STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

SENATE BILL 1505 By: Johnson (Rob)

AS INTRODUCED

An Act relating to protection of jurors and witnesses; amending 21 O.S. 2011, Section 582, which relates to disclosing indictment; prohibiting disclosure of certain sealed presentment or indictment; amending 22 O.S. 2011, Section 385, which relates to presentment and filing of indictment; allowing sealing of certain indictment; authorizing Attorney General to establish an Oklahoma Witness Protection Program; authorizing use of certain funds; specifying availability of Program; requiring Attorney General to administer Program; authoring provision of funds to participants of Program; authorizing promulgation of certain rules; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2011, Section 582, is amended to read as follows:

Section 582. ~~Every~~ In the event the presiding judge orders a presentment or an indictment be sealed until the defendant is arrested, every grand juror, district attorney, clerk, judge, or other officer, who, excepting by issuing or in executing a warrant to arrest the defendant, willfully discloses the ~~fact~~ content of a

sealed presentment or indictment ~~having been made for a felony~~, until the defendant has been arrested, is guilty of a misdemeanor.

SECTION 2. AMENDATORY 22 O.S. 2011, Section 385, is amended to read as follows:

Section 385. An indictment, when found by the grand jury, must be presented by their foreman, in their presence, to the court, and must be filed with the clerk, and remain in ~~his~~ the clerk's office as a public record~~, and except as provided by law, it may not be inspected or its contents revealed, until the defendant has been arrested~~. Upon the request of the grand jury's legal advisor, the presiding judge of the grand jury may order the indictment sealed until the defendant is arrested.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18p-10 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Office of the Attorney General is hereby authorized to establish an Oklahoma Witness Protection Program and is authorized to use monies from the Attorney General's Evidence Fund created pursuant to Section 19 of this title or from federal grants for the implementation of the Program. The Witness Protection Program may be made available to witnesses who are actively aiding in the prosecution of dangerous perpetrators and who are in danger of bodily harm or death by participating in the prosecution. The

Attorney General shall administer the Oklahoma Witness Protection Program.

B. Funds may be provided for the support of a participant in the Witness Protection Program. Support may include, but shall not be limited to, temporary living costs, moving expenses, rent, security deposits, or other appropriate expenses of relocation or transition.

C. The Attorney General is authorized to promulgate rules necessary to implement the Oklahoma Witness Protection Program.

SECTION 4. This act shall become effective November 1, 2012.

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