

# Table of Contents

## Chapter 1 Oklahoma Evidence Code

### ARTICLE I GENERAL PROVISIONS

§ 2101	Short Title .....	4
§ 2102	Legislative Purpose.....	5
§ 2103	Scope of Rules.....	5
§ 2104	Rulings on Evidence.....	5
§ 2105	Preliminary Questions .....	6
§ 2106	Limited Admissibility .....	7
§ 2107	Remainder of Record .....	7

### ARTICLE II JUDICIAL NOTICE

§ 2201	Judicial Notice of Law .....	7
§ 2202	Judicial Notice of Adjudicative Facts .....	7
§ 2203	Determining Propriety of Taking Judicial Notice .....	8

### ARTICLE III PRESUMPTIONS

§ 2301	Definitions .....	9
§ 2302	Establishment of Basic Fact.....	9
§ 2303	Effect of Presumptions in Civil Cases .....	9
§ 2304	Presumptions in Criminal Cases.....	10
§ 2305	Inconsistent Presumptions .....	10

### ARTICLE IV RELEVANCY

§ 2401	Definition of “Relevant Evidence”.....	11
§ 2402	Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible .....	11
§ 2403	Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion or Cumulative Nature of Evidence.....	11
§ 2404	Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes .....	11
§ 2405	Methods of Proving Character .....	12
§ 2406	Habit; Routine Practice .....	12
§ 2407	Subsequent Remedial Measures .....	12
§ 2408	Compromise and Offers to Compromise.....	13
§ 2409	Payment of Medical and Similar Expenses .....	13
§ 2410	Pleas and Plea Discussions; Admissibility of Evidence.....	13
§ 2411	Liability Insurance .....	14
§ 2412	Sexual Offense Against Another Person—Evidence of Other Sexual Behavior Inadmissible—Exceptions ...	14
§ 2413	Sexual Assault Offense—Commission of Other	

	Offenses Admissible—Definition.....	15
§ 2414	Child Molestation Offense—Commission of Other Offenses Admissible—Definitions .....	16

**ARTICLE V PRIVILEGES**

§ 2501	Privileges Recognized Only as Provided .....	17
§ 2502	Attorney-Client Privilege .....	17
§ 2502.1	Communications Between Accountant and Client ...	20
§ 2503	Physician and Psychotherapist-Patient Privilege .....	21
§ 2503.1	Interpreter for the Deaf or Hard-of-Hearing Privilege.....	23
§ 2504	Spousal Privilege .....	25
§ 2505	Religious Privilege.....	25
§ 2506	Journalist’s Privilege.....	26
§ 2506.1	Renumbered as Title 12, § 2503.1 by Laws 2002, c. 468, § 78, eff. Nov. 1, 2002 .....	27
§ 2506.2	Peer Support Counseling Confidentiality .....	27
§ 2507	Political Vote .....	29
§ 2508	Trade Secrets .....	30
§ 2509	Secrets of State and Other Official Information; Governmental Privileges .....	30
§ 2510	Identity of Informer .....	30
§ 2510.1	Crime Stoppers Organizations—Privileged Communications—Orders for Production of Records .....	31
§ 2511	Waiver of Privilege by Voluntary Disclosure .....	33
§ 2512	Privileged Matter Disclosed Under Compulsion or Without Opportunity to Claim Privilege .....	33
§ 2513	Comment Upon or Inference From Claim of Privilege; Instruction .....	33

**ARTICLE VI WITNESSES**

**General Provisions**

§ 2601	General Rule of Competency .....	33
§ 2602	Personal Knowledge.....	34
§ 2603	Oath or Affirmation .....	34
§ 2604	Interpreters .....	34
§ 2605	Competency of Judge as Witness .....	34
§ 2606	Competency of Juror as Witness.....	34
§ 2607	Who May Impeach .....	35
§ 2608	Evidence of Character and Conduct of Witness.....	35
§ 2609	Impeachment by Evidence of Conviction of Crime....	36
§ 2610	Religious Beliefs or Opinions.....	37
§ 2611	Mode and Order of Interrogation and Presentation ..	37
§ 2611.1	Repealed by Laws 1993, c. 197, § 4, eff. Sept. 1, 1993 .....	38
§ 2611.2	Minor or Incapacitated Witnesses—Closing of	

