court shall enter an
2 order tentatively identifying the issues for discovery purposes,
3 establishing a plan and schedule for discovery, setting limitations
4 on discovery, if any; and determining such other matters, including
5 the allocation of expenses, as are necessary for the proper
6 management of discovery in the action. In preparing the plan for
7 discovery the court shall protect the parties from excessive or
8 abusive use of discovery. An order shall be altered or amended
9 whenever justice so requires.

10 Subject to the right of a party who properly moves for a
11 discovery conference to prompt convening of the conference, the
12 court may combine the discovery conference with a pretrial
13 conference.

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

15 Every request for discovery, response or objection thereto made by a
16 party represented by an attorney shall be signed by at least one of
17 the party's attorneys of record in the party's individual name whose
18 address shall be stated. A party who is not represented by an
19 attorney shall sign the request, response or objection and state the
20 party's address. The signature of the attorney or party constitutes
21 a certification that the party has read the request, response or
22 objection, and that it is:

23 1. To the best of the party's knowledge, information and belief
24 formed after a reasonable inquiry consistent with the Oklahoma

1 Discovery Code and warranted by existing law or a good faith
2 argument for the extension, modification or reversal of existing
3 law;

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

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

11 If a certification is made in violation of the provisions of
12 this subsection, the court, upon motion or upon its own initiative,
13 shall impose upon the person who made the certification, the party
14 on whose behalf the request, response or objection is made, or both,
15 an appropriate sanction, which may include an order to pay to the
16 amount of the reasonable expenses occasioned thereby, including a
17 reasonable attorney fee.

18 SECTION 2. AMENDATORY 12A O.S. 2011, Section 15-121, is
19 amended to read as follows:

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

23 (1) Registers with the Secretary on forms approved and provided
24 by the Secretary;

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

4 (3) Meets the requirements of any rules promulgated by the
5 Secretary.

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

10 (c) If a registered certification authority fails to maintain
11 any of the qualifications listed in subsection (a) of this section,
12 the registration of the certification authority shall be deemed
13 lapsed.

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

21 (e) Notwithstanding any contractual provisions to the contrary,
22 a certification authority shall be liable for damages suffered by
23 any person injured as a result of the fraudulent or unauthorized
24 acts of the certification authority.

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

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

10 (h) The Secretary shall have the authority to establish
11 reciprocity with other states and nations for purposes of this
12 section, and related provisions.

13 SECTION 3. AMENDATORY 22 O.S. 2011, Section 1114.3, is
14 amended to read as follows:

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

20 1. To the district court clerk without the endorsement of the
21 district attorney or an assistant district attorney. It shall be
22 the duty of the district court clerk to deliver the "Complaint
23 Information" to the district attorney who shall endorse or decline
24

1 and file the "Complaint Information" with the district court clerk;
2 or

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

7 B. Upon receipt of a traffic citation by the district court
8 clerk, the district court clerk shall deliver the original
9 "Complaint Information" to the district attorney. The district
10 court clerk's office shall maintain the "Abstract of Court Record"
11 part of the citation until the final disposition of the case.

12 C. After final disposition of the case by the district
13 attorney, including a case which is declined, the district court
14 clerk shall clearly mark the "Abstract of Court Record" part of the
15 citation with the disposition information of the case and forward
16 the "Abstract of Court Record" to the Department of Public Safety,
17 as provided in Section 18-101 of Title 47 of the Oklahoma Statutes.
18 The "Abstract of Court Record" copy of the citation shall not be
19 obscured by any official stamp of the district court or the district
20 court clerk's office.

21 D. Forwarding of the "Abstract of Court Record" copy of a
22 citation by electronic means to the Department of Public Safety
23 shall be in a manner and format as approved by the Department, and
24

1 shall include the information required by Section 18-101 of Title 47
2 of the Oklahoma Statutes.

3 E. A traffic citation that is certified by the arresting
4 officer, the complainant, the district attorney, or the assistant
5 district attorney shall constitute an information against the person
6 arrested and served with the traffic citation.

7 F. For purposes of this section, "endorsement by the district
8 attorney" and "filing with the court clerk" may be accomplished by
9 electronic means using any method approved for electronic filing in
10 the courts of this state. Both the "Complaint Information" and
11 "Abstract of Court Record" parts of the citation may be forwarded
12 to, and provided by, the district court clerk in an electronic form.
13 Neither a paper copy of the citation, nor an original "wet ink"
14 endorsement or signature shall be required from any party when using
15 an approved electronic method.

