

1 ENGROSSED HOUSE
2 BILL NO. 1563

By: Duel of the House

and

Howard of the Senate

3
4
5
6
7 [criminal procedure - criminal subpoenas - law
8 enforcement records - recordings - business or
9 commercial entities - notice - defendants -
10 information - witnesses - trials - hearings -
11 subpoenas - court clerks - attorneys - undue burden
12 - sanctions - form requirements - exemption -
13 criminal contempt penalty - codification -
14 effective date]
15
16

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 707.1 of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 A. A subpoena issued by or on behalf of a defendant, as
22 authorized by Section 710 of Title 22 of the Oklahoma Statutes, to a
23 law enforcement agency, business, or commercial entity shall be
24 subject to the following provisions:

1 1. After a complaint, indictment, or information is filed, a
2 subpoena issued on behalf of or by a defendant to a law enforcement
3 agency may command the production of the following law enforcement
4 records:

- 5 a. body camera videos,
- 6 b. vehicle mounted camera videos,
- 7 c. traffic camera videos,
- 8 d. law enforcement incident reports, and
- 9 e. recording of the administration of a sobriety test.

10 2. After a complaint, indictment, or information is filed, a
11 subpoena issued on behalf of or by a defendant to a business or
12 commercial entity may command the production of a recording in the
13 possession of said business or commercial entity, which covers a
14 reasonable period of time before, during, or after the commission of
15 the act alleged in a complaint, indictment, or information.

16 B. Any subpoena for a record which contains individual records
17 of persons, and the costs of copying, reproducing, or certifying
18 each individual record otherwise prescribed by state law, may be
19 assessed for each individual record or portion thereof requested, as
20 prescribed by state law. Otherwise, a public body may charge a fee
21 only for recovery of the reasonable, direct costs of record copying
22 or mechanical reproduction. In no instance shall the record copying
23 fee exceed twenty-five cents (\$0.25) per page for records having the
24 dimensions of eight and one-half (8 1/2) by fourteen (14) inches or

1 smaller, or a maximum of One Dollar (\$1.00) per copied page for a
2 certified copy, and a recording copying fee of not more than Twenty-
3 five Dollars (\$25.00) per recording.

4 SECTION 2. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 707.2 of Title 22, unless there
6 is created a duplication in numbering, reads as follows:

7 A. Upon service of a subpoena by or on behalf of a defendant to
8 a law enforcement agency authorized in Section 1 of this act, such
9 law enforcement agency receiving the subpoena may notify, in writing
10 to the defendant or his or her representative, that the subpoenaed
11 records:

12 1. Would undermine any requirement to keep certain juvenile
13 records confidential as provided for in Title 10A of the Oklahoma
14 Statutes;

15 2. Would include information that would materially compromise
16 an ongoing criminal investigation or ongoing criminal prosecution;
17 or

18 3. Would undermine the assertion of a privilege to keep the
19 identity of an informer confidential, as provided for in Section
20 2510 of Title 12 of the of the Oklahoma Statutes.

21 B. Upon receiving notice by a law enforcement agency, the
22 defendant or his or her representative issuing the subpoena shall:

23 1. Inform the law enforcement agency of the desire to receive
24 the subpoenaed records with redactions or have the information

1 contained in paragraph 1, 2, or 3 of subsection A of this section
2 obscured; or

3 2. Notify the law enforcement agency of the application made to
4 the court of competent jurisdiction for the release of the
5 unredacted or obscured records.

6 SECTION 3. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 707.3 of Title 22, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Every subpoena issued on behalf of or by a defendant shall
10 state the name of the court from which it is issued and the title of
11 the action.

12 B. A witness shall be obligated upon service of a subpoena to
13 attend a trial or hearing at any place within the state.

14 C. The court clerk shall issue a subpoena, signed and sealed
15 but otherwise in blank, to a party requesting it, who shall complete
16 the subpoena before service. As an officer of the court, an
17 attorney authorized to practice law in this state may also issue and
18 sign a subpoena on behalf of a court in this state.

19 SECTION 4. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 707.4 of Title 22, unless there
21 is created a duplication in numbering, reads as follows:

22 A party or an attorney responsible for the issuance and service
23 of a subpoena shall take reasonable steps to avoid imposing undue
24 burden or expense on a person subject to that subpoena. The court

1 on behalf of which the subpoena was issued shall enforce this duty
2 and impose upon the party or attorney, or both, in breach of this
3 duty an appropriate sanction, which may include, but is not limited
4 to, lost earnings and a reasonable attorney fee.