TABLE OF CONTENTS

	Testimony to Public—Taking Testimony Outside Courtroom—Meeting in Chambers with Judge and Attorneys—Presence of Support Person .....	38
<b>Uniform Child Witness Testimony by Alternative Methods Act</b>		
§ 2611.3	Short Title .....	40
§ 2611.4	Definitions .....	41
§ 2611.5	Testimony to which Act Applies—Other Procedures Not Precluded .....	41
§ 2611.6	Hearing—Determination of Whether To Use Alternative Method Testimony .....	42
§ 2611.7	Situations Where Alternative Method Testimony Permitted .....	42
§ 2611.8	Determination of Whether To Allow Child Witness To Testify by an Alternative Method .....	43
§ 2611.9	Order—Required Contents .....	43
§ 2611.10	Opportunity for Examination and Cross-Examination .....	44
§ 2611.11	Construction and Application of Act .....	44
§ 2611.12	Support Person or Therapeutic Dog .....	44
<b>General Provisions (cont'd.)</b>		
§ 2612	Writing Used To Refresh Memory .....	45
§ 2613	Prior Statements of Witnesses .....	46
§ 2614	Calling and Interrogation of Witnesses by Court .....	46
§ 2615	Exclusion of Witnesses .....	47
<b>ARTICLE VII OPINIONS AND EXPERT TESTIMONY</b>		
§ 2701	Opinion Testimony by Lay Witnesses .....	47
§ 2702	Testimony by Experts .....	47
§ 2703	Bases of Opinion Testimony by Experts .....	48
§ 2704	Opinion on Ultimate Issue .....	48
§ 2705	Disclosure of Facts or Data Underlying Expert Opinion .....	48
<b>ARTICLE VIII HEARSAY</b>		
§ 2801	Definitions .....	49
§ 2802	Hearsay Rule .....	50
§ 2803	Hearsay Exceptions; Availability of Declarant Immaterial .....	50
§ 2803.1	Statements of Children Not Having Attained 16 Years or Incapacitated Persons Describing Acts of Physical Abuse or Sexual Contact—Admissibility in Criminal and Juvenile Proceedings .....	54
§ 2803.2	Renumbered as Title 12, § 2611.2 by Laws 1999, c. 108, § 1, eff. Nov. 1, 1999 .....	56
§ 2804	Hearsay Exception; Declarant Unavailable .....	56

COURTROOM GUIDE: OKLAHOMA EVIDENCE

§ 2804.1	Hearsay Exception—Exceptional circumstances . . . .	58
§ 2805	Hearsay Within Hearsay . . . . .	58
§ 2806	Attacking and Supporting Credibility of Declarant . .	59

**ARTICLE IX AUTHENTICATION AND IDENTIFICATION**

§ 2901	Requirement of Authentication or Identification . . . . .	59
§ 2902	<b>Self-Authentication (statute will be superseded on November 1, 2024)</b> . . . . .	60
§ 2902	Self-Authentication (effective November 1, 2024) . . . . .	63
§ 2903	Subscribing Witness’ Testimony Unnecessary . . . . .	66

**ARTICLE X CONTENTS OF WRITINGS, RECORDINGS AND PHOTOGRAPHS**

§ 3001	Definitions . . . . .	66
§ 3002	Requirement of Original . . . . .	67
§ 3003	Admissibility of Duplicates . . . . .	67
§ 3004	Admissibility of Other Evidence of Contents . .	67
§ 3005	Public Records . . . . .	68
§ 3006	Summaries . . . . .	68
§ 3007	Testimony or Written Admission of Party . . . . .	68
§ 3008	Functions of Judge and Jury . . . . .	69
§ 3009	Medical bills—Identification . . . . .	69
§ 3009.1	Personal Injury Suits—Medical Bills— Evidence . . . . .	69
§ 3010	Repealed by Laws 1982, c. 198, § 16 . . . . .	70
§ 3011	Admissible Evidence—Exercise of Free Speech or Display of Religious Beliefs . . . . .	70
§ 3101 to 3103	Repealed by Laws 2002, c. 468, § 80, eff. Nov. 1, 2002 . . . . .	71