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

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

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1 1. To the district court clerk without the endorsement of the
2 district attorney or an assistant district attorney. It shall be
3 the duty of the district court clerk to deliver the "Complaint
4 Information" to the district attorney who shall endorse or decline
5 and file the "Complaint Information" with the district court clerk;
6 or

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

11 B. Upon receipt of a citation by the district court clerk, the
12 district court clerk shall deliver the original "Complaint
13 Information" to the district attorney. The district court clerk's
14 office shall maintain the "Abstract of Court Record" part of the
15 citation until the final disposition of the case.

16 C. After final disposition of the case by the district
17 attorney, including a case which is declined, the district court
18 clerk shall clearly mark the "Abstract of Court Record" part of the
19 citation with the disposition information of the case and forward
20 the "Abstract of Court Record" to the Department of Public Safety,
21 in the same manner as for a traffic citation as prescribed in
22 Section 18-101 of Title 47 of the Oklahoma Statutes. The "Abstract
23 of Court Record" part of the citation shall not be obscured by any
24

1 official stamp of the district court or the district court clerk's
2 office.

3 D. Forwarding of the "Abstract of Court Record" part of a
4 citation by electronic means to the Department of Public Safety
5 shall be allowable in a manner and format approved by the
6 Department.

7 E. A citation that is certified by the arresting Highway Patrol
8 officer, the district attorney or an assistant district attorney
9 shall constitute an information against the person arrested and
10 served with a citation.

11 F. For purposes of this section, "endorsement by the district
12 attorney" and "filing with the court clerk" may be accomplished by
13 electronic means using any method approved for electronic filing in
14 the courts of this state. Both the "Complaint Information" and
15 "Abstract of Court Record" parts of the citation may be forwarded
16 to, and provided by, the district court clerk in an electronic form.
17 Neither a paper copy of the citation, nor an original "wet ink"
18 endorsement or signature shall be required from any party when using
19 an approved electronic method.

20 SECTION 5. AMENDATORY 43 O.S. 2011, Section 9, is
21 amended to read as follows:

22 Section 9. The judge or clerk of the district court issuing any
23 marriage license shall make a complete record of the application,
24 license, and certificate thereon, on an optical disc, microfilm,

1 microfiche, imaging, ~~or~~ in a book kept by the judge or clerk for
2 that purpose, properly indexed, or by electronic means using any
3 method approved by the Supreme Court; and the record of the license
4 shall be made before it is delivered to the person procuring the
5 same, and the record of the certificate shall be made upon the
6 return of the license; provided, that all records pertaining to the
7 issuance of such license shall be open to public inspection during
8 office hours; provided further, that after recording of the original
9 license and completed certificate as hereinbefore required, it shall
10 be returned to the persons to whom the same was issued, with the
11 issuing officer's certificate ~~on the back thereof~~ affixed thereon
12 showing the book and page or case number where the same has been
13 recorded.

14 SECTION 6. AMENDATORY 51 O.S. 2011, Section 24A.29, is
15 amended to read as follows:

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

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

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

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

12 B. 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 and no other accounting entries may be affected by such order.

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

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

22 E. Counsel for the respective parties shall be responsible for
23 informing witnesses and other persons, as necessary, of the contents
24 of the protective order.

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

11 G. It shall be the duty of the party filing confidential
12 materials with the court to remove the materials from the custody of
13 the court clerk within sixty (60) days after dismissal or other
14 disposition of the main case in which the materials were filed. If
15 the party fails to remove confidential documents, the court clerk
16 shall be authorized to destroy without notice such materials after a
17 period of one (1) year has elapsed since the dismissal or other
18 disposition of the main case in which materials were filed.

19 H. Municipal courts shall keep confidential all personal
20 identifying information of the parties involved in any case in
21 municipal court, except where such information is provided to the
22 Oklahoma Tax Commission for purposes of collection of municipal
23 court fees. The personal identifying information that shall be kept
24 confidential includes the following:

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1. Credit card numbers;
2. Social security numbers; and
3. Bank account numbers.

SECTION 7. This act shall become effective November 1, 2012.

53-2-8636 EK 12/22/11