

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1267

By: Rader

AS INTRODUCED

An Act relating to the Oklahoma Criminal Discovery Code; amending 22 O.S. 2021, Section 2002, as amended by Section 2, Chapter 327, O.S.L. 2025 (22 O.S. Supp. 2025, Section 2002), which relates to disclosure of evidence; requiring certain disclosures by the state; modifying time to disclose certain evidence pre-trial; requiring electronic submission of certain report; modifying definition; requiring certain disclosure by the defense; updating statutory language; making language gender neutral; updating statutory references; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 2002, as amended by Section 2, Chapter 327, O.S.L. 2025 (22 O.S. Supp. 2025, Section 2002), is amended to read as follows:

Section 2002. A. Disclosure of Evidence by the State.

1. ~~Upon request of the defense, the~~ The state shall disclose to the defense the following:

a. the names and addresses of witnesses ~~which~~ that the state intends to call at trial, together with their

- relevant, written or recorded statement, if any, or if none, significant summaries of any oral statement,
- b. any law enforcement reports, offense reports, supplemental reports, body-worn camera footage, dashcam footage, and 9-1-1 audio recordings made in connection with the particular case in the form or forms in which such evidence is ordinarily maintained or in a reasonably usable form,
- c. any written or recorded statements and the substance of any oral statements made by the accused or made by a codefendant,
- d. any reports or statements made by experts in connection with the particular case, including results of physical or mental examinations and of scientific tests, experiments, or comparisons, including, but not limited to, preliminary reports, screening results, and analyses performed or stored electronically, and the underlying raw data, documentation, testing protocols, and laboratory validation studies used to generate any report in their native format where feasible,
- e. any books, papers, documents, photographs, tangible objects, buildings, or places ~~which~~ that the prosecuting attorney intends to use in the hearing or

1 trial or ~~which~~ that were obtained from or belong to
2 the accused,

3 f. any record of prior criminal convictions of the
4 defendant, or of any codefendant, and

5 g. Oklahoma State Bureau of Investigation (OSBI) rap
6 ~~sheet/records~~ sheet or records check on any witness
7 listed by the state or the defense as a witness who
8 will testify at trial, as well as any convictions of
9 any witness revealed through additional record checks
10 if the defense has furnished Social Security numbers
11 or date of birth for ~~their witnesses~~ a witness, except
12 OSBI rap ~~sheet/record~~ sheet or record checks shall not
13 provide date of birth, Social Security number, home
14 phone number, or home address.

15 2. The state shall provide the defendant any evidence favorable
16 to the defendant if such evidence is material to either guilt or
17 punishment.

18 3. The prosecuting attorney's obligations under this standard
19 extend to:

- 20 a. material and information in the possession or control
21 of members of the prosecutor's staff,
22 b. any information in the possession of law enforcement
23 agencies that regularly report to the prosecutor of
24 which the prosecutor should reasonably know, and
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1 c. any information in the possession of law enforcement
2 agencies who have reported to the prosecutor with
3 reference to the particular case of which the
4 prosecutor should reasonably know.

5 4. a. If the state intends to introduce testimony of ~~a~~
6 ~~jailhouse~~ an informant, the state shall disclose at
7 least ~~ten (10)~~ thirty (30) days prior to trial:

8 (1) the complete criminal history of ~~such~~ the
9 informant, including any dismissed charges,

10 (2) any deal, promise, inducement, or benefit that
11 the state or law enforcement agency has made or
12 may make in the future to the ~~jailhouse~~ informant
13 in connection with the testimony of ~~such~~ the
14 informant,

15 (3) the specific statements or recordings made by the
16 suspect or defendant and the time, place, and
17 manner of the disclosure to the ~~jailhouse~~
18 informant,

19 (4) all other filed cases in which the state intended
20 to introduce the testimony of the ~~jailhouse~~
21 informant in connection with a deal, promise,
22 inducement, or benefit, the nature of the deal,
23 promise, inducement, or benefit, and whether the
24 testimony was admitted in the case,

1 (5) whether at any time the ~~jailhouse~~ informant
2 recanted the testimony or statement, and if so, a
3 transcript or copy of such recantation, if any,
4 and
5 (6) any other information relevant to the credibility
6 of the informant.