**Chapter 2 Selected Constitutional Provisions**

**Constitution of the United States**

Amendment 4	Searches and Seizures . . . . .	73
Amendment 5	Grand Jury Indictment for Capital Crimes; Double Jeopardy; Self-Incrimination; Due Process of Law; Just Compensation for Property . . . . .	74
Amendment 6	Jury Trial for Crimes, and Procedural Rights . .	74
Amendment 7	Civil Trials . . . . .	74

**Constitution of the State of Oklahoma**

Art. 2, § 6	Courts of justice open—Remedies for wrongs— Sale, denial or delay . . . . .	74
Art. 2, § 7	Due process of law . . . . .	75
Art. 2, § 16	Treason . . . . .	75
Art. 2, § 17	Indictment or information—Preliminary examination—Prosecutions in courts not of	

TABLE OF CONTENTS

	record .....	75
Art. 2, § 18	Grand jury .....	75
Art. 2, § 19	Trial by jury .....	76
Art. 2, § 20	Rights of accused in criminal cases .....	76
Art. 2, § 21	Self-incrimination—Double jeopardy.....	77
Art. 2, § 22	Liberty of speech and press—Truth as evidence in prosecution for libel.....	77
Art. 2, § 25	Contempt—Definition—Jury trial—Hearing.....	77
Art. 2, § 27	Witnesses not excused from testifying— Immunity from prosecution .....	78
Art. 2, § 28	Corporate records, books and files .....	78
Art. 2, § 30	Unreasonable searches or seizures—Warrants, issuance of .....	78
Art. 2, § 34	Rights of victims .....	78
Art. 7, § 1	Courts in which judicial power vested .....	79
Art. 7, § 15	Jury trials—Verdicts.....	80
Art. 23, § 6	Contributory negligence—Assumption of risk— Questions for jury .....	80

**Chapter 3 Selected Oklahoma Evidentiary Statutes**

**TITLE 2 AGRICULTURE**

**CHAPTER 1 AGRICULTURAL CODE**

**ARTICLE 2 STATE BOARD OF AGRICULTURE**

§ 2-7	Records and files as evidence—Enforcement of penalties and fines .....	91
§ 2-8	Certified copies as evidence .....	91

**ARTICLE 4 LIVESTOCK BRANDS**

§ 4-8	Brands in current edition as prima facie evidence of ownership.....	92
-------	--	----

**TITLE 3 AIRCRAFT AND AIRPORTS**

**Oklahoma Aeronautics Commission Act**

§ 85	Powers and duties of Commission .....	92
------	---------------------------------------	----

**Operation of Aircraft Under Influence of Intoxicants**

§ 302	Tests to determine concentration of intoxicants— Implied consent .....	98
§ 303	Drawing or collecting of specimens—Use as evidence—Independent tests .....	100
§ 305	Admissibility of evidence—Evidence of intoxication ....	103

**TITLE 5 ATTORNEYS AND STATE BAR**

**CHAPTER 1.—APPENDIX 1-A RULES GOVERNING DISCIPLINARY PROCEEDINGS**

Rule 2.8	Duties and powers .....	103
Rule 5.4	Grievances privileged .....	106
Rule 6.8	Depositions and discovery .....	106
Rule 6.11	Powers of Trial Panel in conduct of proceeding.....	106
Rule 6.12	Evidence, procedure and standard of proof .....	107
Rule 7.2	Transmittal of record relating to conviction .....	107
Rule 7.4	Conviction becoming final without appeal.....	107
Rule 7.5	Appeal of conviction.....	108
Rule 7.6	Disciplinary proceedings based upon same facts as criminal proceeding.....	108
Rule 7.7	Disciplinary action in other jurisdictions, as basis for discipline.....	108
Rule 7.8	Noncompliance with an order of support .....	109
Rule 7.9	Transmittal of record relating to finding of noncompliance with an order of support .....	109
Rule 7.10	Noncompliance with an order for support, as basis for discipline.....	109

