

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 887

By: Stanislawski

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6 AS INTRODUCED

7 An Act relating to witness protection; amending 22
8 O.S. 2001, Section 303, as last amended by Section 3,
9 Chapter 179, O.S.L. 2008 (22 O.S. Supp. 2010, Section
10 303), which relates to subscription, endorsement and
11 verification of information; requiring court to
12 excuse certain endorsement; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 22 O.S. 2001, Section 303, as last
16 amended by Section 3, Chapter 179, O.S.L. 2008 (22 O.S. Supp. 2010,
17 Section 303), is amended to read as follows:

18 Section 303. A. The district attorney shall subscribe the
19 district attorney's name to informations filed in the district court
20 and endorse thereon the names and last-known addresses of all the
21 witnesses known to the district attorney at the time of filing the
22 same, if intended to be called by the district attorney at a
23 preliminary examination or at trial. Thereafter, the district
24 attorney shall also endorse thereon the names and last-known
addresses of such other witnesses as may afterwards become known to

1 the district attorney, if they are intended to be called as
2 witnesses at a preliminary examination or at trial, at such time as
3 the court may by rule prescribe.

4 Upon filing of an application by the district attorney, notice
5 to defense counsel, and hearing establishing need for witness
6 protection or preservation of the integrity of evidence, the
7 district court ~~may~~ shall excuse witness endorsement, or some part
8 thereof. Such proceedings shall be conducted in camera, and the
9 record shall be sealed and filed in the office of the district court
10 clerk, and shall not be opened except by order of the district
11 court.

12 B. Notwithstanding other provisions of law, when a law
13 enforcement officer issues a citation or ticket as the basis for a
14 complaint or information, for a violation of law declared to be a
15 misdemeanor, the citation or ticket shall be properly verified if:

16 1. The issuing officer subscribes the officer's signature on
17 the citation, ticket or complaint to the following statement:

18 "I, the undersigned issuing officer, hereby certify and
19 swear that I have read the foregoing information and know
20 the facts and contents thereof and that the facts
21 supporting the criminal charge stated therein are true."

22 Such a subscription by an issuing officer, in all respects, shall
23 constitute a sworn statement, as if sworn to upon an oath

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1 administered by an official authorized by law to administer oaths;
2 and

3 2. The citation or ticket states the specific facts supporting
4 the criminal charge and the ordinance or statute alleged to be
5 violated; or

6 3. A complainant verifies by oath, subscribed on the citation,
7 ticket or complaint, that the complainant has read the information,
8 knows the facts and contents thereof and that the facts supporting
9 the criminal charge stated therein are true. For purpose of such an
10 oath and subscription, any law enforcement officer of the state or
11 of a county or municipality of the state issuing the citation,
12 ticket or complaint shall be authorized to administer the oath to
13 the complainant.

14 C. As used in this section, the term "signature" shall include
15 a digital or electronic signature, as defined in Section 15-102 of
16 Title 12A of the Oklahoma Statutes.

17 SECTION 2. This act shall become effective November 1, 2011.

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