5 SECTION 5. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 707.5 of Title 22, unless there
7 is created a duplication in numbering, reads as follows:

8 On timely motion, the court on behalf of which a subpoena was
9 issued shall quash or modify the subpoena if it:

- 10 1. Fails to allow reasonable time for compliance;
- 11 2. Requires a person to travel to a place beyond the limits of
12 the county where the person resides or is served with the subpoena;
13 or
- 14 3. Subjects a person to undue burden.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 707.6 of Title 22, unless there
17 is created a duplication in numbering, reads as follows:

18 Subpoenas issued in accordance with the provisions of Sections 1
19 through 3 of this act and Sections 708 and 712 of Title 22 of the
20 Oklahoma Statutes shall be considered separate and distinct from any
21 right or obligation provided for in Section 2002 of Title 22 of the
22 Oklahoma Statutes.

23 SECTION 7. AMENDATORY 22 O.S. 2021, Section 708, is
24 amended to read as follows:

1 Section 708. A subpoena, authorized by the ~~last four sections,~~
2 provisions of Sections 704, 705, 706, and 707 of this title and
3 Section 1 of this act must be substantially in the following form:

4 IN THE NAME OF THE STATE OF
5 OKLAHOMA.

6 To ,

7 Greeting: You are commanded to appear before C. D., a justice
8 of the peace of at (or the grand jury of the ~~county~~
9 County of or the district court of ~~county~~
10 County, or other location as ~~the case~~ may be specified), on the
11 (stating day and hour), and remain in attendance on and
12 call of said from day to day and term to term until
13 lawfully discharged, as a witness in a criminal action prosecuted by
14 the State of Oklahoma against E. F. (or to testify as the case may
15 be).

16 SECTION 8. AMENDATORY 22 O.S. 2021, Section 712, is
17 amended to read as follows:

18 Section 712. A. Service of ~~subpoenas for witnesses in criminal~~
19 ~~actions in the district courts of this state~~ a subpoena upon a
20 person named therein shall be made ~~in the same manner as in civil~~
21 ~~actions pursuant to Section 2004.1 of Title 12 of the Oklahoma~~
22 ~~Statutes~~ by delivering or mailing a copy thereof to such person and,
23 if the attendance of the person is demanded, by tendering to that
24 person the fees for one (1) day of attendance and the mileage

1 allowed by law. Service of a subpoena may be accomplished by any
2 person who is eighteen (18) years of age or older.

3 B. Service of a subpoena by mail may be accomplished by mailing
4 a copy by certified mail with return receipt requested and delivery
5 restricted to the person named in the subpoena. The person serving
6 the subpoena shall make proof of service to the court promptly, and
7 in any event, before the witness is required to testify at the
8 hearing or trial. If service is made by a person other than a peace
9 officer, such person shall make affidavit thereof. If service is by
10 mail, the person serving the subpoena shall show in the proof of
11 service the date and place of mailing and attach a copy of the
12 return receipt showing that the mailing was accepted. Failure to
13 make proof of service does not affect the validity of the service,
14 but service of a subpoena by mail shall not be effective if the
15 mailing was not accepted by the person named in the subpoena. The
16 ~~cost~~ costs of service of subpoenas shall be borne by the parties
17 unless otherwise ordered by the court and shall be allowed whether
18 service is made by a peace officer or by any other person.

19 SECTION 9. AMENDATORY 22 O.S. 2021, Section 715, is
20 amended to read as follows:

21 Section 715. A. No person is obliged to attend as a witness
22 before a court or magistrate outside the county where the witness
23 resides or is served with a subpoena, unless the judge of the court
24 in which the offense is triable, upon an affidavit of the district

1 attorney, or of the defendant or the defendant's counsel, stating
2 that he or she believes that the evidence and attendance of the
3 witness is material and necessary, shall endorse on the subpoena an
4 order for the attendance of the witness.

5 B. The court clerks of this state shall not be subject to
6 subpoena in matters relating to court records unless the court makes
7 a specific finding that the appearance and testimony of the court
8 clerk are both material and necessary because of a written objection
9 to the introduction of ~~certified documents~~ court records made by the
10 defendant or other party prior to trial.

11 SECTION 10. AMENDATORY 22 O.S. 2021, Section 716, is
12 amended to read as follows:

13 Section 716. Disobedience or failure by any person without
14 adequate excuse to obey a subpoena served upon himself or herself,
15 or a refusal to be sworn or to testify, may be ~~punished by the court~~
16 ~~or magistrate, as for~~ deemed a criminal contempt, ~~in the manner~~
17 ~~provided in civil procedure~~ of the court from which the subpoena was
18 issued.

19 SECTION 11. This act shall become effective November 1, 2025.
20
21
22
23
24

1 Passed the House of Representatives the 27th day of March, 2025.

2
3 _____
4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the _____ day of _____, 2025.

7
8 _____
9 Presiding Officer of the Senate