7 b. Each district attorney's office shall maintain a
8 central record that tracks each case in which the
9 state intended to introduce the testimony of the
10 ~~jailhouse~~ informant against a suspect or defendant in
11 connection with a deal, promise, inducement, or
12 benefit, the nature of the deal, promise, inducement, or
13 or benefit and whether such testimony or statements
14 were admitted in the case. Such record shall be sent
15 to the District Attorneys Council which shall maintain
16 a statewide record of such information. Records
17 maintained pursuant to this ~~paragraph~~ subparagraph
18 shall only be accessible to prosecutors and shall not
19 be subject to the Oklahoma Open Records Act. By
20 September 15 of each year, the District Attorneys
21 Council shall publish an annual report of aggregate,
22 de-identified data regarding the total number of cases
23 tracked pursuant to this section, and the number of
24 cases added during the previous fiscal year pursuant
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1 to this section by each district attorney's office. A
2 copy of the report shall be distributed electronically
3 to the Governor, the President Pro Tempore of the
4 Senate, the Speaker of the House of Representatives,
5 and the chairs of the Senate and House Judiciary
6 Committees.

- 7 c. For purposes of this paragraph, ~~"jailhouse informant"~~
8 "informant" means a person who provides, or who the
9 prosecutor intends to provide, testimony about
10 admissions or other relevant information made to him
11 or her by the suspect or defendant while both persons
12 were detained or incarcerated in ~~a penal institution~~
13 the custody of the Department of Corrections.
14 Informant shall also include a person who provides, or
15 who the prosecutor intends to provide, testimony about
16 admissions or other relevant information pursuant to a
17 deal, promise, inducement, or benefit between the
18 person and the state.

19 B. Disclosure of Evidence by the Defendant.

- 20 1. Upon request of the state, the defense shall ~~be required to~~
21 disclose the following:

- 22 a. the names and addresses of witnesses ~~which~~ that the
23 defense intends to call at trial, together with their
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1 relevant, written or recorded statement, if any, or if
2 none, significant summaries of any oral statement,
3 b. the name and address of any witness, other than the
4 defendant, who will be called to show that the
5 defendant was not present at the time and place
6 specified in the information or indictment, together
7 with the witness' statement to that fact, and
8 c. the names and addresses of any witness the defendant
9 will call, other than himself or herself, for
10 testimony relating to any mental disease, mental
11 defect, or other condition bearing upon his or her
12 mental state at the time the offense was allegedly
13 committed, together with the witness' statement of
14 that fact, if the statement is redacted by the court
15 to preclude disclosure of privileged communication.

16 2. A statement filed under subparagraph a, b, or c of paragraph
17 1 of this subsection or subsection A ~~or B~~ of this section is not
18 admissible in evidence at trial. Information obtained as a result
19 of a statement filed under this subsection or subsection A ~~or B~~ of
20 this section is not admissible in evidence at trial except to refute
21 the testimony of a witness whose identity subsection A of this
22 section requires to be disclosed.

23 3. Upon the prosecuting attorney's request after the time set
24 by the court, the defendant shall allow him or her access at any
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1 reasonable times and in any reasonable manner to inspect,
2 photograph, copy, or have reasonable tests made upon any book,
3 paper, document, photograph, or tangible object ~~which~~ that is within
4 the defendant's possession or control and ~~which~~ that:

- 5 a. the defendant intends to offer in evidence, except to
6 the extent that it contains any communication of the
7 defendant, or
- 8 b. is a report or statement as to a physical or mental
9 examination or scientific test or experiment made in
10 connection with the particular case prepared by and
11 relating to the anticipated testimony of a person whom
12 the defendant intends to call as a witness, provided
13 the report or statement is redacted by the court to
14 preclude disclosure of privileged communication.

15 4. With respect to each expert the defense intends to call as a
16 witness at the hearing, the defense shall provide to the state a
17 curriculum vitae and written description of the substance of the
18 proposed testimony of the expert, the expert's opinion, and the
19 underlying basis for that opinion. If the substance of the proposed
20 testimony, the expert's opinion, and the basis of that opinion are
21 contained in a disclosed expert report, the defense shall not be
22 required to provide a written description.

