

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 60th Legislature (2025)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2131

By: Kannady of the House

and

Howard of the Senate

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10 COMMITTEE SUBSTITUTE

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

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

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

1 Section 340. A. The grand jury may at all reasonable times ask
2 the advice of the court or of the district attorney. In no event
3 shall the grand jury be advised as to the sufficiency or
4 insufficiency of the evidence necessary to return a true bill, in a
5 matter under investigation before them. The district attorney, with
6 or without a regularly appointed assistant district attorney
7 individually or collectively, or if the district attorney and all of
8 his or her assistants are disqualified for any reason, a district
9 attorney or assistant district attorney from another district,
10 appointed by the Attorney General of Oklahoma pursuant to Sections
11 215.9 and 215.13 of Title 19 of the Oklahoma Statutes, and where
12 proper, the Attorney General, or an assistant attorney general, may
13 at all times appear before the grand jury for the purpose of giving
14 information or advice relative to any matter cognizable before them
15 and may interrogate witnesses before them whenever he or she thinks
16 it necessary. A qualified court reporter shall be present and take
17 the testimony of all witnesses.

18 B. Upon request, a transcript of the testimony or any portion
19 thereof shall be made available to ~~an~~ the attorney for the accused
20 ~~or,~~ the district attorney, assistant district attorney, the attorney
21 general, or assistant attorney general, at the expense of the
22 requesting party or officer, ~~and, in.~~ In the event of an indigent
23 accused, ~~at~~ the expense ~~of~~ for the transcript shall be borne by the
24 state in the same manner and from the same funds as indigent

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

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

1 ~~transcribed testimony of a witness he or she anticipates calling to~~
2 ~~testify at trial and providing same to said witness for the sole~~
3 ~~purpose of preparing for trial.~~

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY
20 OVERSIGHT, dated 03/04/2025 - DO PASS, As Amended.

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