

1 **SENATE FLOOR VERSION**

2 February 9, 2023

3 SENATE BILL NO. 297

By: Thompson (Roger)

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6 An Act relating to subpoena power; permitting certain
7 subpoena powers to the Director of the Oklahoma State
8 Bureau of Investigation; providing subpoena
9 compliance guidelines; providing subpoena issuance
10 guidelines; providing guidelines for cases of
11 contumacy or refusal to comply; providing guidelines
12 to quash a subpoena; providing for codification; and
13 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 the functions of the
19 Oklahoma State Bureau of Investigation (OSBI), the Director of the
20 OSBI, if recommended and approved by an agent with the rank of
21 Captain or above and the General Counsel or Assistant General
22 Counsel of the Bureau, may subpoena witnesses, compel the attendance
23 and testimony of witnesses, and require the production of any
24 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

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

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

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

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

16 C. A subpoena issued pursuant to this section may be served by
17 any person designated in the subpoena to serve it. Service upon a
18 natural person may be made by personal delivery of the subpoena to
19 him or her. Service may be made upon a domestic or foreign
20 corporation or upon a partnership or other unincorporated
21 association which is subject to suit under a common name, by
22 delivering the subpoena to an officer, to a managing or general
23 agent, or to any other agent authorized by appointment or by law to
24 receive service of process. The affidavit of the person serving the

1 subpoena entered on a true copy thereof by the person serving it
2 shall be proof of service.

3 D. In the case of contumacy by or refusal to obey a subpoena
4 issued to any person, the Director may invoke the aid of any
5 district court of the state within the jurisdiction of which the
6 investigation is carried on or of which the subpoenaed person is an
7 inhabitant, or in which he or she carries on business or may be
8 found, to compel compliance with the subpoena. The court may issue
9 an order requiring the subpoenaed person to appear before the
10 Director to produce records, if so ordered, or to give testimony
11 touching the matter under investigation. Any failure to obey the
12 order of the court may be punished by the court as an indirect
13 contempt thereof. All process in any such case may be served in any
14 judicial district in which such person may be found.

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
21 February 9, 2023 - DO PASS
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