**TITLE 6 BANKS AND TRUST COMPANIES**

**CHAPTER 20 MISCELLANEOUS PROVISIONS**

§ 3001	Records—Electronic or microphotographic reproduction—Evidence .....	110
--------	---	-----

**TITLE 10 CHILDREN**

**CHAPTER 75 OKLAHOMA ADOPTION CODE**

§ 7505-1.1	Confidential character of hearings and records—Release—Exceptions—Misdemeanor .....	110
------------	---	-----

**CHAPTER 77 UNIFORM PARENTAGE ACT**

§ 7700-201	Establishment of parent-child relationship .....	111
§ 7700-204	Presumption of paternity .....	112

**TITLE 10A CHILDREN AND JUVENILE CODE**

**ARTICLE 1 OKLAHOMA CHILDREN'S CODE**

**CHAPTER 4 COURT PROCEEDINGS**

TABLE OF CONTENTS

**PART 4 DISCOVERY AND PRETRIAL PROCEEDINGS**

§ 1-4-401 Discovery and court rules concerning juvenile proceedings—Exchange of information—Protective order ..... 113

**PART 5 CONDUCT OF HEARINGS**

§ 1-4-505 Admissibility of prerecorded statements of child age 12 or under who is victim of abuse..... 113

§ 1-4-506 Taking testimony of child age 12 or under in room other than courtroom—Recording..... 115

§ 1-4-507 Admissibility of evidence ..... 116

§ 1-4-508 Immunity for testimony—Records—Statements during evaluation or treatment ..... 117

**PART 6 ADJUDICATION HEARING**

§ 1-4-602 Allegations of petition not supported by evidence .. 117

**PART 7 DISPOSITIONAL HEARINGS**

§ 1-4-703 Examination of child—Investigation of home conditions ..... 118

§ 1-4-710 Motion for permanent guardianship—Notice—Home study—Findings—Visitation—Guardianship ..... 118

§ 1-4-713 Family drug court assessment ..... 121

**CHAPTER 6 CHILDREN’S RECORDS**

§ 1-6-107 Confidentiality—Violation—Penalty..... 122

**ARTICLE 2 OKLAHOMA JUVENILE CODE**

**CHAPTER 2 CUSTODY AND COURT PROCEEDINGS**

§ 2-2-401.4 Credentialed forensic evaluators—Exceptions .... 123

**CHAPTER 6 RECORDS**

§ 2-6-102 Confidential juvenile records ..... 123

§ 2-6-103 Confidentiality of social records..... 128

§ 2-6-108 Effect of adjudication—Sealing of records—Order unsealing sealed records—Destruction of records . 128

**TITLE 11 CITIES AND TOWNS**

**CHAPTER 1 MUNICIPAL CODE**

§ 2-101 Incorporation of a municipality ..... 131

§ 2-107 Effect of incorporation—Filing—Judicial notice—Challenges ..... 131

COURTROOM GUIDE: OKLAHOMA EVIDENCE

§ 13-108	Deposit of copies for record—Judicial notice .....	132
§ 14-110	Notice and filing of penal ordinance compilation— Judicial notice.....	132
§ 22-132	Authority to have records photographed or reproduced on film or stored on optical disk— Original record—Storage.....	132
§ 27-102	Resolution of governing body.....	133
§ 27-113	Procedure—Judicial notice of statutes and ordinances—Writs and process—Service of arrest warrant .....	133

