

1 **SENATE FLOOR VERSION**

2 April 22, 2025

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 1563

By: Duel of the House

and

Howard of the Senate

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8
9 [criminal procedure - criminal subpoenas - law
10 enforcement records - recordings - business or
11 commercial entities - notice - defendants -
12 information - witnesses - trials - hearings -
subpoenas - court clerks - attorneys - undue burden -
sanctions - form requirements - exemption - criminal
contempt penalty - codification - effective date]

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 707.1 of Title 22, unless there
18 is created a duplication in numbering, reads as follows:

19 A. A subpoena issued by or on behalf of a defendant, as
20 authorized by Section 710 of Title 22 of the Oklahoma Statutes, to a
21 law enforcement agency, business, or commercial entity shall be
22 subject to the following provisions:

23 1. After an endorsed complaint, indictment, or information is
24 filed, a subpoena issued on behalf of or by a defendant to a law

1 enforcement agency may command the production of the following law
2 enforcement records made in connection with the particular case:

- 3 a. body camera videos,
- 4 b. vehicle-mounted camera videos,
- 5 c. traffic camera videos,
- 6 d. law enforcement incident reports, and
- 7 e. a recording of the administration of a sobriety test;

8 2. After an endorsed complaint, indictment, or information is
9 filed, a subpoena issued on behalf of or by a defendant to a
10 business or commercial entity may command the production of a
11 recording in the possession of the business or commercial entity,
12 which covers a reasonable period of time before, during, or after
13 the commission of the criminal act alleged in a complaint,
14 indictment, or information; and

15 3. Nothing in this subsection shall be construed to permit a
16 defendant to issue a subpoena for the purpose of obtaining
17 individual witness or victim testimony outside of a court hearing or
18 trial.

19 B. Any subpoena for a record that contains individual records
20 of persons, and the costs of copying, reproducing, or certifying
21 each individual record, may be assessed for each individual record
22 or portion thereof requested, as prescribed by state law.
23 Otherwise, a public body may charge a fee only for recovery of the
24 reasonable and direct costs of record copying or mechanical

1 reproduction and the actual personnel costs resulting from
2 redactions authorized by Section 2 of this act. In no instance
3 shall the record copying fee exceed twenty-five cents (\$0.25) per
4 page for records having the dimensions of eight and one-half (8 1/2)
5 by fourteen (14) inches or smaller, or a maximum of One Dollar
6 (\$1.00) per copied page for a certified copy, and a recording
7 copying fee not more than Twenty-five Dollars (\$25.00) per
8 recording.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 707.2 of Title 22, unless there
11 is created a duplication in numbering, reads as follows:

12 A. Upon service of a subpoena by or on behalf of a defendant to
13 a law enforcement agency as authorized in Section 1 of this act, the
14 law enforcement agency receiving the subpoena may notify, in writing
15 to the defendant or his or her representative, that the subpoenaed
16 records would:

17 1. Violate any requirement to keep certain juvenile records
18 confidential as provided for in Title 10A of the Oklahoma Statutes;

19 2. Include information that would materially compromise an
20 ongoing criminal investigation or ongoing criminal prosecution;

21 3. Undermine the assertion of a privilege to keep the identity
22 of an informant confidential as provided in Section 2510 of Title 12
23 of the Oklahoma Statutes; or
24

1 4. Require production of records or videos that fall outside
2 the scope permitted by Section 1 of this act.

3 B. Upon receiving notice by a law enforcement agency, the
4 defendant or his or her representative issuing the subpoena shall:

5 1. Inform the law enforcement agency of the desire to receive
6 the subpoenaed records with redactions or have the information
7 contained in paragraph 1, 2, or 3 of subsection A of this section
8 obscured; or

9 2. Notify the law enforcement agency and the prosecuting agency
10 of the application made to the court of competent jurisdiction for
11 the release of the unredacted or unobscured records and the date and
12 time of hearing on the application.

13 SECTION 3. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 707.3 of Title 22, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Every subpoena issued on behalf of or by a defendant shall
17 state the name of the court from which it is issued and the title of
18 the action.

19 B. A witness shall be obligated upon service of a subpoena to
20 attend a trial or hearing at any place within the state.

21 C. The court clerk shall issue a subpoena, signed and sealed
22 but otherwise blank, to a party requesting it, who shall complete
23 the subpoena before service. As an officer of the court, an
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1 attorney authorized to practice law in this state may also issue and
2 sign a subpoena on behalf of a court in this state.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 707.4 of Title 22, unless there
5 is created a duplication in numbering, reads as follows:

6 A party or an attorney responsible for the issuance and service
7 of a subpoena shall take reasonable steps to avoid imposing undue
8 burden or expense on a person subject to the subpoena. The court on
9 behalf of which the subpoena was issued shall enforce such duty and
10 impose upon the party or attorney, or both, in breach of such duty
11 an appropriate sanction, which may include, but is not limited to,
12 lost earnings and reasonable attorney fees.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 707.5 of Title 22, unless there
15 is created a duplication in numbering, reads as follows:

