

An Act

ENROLLED SENATE
BILL NO. 297

By: Thompson (Roger) of the
Senate

and

Moore of the House

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

SUBJECT: Oklahoma State Bureau of Investigation

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 150.5a of Title 74, unless there is created a duplication in numbering, reads as follows:

A. In any investigation relating to investigations performed by the Oklahoma State Bureau of Investigation (OSBI) related to Internet Crimes Against Children (ICAC), child abuse or child exploitation, violations of the Oklahoma Computer Crimes Act, threats against public officials, suspicious deaths, or violent crimes, the Director of the OSBI, if recommended and approved by an 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 production of any records, including books, papers, documents, and other tangible things which constitute or contain evidence, which the Director or agent finds relevant or material to the

investigation. The attendance of witnesses and the production of records may be required from any place in the state to a designated location in the county seat of the county of which the subpoenaed person is an inhabitant or in which the subpoenaed person carries on business or may be found. Witnesses summoned pursuant to this section shall be paid the same fees and mileage that are paid witnesses in the courts of this state.

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

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

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

C. A subpoena issued pursuant to this section may be served by any person designated in the subpoena to serve it. Service upon a natural person may be made by personal delivery of the subpoena to him or her. Service may be made upon a domestic or foreign corporation or upon a partnership or other unincorporated association which is subject to suit under a common name, by delivering the subpoena to an officer, to a managing or general agent, or to any other agent authorized by appointment or by law to receive service of process. The affidavit of the person serving the subpoena entered on a true copy thereof by the person serving it shall be proof of service.

D. In the case of contumacy by or refusal to obey a subpoena issued to any person, the Director may invoke the aid of any district court of the state within the jurisdiction of which the investigation is carried on or of which the subpoenaed person is an inhabitant, or in which he or she carries on business or may be found, to compel compliance with the subpoena. The court may issue an order requiring the subpoenaed person to appear before the Director to produce records, if so ordered, or to give testimony touching the matter under investigation. Any failure to obey the order of the court may be punished by the court as an indirect

contempt thereof. All process in any such case may be served in any judicial district in which such person may be found.

E. The district court of the county wherein the subpoena is served may quash a subpoena issued pursuant to this section, upon a motion to quash the subpoena filed with the court by the party to whom the subpoena is issued.

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

Passed the Senate the 23rd day of March, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 27th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____