23 C. Continuing Duty to Disclose.
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1 If, prior to or during trial, a party discovers additional
2 evidence or material previously requested or ordered, which is
3 subject to discovery or inspection under the Oklahoma Criminal
4 Discovery Code, such party shall promptly notify the other party,
5 the attorney of the other party, or the court of the existence of
6 the additional evidence or material.

7 D. Time of Discovery.

8 1. Motions for discovery may be made at the time of or after
9 the district court arraignment ~~or thereafter~~; provided that requests
10 for police reports may be made subject to the provisions of Section
11 258 of this title. However, a request pursuant to Section 258 of
12 this title shall be subject to the discretion of the district
13 attorney. All issues relating to discovery, except as otherwise
14 provided, will be completed at least ~~ten (10)~~ thirty (30) days prior
15 to trial. The court may specify the time, place, and manner of
16 making the discovery and may prescribe such terms and conditions as
17 are just.

18 2. Within thirty (30) days of the filing of an endorsed
19 complaint, indictment, or information in a court of record, law
20 enforcement shall provide to the prosecuting agency the following
21 records, if such records exist:

- 22 a. body camera videos at the time of arrest,
- 23 b. vehicle-mounted camera videos at the time of arrest,
- 24 and

1 c. a recording of the administration of a sobriety test.

2 3. Within ninety (90) days of the filing of an endorsed
3 complaint, indictment, or information, the prosecuting agency shall
4 make available the records described in paragraph 2 of this
5 subsection to the defendant or his or her representative.

6 4. Failure of a law enforcement agency to comply with the
7 provisions of paragraph 2 of this subsection may be punished by
8 contempt.

9 5. The following information may be redacted by the prosecuting
10 agency from the records provided to a defendant or his or her
11 representative as required by the provisions of paragraph 3 of this
12 subsection; provided that, notice of such redactions are given to
13 the defendant or to his or her representative:

14 a. information that would violate any requirement to keep
15 certain juvenile records confidential as provided for
16 in Title 10A of the Oklahoma Statutes,

17 b. information that would materially compromise an
18 ongoing criminal investigation or ongoing criminal
19 prosecution other than the case involving the
20 defendant,

21 c. information that would undermine the assertion of a
22 privilege to keep the identity of an informant
23 confidential as provided for in Section 2510 of Title
24 12 of the Oklahoma Statutes,

- 1 d. information that would identify any person who
2 provides information to law enforcement or the
3 information provided by that person when that person
4 requests anonymity or where disclosure of the identity
5 of the person or the information provided could
6 reasonably be expected to threaten or endanger the
7 physical safety or property of the person or the
8 physical safety or property of others, or
9 e. ~~require production of~~ records or videos that fall
10 outside the scope permitted under the provisions of
11 paragraph 2 of this subsection.

12 E. Regulation of Discovery.

13 1. Protective and Modifying Orders. Upon motion of the state
14 or defendant, the court may at any time order that specified
15 disclosures be restricted, or make any other protective order. If
16 the court enters an order restricting specified disclosures, the
17 entire text of the material restricted shall be sealed and preserved
18 in the records of the court to be made available to the appellate
19 court in the event of an appeal.

20 2. Failure to Comply with a Request. If at any time during the
21 course of the proceedings it is brought to the attention of the
22 court that a party has failed to comply with this rule, the court
23 may order such party to permit the discovery or inspection, grant
24 continuance, or prohibit the party from introducing evidence not
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1 disclosed, or it may enter such other order as it deems just under
2 the circumstances.

3 3. The discovery order shall not include discovery of legal
4 work product of either attorney ~~which~~ that is deemed to include
5 legal research or those portions of records, correspondence,
6 reports, or memoranda ~~which~~ that are only the opinions, theories, or
7 conclusions of the attorney or the attorney's legal staff.

8 F. Reasonable cost of copying, duplicating, videotaping,
9 developing, or any other cost associated with this Code for items
10 requested shall be paid by the ~~party~~ so requesting party; however,
11 any item ~~which~~ that was obtained from the defendant by the state of
12 which copies are requested by the defendant shall be paid by the
13 state. Provided, if the court determines the defendant is indigent
14 and without funds to pay the cost of reproduction of the required
15 items, the cost shall be paid by the Oklahoma Indigent ~~Defender~~
16 Defense System, unless otherwise provided by law.

17 SECTION 2. This act shall become effective November 1, 2026.
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