**TITLE 12 CIVIL PROCEDURE**

**CHAPTER 2 GENERAL PROVISIONS**

§ 24	Journal record—Instruments to be entered .....	134
§ 78	Immaterial errors to be disregarded .....	134

**CHAPTER 10 EVIDENCE**

§ 421	Modes of taking testimony.....	135
§ 422	Affidavit defined.....	135
§ 431	Use of affidavit .....	135
§ 432	Where and before whom taken .....	135

**CHAPTER 11 TRIAL**

§ 556	Trial of issues.....	135
§ 577	Order of trial .....	135
§ 579	View by jury .....	136
§ 582	Information after retirement .....	137
§ 587	General and special verdict .....	137
§ 588	General and special findings.....	137
§ 630	Formal exceptions unnecessary—What acts sufficient..	137
§ 631	Exception defined .....	137
§ 636	Immaterial exception .....	138
§ 637	Exceptions may be withdrawn.....	138

**CHAPTER 15 APPEAL AND ERROR**

§ 952	Jurisdiction of Supreme Court.....	138
-------	------------------------------------	-----

**CHAPTER 24 INJUNCTION**

§ 1382	Cause for temporary injunction .....	139
§ 1393	Affidavits on hearing .....	139
§ 1395	Counter affidavits or evidence.....	139

TABLE OF CONTENTS

**CHAPTER 25 LIBEL AND SLANDER**

§ 1443.1	Privileged communication defined—Exemption from libel.....	139
§ 1444.1	Pleading—Proof—Defenses .....	140

**CHAPTER 33 CHANGE OF NAME**

§ 1634	Evidence—Determination.....	140
--------	-----------------------------	-----

**CHAPTER 36 SMALL CLAIMS PROCEDURE ACT**

§ 1761	Trial by court—Request for reporter or jury— Evidence—Informality—Mailing of judgment.....	140
--------	---	-----

**CHAPTER 37 DISPUTE RESOLUTION ACT**

§ 1805	Confidentiality of proceedings—Disclosure—Civil liability—Waiver of privilege.....	141
--------	---	-----

**CHAPTER 41 DISCOVERY CODE**

§ 3226	General provisions governing discovery.....	141
§ 3226.1	Abusive discovery.....	151
§ 3226A	Withdrawal of certain discovery items .....	151

**TITLE 13 COMMON CARRIERS**

**CHAPTER 4 CARRIERS OF MESSAGES**

§ 176.6	Use of certain intercepted communications as evidence prohibited .....	152
§ 176.12	Conditions for use of intercepted communication as evidence or disclosure at trial .....	152

**TITLE 20 COURTS**

**CHAPTER 4 DISTRICT COURTS**

§ 106.4	Duties of reporter—Methods—Transcripts.....	152
§ 106.5	Admissibility of transcripts as evidence.....	154

**CHAPTER 15 DESTRUCTION OF COURT RECORDS**

§ 1005	Manner of destruction of court records—Judicial records subject to disposal—Storage prior to destruction.....	155
§ 1005.1	Which records may be destroyed.....	157
§ 1008	Destruction of depositions .....	158

**TITLE 21 CRIMES AND PUNISHMENT**

**CHAPTER 13 FALSIFYING EVIDENCE**

§ 451	Offering false evidence .....	158
§ 452	Deceiving witness .....	158
§ 453	Preparing false evidence .....	159
§ 454	Destroying evidence.....	159
§ 455	Preventing witness from giving testimony— Threatening witness who has given testimony.....	159
§ 456	Bribing witness—Subornation of perjury.....	160

**CHAPTER 17 PERJURY AND SUBORNATION OF PERJURY**

§ 491	Perjury defined—Defense .....	160
§ 492	Oath defined.....	160

**CHAPTER 19 OTHER CRIMES AGAINST PUBLIC JUSTICE**

§ 546	Suppressing evidence.....	160
§ 564	Privilege of witnesses in respect to claims or debts sold.....	161
§ 565	Contempts, direct and indirect—Definition .....	161
§ 565.1	Trial court—Power to punish contempt—Censure— Contempt proceedings .....	161

