

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 2991

By: Timmons

6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2021, Section 2002, as amended by Section 2,  
9 Chapter 327, O.S.L. 2025 (22 O.S. Supp. 2024, Section  
10 2002), which relates to the Oklahoma Criminal  
11 Discovery Code; increasing time limitation for  
disclosing certain information concerning informants;  
increasing time limitation for completing discovery  
issues prior to trial; providing gender-neutral  
language; and providing an effective date.

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

16 SECTION 1. AMENDATORY 22 O.S. 2021, Section 2002, as

17 amended by Section 2, Chapter 327, O.S.L. 2025 (22 O.S. Supp. 2024,  
18 Section 2002), is amended to read as follows:

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

20 1. Upon request of the defense, the state shall disclose the  
21 following:

22 a. the names and addresses of witnesses which the state  
23 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. law enforcement reports made in connection with the particular case,
  - 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,
  - e. any books, papers, documents, photographs, tangible objects, buildings or places which the prosecuting attorney intends to use in the hearing or trial or which were obtained from or belong to the accused,
  - f. any record of prior criminal convictions of the defendant, or of any codefendant, and
  - g. Oklahoma State Bureau of Investigation (OSBI) rap sheet/records check on any witness listed by the state or the defense as a witness who will testify at trial, as well as any convictions of any witness revealed through additional record checks if the defense has furnished Social Security numbers or date of birth for their witnesses, except OSBI rap sheet/record checks

1                   shall not provide date of birth, Social Security  
2                   number, home phone number or address.

3                   2. The state shall provide the defendant any evidence favorable  
4                   to the defendant if such evidence is material to either guilt or  
5                   punishment.

6                   3. The prosecuting attorney's obligations under this standard  
7                   extend to:

- 8                   a. material and information in the possession or control  
9                   of members of the prosecutor's staff,
- 10                  b. any information in the possession of law enforcement  
11                  agencies that regularly report to the prosecutor of  
12                  which the prosecutor should reasonably know, and
- 13                  c. any information in the possession of law enforcement  
14                  agencies who have reported to the prosecutor with  
15                  reference to the particular case of which the  
16                  prosecutor should reasonably know.

17                  4. a. If the state intends to introduce testimony of a  
18                  jailhouse informant, the state shall disclose at least  
19                  ten (10) sixty (60) days prior to trial:

- 20                  (1) the complete criminal history of such informant,  
21                  including any dismissed charges,
- 22                  (2) any deal, promise, inducement or benefit that the  
23                  state or law enforcement agency has made or may

- 1 make in the future to the jailhouse informant in  
2 connection with the testimony of such informant,  
3 (3) the specific statements or recordings made by the  
4 suspect or defendant and the time, place and  
5 manner of the disclosure to the jailhouse  
6 informant,  
7 (4) all other filed cases in which the state intended  
8 to introduce the testimony of the jailhouse  
9 informant in connection with a deal, promise,  
10 inducement or benefit, the nature of the deal,  
11 promise, inducement or benefit, and whether the  
12 testimony was admitted in the case,  
13 (5) whether at any time the jailhouse informant  
14 recanted the testimony or statement, and if so, a  
15 transcript or copy of such recantation, if any,  
16 and  
17 (6) any other information relevant to the credibility  
18 of the informant.
- 19 b. Each district attorney's office shall maintain a  
20 central record that tracks each case in which the  
21 state intended to introduce the testimony of the  
22 jailhouse informant against a suspect or defendant in  
23 connection with a deal, promise, inducement or  
24 benefit, the nature of the deal, promise, inducement

1 or benefit and whether such testimony or statements  
2 were admitted in the case. Such record shall be sent  
3 to the District Attorneys Council which shall maintain  
4 a statewide record of such information. Records  
5 maintained pursuant to this paragraph shall only be  
6 accessible to prosecutors and shall not be subject to  
7 the Oklahoma Open Records Act. By September 15 of  
8 each year, the District Attorneys Council shall  
9 publish an annual report of aggregate, de-identified  
10 data regarding the total number of cases tracked  
11 pursuant to this section, and the number of cases  
12 added during the previous fiscal year pursuant to this  
13 section by each district attorney's office. A copy of  
14 the report shall be distributed to the Governor, the  
15 President Pro Tempore of the Senate, the Speaker of  
16 the House of Representatives and the chairs of the  
17 Senate and House Judiciary Committees.

18 c. For purposes of this paragraph, "jailhouse informant"  
19 means a person who provides, or who the prosecutor  
20 intends to provide, testimony about admissions or  
21 other relevant information made to him or her by the  
22 suspect or defendant while both persons were detained  
23 or incarcerated in a penal institution.

24 B. Disclosure of Evidence by the Defendant.

1       1. Upon request of the state, the defense shall be required to  
2 disclose the following:

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

20       2. A statement filed under subparagraph a, b or c of paragraph  
21       1 of subsection A or B of this section is not admissible in evidence  
22       at trial. Information obtained as a result of a statement filed  
23       under subsection A or B of this section is not admissible in  
24

1 evidence at trial except to refute the testimony of a witness whose  
2 identity subsection A of this section requires to be disclosed.

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

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

19       C. Continuing Duty to Disclose.

20       If, prior to or during trial, a party discovers additional  
21 evidence or material previously requested or ordered, which is  
22 subject to discovery or inspection under the Oklahoma Criminal  
23 Discovery Code, such party shall promptly notify the other party,

1 the attorney of the other party, or the court of the existence of  
2 the additional evidence or material.

3 D. Time of Discovery.

4 1. Motions for discovery may be made at the time of the  
5 district court arraignment or thereafter; provided that requests for  
6 police reports may be made subject to the provisions of Section 258  
7 of this title. However, a request pursuant to Section 258 of this  
8 title shall be subject to the discretion of the district attorney.  
9 All issues relating to discovery, except as otherwise provided, will  
10 be completed at least ~~ten~~ (10) sixty (60) days prior to trial. The  
11 court may specify the time, place and manner of making the discovery  
12 and may prescribe such terms and conditions as are just.

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

- 17 a. body camera videos at the time of arrest,  
18 b. vehicle-mounted camera videos at the time of arrest,  
19 and  
20 c. a recording of the administration of a sobriety test.

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

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

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

- 9           a. information that would violate any requirement to keep  
10               certain juvenile records confidential as provided for  
11               in Title 10A of the Oklahoma Statutes,
- 12           b. information that would materially compromise an  
13               ongoing criminal investigation or ongoing criminal  
14               prosecution other than the case involving the  
15               defendant,
- 16           c. information that would undermine the assertion of a  
17               privilege to keep the identity of an informant  
18               confidential as provided for in Section 2510 of Title  
19               12 of the Oklahoma Statutes,
- 20           d. information that would identify any person who  
21               provides information to law enforcement or the  
22               information provided by that person when that person  
23               requests anonymity or where disclosure of the identity  
24               of the person or the information provided could

1                   reasonably be expected to threaten or endanger the  
2                   physical safety or property of the person or the  
3                   physical safety or property of others, or  
4                   e. require production of records or videos that fall  
5                   outside the scope permitted under the provisions of  
6                   paragraph 2 of this subsection.

7                   E. Regulation of Discovery.

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

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

22                  3. The discovery order shall not include discovery of legal  
23                  work product of either attorney which is deemed to include legal  
24                  research or those portions of records, correspondence, reports, or

1 memoranda which are only the opinions, theories, or conclusions of  
2 the attorney or the attorney's legal staff.

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

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

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14 60-2-15716        GRS        12/22/25

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