

**COMMITTEE AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2132 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by  
inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: John George

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2132

By: George

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; defining terms; prohibiting law enforcement agencies from disclosing certain information; providing an exception; providing guidelines when evaluating the credibility of peace officers; authorizing peace officers to dispute reports of misconduct; directing the Office of the Attorney General to refer petitions to an administrative law judge; directing the administrative law judge to find in favor of the peace officer under certain circumstances; directing administrative law judge to make certain determination based on evidence; requiring copy of findings of fact and conclusions of law be provided to the court; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 39.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Attorney representing the state" means an attorney authorized by law to represent the state in a criminal case

1 including, but not limited to, a district attorney or city or  
2 municipal attorney; and

3 2. "Law enforcement agency" means an agency of the state or an  
4 agency of a political subdivision of the state authorized by law to  
5 employ peace officers.

6 B. A law enforcement agency may not disclose to an attorney  
7 representing the state information relating to misconduct by a peace  
8 officer who is or will serve as a witness in a criminal proceeding  
9 unless the allegation of misconduct has been finally adjudicated as  
10 sustained.

11 C. When evaluating the credibility of a peace officer who is  
12 serving or will serve as a witness in a criminal proceeding, the  
13 attorney representing the state may not disqualify the peace officer  
14 as a witness on the basis of an allegation of misconduct by the  
15 peace officer that has not been finally adjudicated as sustained.

16 D. For purposes of this section, an allegation of misconduct by  
17 a peace officer is not considered finally adjudicated as sustained  
18 if the allegation is under appeal through an administrative process  
19 or judicial proceeding.

20 E. A peace officer who:

21 1. Is the subject of an allegation of misconduct reported by a  
22 law enforcement agency to an attorney representing the state;

23 2. Has been notified of a determination by an attorney  
24 representing the state that the peace officer is not considered

1 credible to testify in a criminal proceeding as a result of an  
2 allegation of misconduct; or

3       3. Has his or her name placed on a Brady/Giglio list or other  
4 similar list of noncredible peace officers by a law enforcement  
5 agency or an attorney representing the state,  
6 may dispute that report, determination, or listing by filing a  
7 petition with the Office of the Attorney General for the purpose of  
8 contesting said allegation, determination, listing, or other similar  
9 action that adversely reflects on the credibility of the peace  
10 officer. Upon request by the affected peace officer, the attorney  
11 representing the state or relevant law enforcement agency shall  
12 provide the underlying facts affecting the credibility of the peace  
13 officer to the peace officer for purposes of a hearing under  
14 subsection F of this section.

15       F. The Office of the Attorney General shall refer the petition  
16 to an administrative law judge for an evidentiary hearing. The  
17 administrative law judge shall provide findings of fact and  
18 conclusions of law as to the validity of the allegations of  
19 misconduct by the peace officer that resulted in the peace officer  
20 being placed on a Brady/Giglio list or similar list of noncredible  
21 peace officers. The respondent in the hearing shall be the law  
22 enforcement agency that reported or alleged the misconduct by the  
23 peace officer.

1       G. 1. If a peace officer has been placed on a Brady/Giglio  
2 list or similar list of noncredible peace officers due to an  
3 allegation of misconduct and the administrative process addressing  
4 said allegation is still pending or has been appealed, the  
5 administrative law judge shall find in favor of the peace officer.

6       2. If the administrative law judge finds the allegations of  
7 misconduct are not supported by a preponderance of the evidence, the  
8 law enforcement agency and attorney for the state may not rely on  
9 said allegations for any purpose. Any court that considers the  
10 credibility of a peace officer who has filed a petition with the  
11 Office of the Attorney General, as authorized under the provisions  
12 of this section, shall be provided a copy of the findings of fact  
13 and conclusions of law issued by the administrative law judge.

14       SECTION 2. This act shall become effective November 1, 2023.

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16       59-1-7189           GRS       01/25/23

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