

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2131

6 By: Kannady

7 COMMITTEE SUBSTITUTE

8 An Act relating to criminal procedure; amending 22
9 O.S. 2021, Section 340, which relates to procedures
10 for advising grand juries; providing limitations on
11 the use of grand jury transcripts; establishing
12 notice and hearing procedures for releasing grand
13 jury transcripts; making hearings closed to the
14 public; providing an exception; providing limitations
15 on representing certain parties; allowing
16 prosecutions concurrent to civil litigation related
17 to grand jury transcripts; allowing the disclosure of
18 transcribed testimony to witnesses under certain
19 circumstances; making witnesses subject to
20 restrictions on disclosure; providing penalties for
21 violations; and providing an effective date.

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

23 SECTION 1. AMENDATORY 22 O.S. 2021, Section 340, is
24 amended to read as follows:

25 Section 340. A. The grand jury may at all reasonable times ask
26 the advice of the court or of the district attorney. In no event
27 shall the grand jury be advised as to the sufficiency or
28 insufficiency of the evidence necessary to return a true bill, in a

1 matter under investigation before them. The district attorney, with
2 or without a regularly appointed assistant district attorney
3 individually or collectively, or if the district attorney and all of
4 his or her assistants are disqualified for any reason, a district
5 attorney or assistant district attorney from another district,
6 appointed by the Attorney General of Oklahoma pursuant to Sections
7 215.9 and 215.13 of Title 19 of the Oklahoma Statutes, and where
8 proper, the Attorney General, or an assistant attorney general, may
9 at all times appear before the grand jury for the purpose of giving
10 information or advice relative to any matter cognizable before them
11 and may interrogate witnesses before them whenever he or she thinks
12 it necessary. A qualified court reporter shall be present and take
13 the testimony of all witnesses.

14 B. Upon request, a transcript of the testimony or any portion
15 thereof shall be made available to ~~an~~ the attorney for the accused
16 ~~or~~, the district attorney, assistant district attorney, the attorney
17 general, or assistant attorney general, at the expense of the
18 requesting party or officer, ~~and, in.~~ In the event of an indigent
19 accused, ~~at~~ the expense ~~of~~ for the transcript shall be borne by the
20 state in the same manner and from the same funds as indigent
21 representation. Any attorney or other person who obtains a copy of
22 a grand jury transcript shall ~~not reproduce the transcript in whole~~
23 ~~or in part or otherwise disclose~~ be prohibited from disclosing its
24 contents to any person other than his or her attorney ~~without leave~~

1 of in the court criminal proceeding, related asset forfeiture
2 proceeding, or removal proceeding. A transcript obtained pursuant
3 to this subsection shall not be used for any purpose other than in
4 proceedings relating to the grand jury testimony, civil asset
5 forfeiture proceedings related to an indictment from the grand jury,
6 or an accusation for removal of a public official from the grand
7 jury, or in preparation for those proceedings, without good cause
8 shown supported by clear and convincing evidence after written
9 motion and hearing before the judge presiding over the grand jury.
10 The prosecutor serving as a legal advisor to the grand jury shall
11 receive timely notice of the motion and hearing and be allowed an
12 opportunity to object to any order of release of grand jury
13 transcripts. The pleadings relating to a request for grand jury
14 transcripts shall be sealed and any hearing held pursuant to a
15 request for grand jury transcripts shall be closed to the public
16 unless the presiding judge of the grand jury finds that the public
17 interest in unsealing the pleadings or opening the hearing to the
18 public outweighs the public interest in maintaining the secrecy of
19 the grand jury investigation. Except in a civil asset forfeiture
20 proceeding related to a grand jury indictment, an attorney who
21 obtains a copy of a grand jury transcript pursuant to this
22 subsection shall be precluded from representing any party in a civil
23 case related to the grand jury testimony or using the grand jury
24 transcripts to the benefit or detriment of a party in a civil

1 proceeding. Nothing in this subsection shall prohibit the attorney
2 general or a district attorney from prosecuting an indictment or
3 accusation for removal while his or her office is or has been
4 engaged in related civil litigation provided that the grand jury
5 transcripts or its contents are not provided or disclosed to the
6 staff of the attorney general or district attorney involved in the
7 civil litigation. Nor does this subsection prohibit the attorney
8 for the accused, district attorney, assistant district attorney, the
9 attorney general, or assistant attorney general from providing to a
10 witness the transcribed grand jury testimony of that witness for the
11 sole purpose of preparing the witness for his or her subsequent
12 testimony at a trial or hearing arising out of a grand jury
13 indictment, accusation for removal, or civil asset forfeiture action
14 related to a grand jury indictment. The witness who is provided a
15 transcript of his or her testimony shall be subject to the same
16 restrictions on disclosure as any other person. Violation of this
17 provision subsection shall be a misdemeanor and may also be
18 punishable as contempt. Provided, nothing in this section shall
19 prohibit the attorney for the accused, the district attorney or
20 assistant district attorney from reproducing in whole or in part the
21 transcribed testimony of a witness he or she anticipates calling to
22 testify at trial and providing same to said witness for the sole
23 purpose of preparing for trial.

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1 C. No other person is permitted to be present during sessions
2 of the grand jury except the members of the grand jury, the witness
3 actually under examination, and one attorney representing such
4 witness, except that an interpreter, when necessary, may be present
5 during the interrogation of a witness; provided that, no person,
6 except the members of the grand jury, shall be permitted to be
7 present during the expression of juror opinions or the giving of
8 votes upon any matter before the grand jury; provided further that
9 neither the district attorney, nor an assistant district attorney,
10 may be present or participate in an official capacity, as herein
11 provided, during an investigation by the grand jury of the district
12 attorney's office, or of any person officially associated with said
13 office.

14 SECTION 2. This act shall become effective November 1, 2025.

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16 60-1-13130 GRS 03/04/25

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