16 On timely motion by the prosecution or a witness and after the
17 movant provides notice to the defendant or his or her representative
18 of the application and the date and time of hearing on the
19 application, the court on behalf of which a subpoena was issued
20 shall quash or modify the subpoena if it:

- 21 1. Fails to allow reasonable time for compliance;
- 22 2. Requires a person to travel to a place beyond the limits of
23 the county where the person resides or is served with the subpoena;
- 24 3. Subjects a person to undue burden; or

4. Has been shown by the objecting party that the subpoena violates any provision of subsection A of Section 2 of this act.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 707.6 of Title 22, unless there is created a duplication in numbering, reads as follows:

Subpoenas issued in accordance with the provisions of Sections 1 through 3 of this act and Sections 708 and 712 of Title 22 of the Oklahoma Statutes shall be considered separate and distinct from any right or obligation provided for in Section 2002 of Title 22 of the Oklahoma Statutes.

SECTION 7. AMENDATORY 22 O.S. 2021, Section 708, is amended to read as follows:

Section 708. A subpoena~~7~~ authorized by the ~~last four sections7~~
~~must~~ provisions of Sections 704, 705, 706, and 707 of this title and
Sections 1 through 3 of this act shall be substantially in the
following form:

IN THE NAME OF THE STATE OF

OKLAHOMA.

To ,

Greeting: You are commanded to appear before C. D., a ~~justice~~
~~of the peace~~ judge of at (or the grand jury of the
~~county~~ County of or the district court of ~~county~~
County, or other location as ~~the case~~ may be specified), on the
..... (stating day and hour), and remain in attendance on and

1 call of said from day to day and term to term until
2 lawfully discharged, as a witness in a criminal action prosecuted by
3 the State of Oklahoma against E. F. (or to testify as the case may
4 be).

5 SECTION 8. AMENDATORY 22 O.S. 2021, Section 712, is
6 amended to read as follows:

7 Section 712. A. Service of ~~subpoenas for witnesses in criminal~~
8 ~~actions in the district courts of this state~~ a subpoena upon a
9 person named therein shall be made ~~in the same manner as in civil~~
10 ~~actions pursuant to Section 2004.1 of Title 12 of the Oklahoma~~
11 ~~Statutes~~ by delivering or mailing a copy of the subpoena to such
12 person and, if the attendance of the person is demanded, by
13 tendering to that person the fees for one (1) day of attendance and
14 the mileage allowed by law. Service of a subpoena may be
15 accomplished by any person who is eighteen (18) years of age or
16 older.

17 B. Service of a subpoena by mail may be accomplished by mailing
18 a copy by certified mail with return receipt requested and delivery
19 restricted to the person named in the subpoena. The person serving
20 the subpoena shall make proof of service to the court promptly, and
21 in any event, before the witness is required to testify at the
22 hearing or trial. If service is made by a person other than a peace
23 officer, such person shall make an affidavit thereof. If service is
24 by mail, the person serving the subpoena shall show in the proof of

1 service the date and place of mailing and attach a copy of the
2 return receipt showing that the mailing was accepted. Failure to
3 make proof of service shall not affect the validity of the service,
4 but service of a subpoena by mail shall not be effective if the
5 mailing was not accepted by the person named in the subpoena. The
6 ~~cost~~ costs of service of subpoenas shall be borne by the parties
7 unless otherwise ordered by the court and shall be allowed whether
8 service is made by a peace officer or by any other person.

9 SECTION 9. AMENDATORY 22 O.S. 2021, Section 715, is
10 amended to read as follows:

11 Section 715. A. No person is obliged to attend as a witness
12 before a court or magistrate outside the county where the witness
13 resides or is served with a subpoena, unless the judge of the court
14 in which the offense is triable, upon an affidavit of the district
15 attorney, or of the defendant or the defendant's counsel, stating
16 that he or she believes that the evidence and attendance of the
17 witness is material and necessary, shall endorse on the subpoena an
18 order for the attendance of the witness.

19 B. ~~The~~ No court ~~clerks~~ clerk of this state shall ~~not~~ be subject
20 to subpoena in matters relating to court records unless the court
21 makes a specific finding that the appearance and testimony of the
22 court clerk are both material and necessary because of a written
23 objection to the introduction of ~~certified documents~~ court records
24 made by the defendant or other party prior to trial.

1 SECTION 10. AMENDATORY 22 O.S. 2021, Section 716, is
2 amended to read as follows:

3 Section 716. Disobedience or failure by any person without
4 adequate excuse to obey a subpoena served upon himself or herself,
5 or a refusal to be sworn or to testify, may be ~~punished by the court~~
6 ~~or magistrate, as for deemed~~ a criminal contempt, ~~in the manner~~
7 ~~provided in civil procedure~~ of the court from which the subpoena was
8 issued.

9 SECTION 11. This act shall become effective November 1, 2025.

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
11 April 22, 2025 - DO PASS AS AMENDED BY CS
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