

1 ENGROSSED SENATE  
2 BILL NO. 297

By: Thompson (Roger) of the  
Senate

3 and

4 Moore of the House

5  
6 An Act relating to subpoena power; permitting certain  
7 subpoena powers to the Director of the Oklahoma State  
8 Bureau of Investigation under certain circumstances;  
9 providing subpoena compliance guidelines; providing  
10 subpoena issuance guidelines; providing guidelines  
11 for cases of contumacy or refusal to comply;  
12 providing guidelines to quash a subpoena; providing  
13 for codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 150.5a of Title 74, unless there  
17 is created a duplication in numbering, reads as follows:

18 A. In any investigation relating to investigations performed by  
19 the Oklahoma State Bureau of Investigation (OSBI) related to  
20 Internet Crimes Against Children (ICAC), child abuse or child  
21 exploitation, violations of the Oklahoma Computer Crimes Act,  
22 threats against public officials, suspicious deaths, or violent  
23 crimes, the Director of the OSBI, if recommended and approved by an  
24 agent with the rank of Captain or above and the General Counsel or  
Assistant General Counsel of the Bureau, may subpoena witnesses,  
compel the attendance and testimony of witnesses, and require the

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

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

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

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

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

1 delivering the subpoena to an officer, to a managing or general  
2 agent, or to any other agent authorized by appointment or by law to  
3 receive service of process. The affidavit of the person serving the  
4 subpoena entered on a true copy thereof by the person serving it  
5 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 or she carries on business or may be  
11 found, to compel compliance with the subpoena. The court may issue  
12 an order requiring the subpoenaed person to appear before the  
13 Director to produce records, if so ordered, or to give testimony  
14 touching the matter under investigation. Any failure to obey the  
15 order of the court may be punished by the court as an indirect  
16 contempt thereof. All process in any such case may be served in any  
17 judicial district 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, 2023.  
23  
24

