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March 19, 2013

ENGROSSED HOUSE
BILL NO. 1508

By: Peterson, Nelson, Pittman
and Cooksey of the House

and

David of the Senate

An Act relating to public health and safety; amending 63 O.S. 2011, Section 2-103.1, which relates to the Uniform Controlled Dangerous Substances Act; expanding scope of subpoena powers for the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control; and providing an effective date.

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

SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-103.1, is amended to read as follows:

Section 2-103.1. A. In any investigation relating to the functions of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control pursuant to the provisions of the Uniform Controlled Dangerous Substances Act with respect to controlled substances or other provisions of Oklahoma law with respect to the crimes of money laundering and human trafficking, the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, if recommended and approved by a chief agent of the Bureau and the legal counsel of the

1 Bureau, may subpoena witnesses, compel the attendance and testimony
2 of witnesses, and require the production of any records, including
3 books, papers, documents, and other tangible things which constitute
4 or contain evidence, which the Director or agent finds relevant or
5 material to the investigation. The attendance of witnesses and the
6 production of records may be required from any place in the state to
7 a designated location in the county seat of the county of which the
8 subpoenaed person is an inhabitant or in which the subpoenaed person
9 carries on business or may be found. Witnesses summoned pursuant to
10 this section shall be paid the same fees and mileage that are paid
11 witnesses in the courts of this state.

12 B. The witness shall have the option of complying with said
13 subpoena by:

- 14 1. Appearing and/or producing documents, as requested; or
- 15 2. Notifying the Bureau, in writing, of refusal to appear or
16 produce documents, within ten (10) days of the date of service.

17 The subpoena form shall clearly set forth the optional means of
18 compliance including instructions for sending written notice of
19 refusal.

20 C. A subpoena issued pursuant to this section may be served by
21 any person designated in the subpoena to serve it. Service upon a
22 natural person may be made by personal delivery of the subpoena to
23 him. Service may be made upon a domestic or foreign corporation or
24 upon a partnership or other unincorporated association which is

1 subject to suit under a common name, by delivering the subpoena to
2 an officer, to a managing or general agent, or to any other agent
3 authorized by appointment or by law to receive service of process.
4 The affidavit of the person serving the subpoena entered on a true
5 copy thereof by the person serving it shall be proof of service.

6 D. In the case of contumacy by or refusal to obey a subpoena
7 issued to any person, the Director may invoke the aid of any
8 district court of the state within the jurisdiction of which the
9 investigation is carried on or of which the subpoenaed person is an
10 inhabitant, or in which he carries on business or may be found, to
11 compel compliance with the subpoena. The court may issue an order
12 requiring the subpoenaed person to appear before the Director to
13 produce records, if so ordered, or to give testimony touching the
14 matter under investigation. Any failure to obey the order of the
15 court may be punished by the court as an indirect contempt thereof.
16 All process in any such case may be served in any judicial district
17 in which such person may be found.

18 E. The district court of the county wherein the subpoena is
19 served may quash a subpoena issued pursuant to this section, upon a
20 motion to quash the subpoena filed with the court by the party to
21 whom the subpoena is issued.

22 SECTION 2. This act shall become effective November 1, 2013.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 March 19, 2013 - DO PASS