

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1563 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Collin Duel _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 1563

By: Duel of the House

and

Howard of the Senate

7
8
9 FLOOR SUBSTITUTE

10 An Act relating to criminal procedure; specifying
11 requirements for issuing criminal subpoenas for law
12 enforcement records or recordings in the possession
13 of business or commercial entities; allowing law
14 enforcement agencies to provide certain notice to
15 defendants; directing defendants to inform or notify
16 law enforcement agencies of certain information;
17 requiring witnesses to attend trials or hearings upon
18 service of subpoenas; allowing court clerks and
19 attorneys to issue subpoenas; directing issuers of
20 subpoenas to avoid imposing undue burden or expense
21 on persons subject to subpoenas; requiring courts to
22 enforce said duty; providing for sanctions;
23 authorizing courts to quash or modify subpoenas under
24 certain circumstances; declaring subpoenas separate
and distinct from certain rights or obligations;
amending 22 O.S. 2021, Sections 708, 712, 715, and
716, which relate to the service and issuance of
subpoenas; updating statutory references and form
requirements; clarifying processes for serving
subpoenas in person and by mail; defining term;
modifying exemption to subpoena requirement for court
clerks; clarifying criminal contempt penalty
provision; providing for codification; and providing
an effective date.

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

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

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

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

- 13 a. body camera videos;
- 14 b. vehicle mounted camera videos;
- 15 c. traffic camera videos;
- 16 d. law enforcement incident reports; and
- 17 e. recording of the administration of a sobriety test.

18 2. After a complaint, indictment, or information is filed, a
19 subpoena issued on behalf of or by a defendant to a business or
20 commercial entity may command the production of a recording in the
21 possession of said business or commercial entity, which covers a
22 reasonable period of time before, during, or after the commission of
23 the act alleged in a complaint, indictment, or information.

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1 B. Any subpoena for a record which contains individual records
2 of persons, and the costs of copying, reproducing, or certifying
3 each individual record otherwise prescribed by state law, may be
4 assessed for each individual record or portion thereof requested, as
5 prescribed by state law. Otherwise, a public body may charge a fee
6 only for recovery of the reasonable, direct costs of record copying
7 or mechanical reproduction. In no instance shall the record copying
8 fee exceed twenty-five cents (\$0.25) per page for records having the
9 dimensions of eight and one-half (8 1/2) by fourteen (14) inches or
10 smaller, or a maximum of One Dollar (\$1.00) per copied page for a
11 certified copy, and a recording copying fee of not more than Twenty-
12 five Dollars (\$25.00) per recording.

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

16 A. Upon service of a subpoena by or on behalf of a defendant to
17 a law enforcement agency authorized in Section 1 of this act, such
18 law enforcement agency receiving the subpoena may notify, in writing
19 to the defendant or his or her representative, that the subpoenaed
20 records:

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

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1 2. Would include information that would materially compromise
2 an ongoing criminal investigation or ongoing criminal prosecution;
3 or

4 3. Would undermine the assertion of a privilege to keep the
5 identity of an informer confidential, as provided for in Section
6 2510 of Title 12 of the of the Oklahoma Statutes.

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

9 1. Inform the law enforcement agency of the desire to receive
10 the subpoenaed records with redactions or have the information
11 contained in paragraphs 1, 2, or 3 of subsection A of this section
12 obscured; or

13 2. Notify the law enforcement agency of the application made to
14 the court of competent jurisdiction for the release of the
15 unredacted or obscured records.

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

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

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

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

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

9 A party or an attorney responsible for the issuance and service
10 of a subpoena shall take reasonable steps to avoid imposing undue
11 burden or expense on a person subject to that subpoena. The court
12 on behalf of which the subpoena was issued shall enforce this duty
13 and impose upon the party or attorney, or both, in breach of this
14 duty an appropriate sanction, which may include, but is not limited
15 to, lost earnings and a reasonable attorney fee.

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

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

- 21 1. Fails to allow reasonable time for compliance;
- 22 2. Requires a person to travel to a place beyond the limits of
23 the county where the person resides or is served with the subpoena;
- 24 or

1 3. Subjects a person to undue burden.

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

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

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

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

15 IN THE NAME OF THE STATE OF
16 OKLAHOMA.

17 To,

18 Greeting: You are commanded to appear before C. D., a justice
19 of the peace of at (or the grand jury of the ~~county~~
20 County of or the district court of ~~county~~
21 County, or other location as ~~the case~~ may be specified), on the
22 (stating day and hour), and remain in attendance on and
23 call of said from day to day and term to term until
24 lawfully discharged, as a witness in a criminal action prosecuted by

1 the State of Oklahoma against E. F. (or to testify as the case may
2 be).

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

5 Section 712. A. ~~Service of subpoenas for witnesses in criminal~~
6 ~~actions in the district courts of this state~~ a subpoena upon a
7 person named therein shall be made in the same manner as in civil
8 actions pursuant to Section 2004.1 of Title 12 of the Oklahoma
9 Statutes by delivering or mailing a copy thereof to such person and,
10 if the attendance of the person is demanded, by tendering to that
11 person the fees for one (1) day of attendance and the mileage
12 allowed by law. Service of a subpoena may be accomplished by any
13 person who is eighteen (18) years of age or older.

14 B. Service of a subpoena by mail may be accomplished by mailing
15 a copy by certified mail with return receipt requested and delivery
16 restricted to the person named in the subpoena. The person serving
17 the subpoena shall make proof of service to the court promptly, and
18 in any event, before the witness is required to testify at the
19 hearing or trial. If service is made by a person other than a peace
20 officer, such person shall make affidavit thereof. If service is by
21 mail, the person serving the subpoena shall show in the proof of
22 service the date and place of mailing and attach a copy of the
23 return receipt showing that the mailing was accepted. Failure to
24 make proof of service does not affect the validity of the service,

1 but service of a subpoena by mail shall not be effective if the
2 mailing was not accepted by the person named in the subpoena. The
3 ~~cost~~ costs of service of subpoenas shall be borne by the parties
4 unless otherwise ordered by the court and shall be allowed whether
5 service is made by a peace officer or by any other person.

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

8 Section 715. A. No person is obliged to attend as a witness
9 before a court or magistrate outside the county where the witness
10 resides or is served with a subpoena, unless the judge of the court
11 in which the offense is triable, upon an affidavit of the district
12 attorney, or of the defendant or the defendant's counsel, stating
13 that he or she believes that the evidence and attendance of the
14 witness is material and necessary, shall endorse on the subpoena an
15 order for the attendance of the witness.

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

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

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1 Section 716. Disobedience or failure by any person without
2 adequate excuse to obey a subpoena served upon himself or herself,
3 or a refusal to be sworn or to testify, may be ~~punished by the court~~
4 ~~or magistrate, as for~~ deemed a criminal contempt, ~~in the manner~~
5 ~~provided in civil procedure~~ of the court from which the subpoena was
6 issued.

7 SECTION 11. This act shall become effective November 1, 2025.

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9 60-1-13374 GRS 03/25/25

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