

1 STATE OF OKLAHOMA

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

3 POLICY COMMITTEE  
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 2131

7 By: Kannady

8 POLICY COMMITTEE RECOMMENDATION

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

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

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

Section 340. A. The grand jury may at all reasonable times ask  
the advice of the court or of the district attorney. In no event  
shall the grand jury be advised as to the sufficiency or

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

15 B. Upon request, a transcript of the testimony or any portion  
16 thereof shall be made available to ~~an~~ the attorney for the accused  
17 ~~or,~~ the district attorney, assistant district attorney, the attorney  
18 general, or assistant attorney general, at the expense of the  
19 requesting party or officer, ~~and, in.~~ In the event of an indigent  
20 accused, ~~at~~ the expense ~~of~~ for the transcript shall be borne by the  
21 state in the same manner and from the same funds as indigent  
22 representation. Any attorney or other person who obtains a copy of  
23 a grand jury transcript shall ~~not reproduce the transcript in whole~~  
24 ~~or in part or otherwise disclose~~ be prohibited from disclosing its

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

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

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 60-1-12646 GRS 02/13/25

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