

## **SENATE FLOOR VERSION**

April 8, 2025

ENGROSSED HOUSE  
BILL NO. 2131

By: Kannady of the House

and

## Howard of the Senate

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 340, which relates to procedures for advising grand juries; providing limitations on the use of grand jury transcripts; establishing notice and hearing procedures for releasing grand jury transcripts; making hearings closed to the public; providing an exception; providing limitations on representing certain parties; allowing prosecutions concurrent to civil litigation related to grand jury transcripts; allowing the disclosure of transcribed testimony to witnesses under certain circumstances; making witnesses subject to restrictions on disclosure; providing penalties for 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:

20           Section 340. A. The grand jury may at all reasonable times ask  
21 the advice of the court or of the district attorney. In no event  
22 shall the grand jury be advised as to the sufficiency or  
23 insufficiency of the evidence necessary to return a true bill, in a  
24 matter under investigation before them. The district attorney, with

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

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

1 forfeiture proceeding, or removal proceeding. A transcript obtained  
2 pursuant to this subsection shall not be used for any purpose other  
3 than in proceedings relating to the grand jury testimony, civil  
4 asset forfeiture proceedings related to an indictment from the grand  
5 jury, or an accusation for removal of a public official from the  
6 grand jury, or in preparation for those proceedings, without good  
7 cause shown supported by clear and convincing evidence after written  
8 motion and hearing before the judge presiding over the grand jury.

9 The prosecutor serving as a legal advisor to the grand jury  
10 shall receive timely notice of the motion and hearing and be allowed  
11 an opportunity to object to any order of release of grand jury  
12 transcripts. The pleadings relating to a request for grand jury  
13 transcripts shall be sealed and any hearing held pursuant to a  
14 request for grand jury transcripts shall be closed to the public  
15 unless the presiding judge of the grand jury finds that the public  
16 interest in unsealing the pleadings or opening the hearing to the  
17 public outweighs the public interest in maintaining the secrecy of  
18 the grand jury investigation.

19 Except in a civil asset forfeiture proceeding related to a grand  
20 jury indictment, an attorney who obtains a copy of a grand jury  
21 transcript pursuant to this subsection shall be precluded from  
22 representing any party in a civil case related to the grand jury  
23 testimony or using the grand jury transcripts to the benefit or  
24 detriment of a party in a civil proceeding.

1       Nothing in this subsection shall prohibit the Attorney General  
2       or a district attorney from prosecuting an indictment or accusation  
3       for removal while his or her office is or has been engaged in  
4       related civil litigation, provided that the grand jury transcripts  
5       or their contents are not provided or disclosed to the staff of the  
6       Attorney General or district attorney involved in the civil  
7       litigation. Nor does this subsection prohibit the attorney for the  
8       accused, district attorney, assistant district attorney, the  
9       Attorney General, or an assistant attorney general from providing to  
10      a witness the transcribed grand jury testimony of that witness for  
11      the 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.

17       Violation of this provision subsection shall be a misdemeanor  
18       and may also be punishable as contempt. Provided, nothing in this  
19       section shall prohibit the attorney for the accused, the district  
20       attorney or assistant district attorney from reproducing in whole or  
21       in part the transcribed testimony of a witness he or she anticipates  
22       calling to testify at trial and providing same to said witness for  
23       the sole 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.

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
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