**CHAPTER 24 HOMICIDE**

§ 702	Design to effect death inferred .....	162
-------	---------------------------------------	-----

**CHAPTER 68 LARCENY**

§ 1713	Receiving stolen property—Presumption .....	162
--------	---	-----

**TITLE 22 CRIMINAL PROCEDURE**

**CHAPTER 1 GENERAL PROVISIONS**

§ 13	Right to speedy trial, counsel and witnesses .....	163
------	--	-----

**CHAPTER 2 PREVENTION OF PUBLIC OFFENSE**

§ 40.7	Expert testimony—Admissibility .....	164
--------	--------------------------------------	-----

**CHAPTER 4 PROCEEDINGS AFTER COMMITMENT**

§ 333	Evidence before grand jury .....	164
§ 335	Evidence for the accused—Procuring additional evidence .....	164

TABLE OF CONTENTS

**CHAPTER 7 PROCEEDINGS BEFORE TRIAL**

§ 513 Pleas to indictment or information..... 164  
§ 517 Plea of guilty may be withdrawn..... 165

**CHAPTER 9 WITNESSES**

§ 701 Defendant a competent witness—Comment on failure  
to testify—Presumptions..... 165  
§ 721 Definitions ..... 165

**CHAPTER 10 EVIDENCE AND DEPOSITIONS**

§ 741 Overt act in conspiracy..... 165  
§ 742 Accomplice, testimony of ..... 166  
§ 743 False pretenses, evidence of ..... 166  
§ 744 Seduction, corroboration of prosecutrix..... 166  
§ 745 Murder, burden of proof in mitigation of..... 166  
§ 749 Sworn statements taken by district attorney or peace  
officer of persons having knowledge of criminal  
offense—Use ..... 167  
§ 751 Admission of findings—Laboratory and medical  
examiner’s reports—Release of controlled  
dangerous substances—Compelled attendance in  
court of report preparers ..... 167  
§ 751.1 DNA profile—Use as evidence—Notification of  
defendant..... 169  
§ 761 Conditional examination of witnesses ..... 170  
§ 762 Conditional examinations in certain cases ..... 170  
§ 762.1 Application for order that witnesses be examined  
conditionally ..... 171  
§ 763 Affidavit with application ..... 171  
§ 764 Application to court—Notice to opposing counsel ..... 171  
§ 765 Order for examination of witness ..... 171  
§ 766 Examination taken before magistrate ..... 172  
§ 767 Circumstances where examination cannot proceed .... 172  
§ 768 Enforcing attendance of witnesses ..... 172  
§ 769 Witness testimony—Taking and authentication..... 172  
§ 770 Reading depositions into evidence—Objections..... 173  
§ 771 Deposition of prisoner ..... 173

**CHAPTER 12 TRIAL**

§ 831 Order of trial proceedings ..... 174  
§ 832 Court to decide the law..... 175  
§ 834 Jury limited to questions of fact..... 175  
§ 836 Defendant presumed innocent—Reasonable doubt of  
guilt requires acquittal ..... 175  
§ 850 Court may advise jury to acquit..... 175  
§ 851 Jury may view place—Custody of sworn officer ..... 175  
§ 893 Jury may have written instructions, forms of verdict

and documents in jury room—Copies of public or private documents .....	176
<b>CHAPTER 15 NEW TRIAL—ARREST OF JUDGMENT</b>	
§ 952 Grounds for new trial—Affidavits and testimony .....	176
<b>CHAPTER 16 JUDGMENT AND EXECUTION</b>	
§ 982 Presentence investigation .....	177
<b>CHAPTER 22 INSANITY OF ACCUSED</b>	
§ 1175.3 Hearing—Date—Evidence—Orders—Examination of accused—Instructions to physician .....	179
§ 1175.4 Post-examination competency hearing—Evidence—Presumptions—Jury trial—Presence of accused—Witnesses—Instructions.....	181
<b>TITLE 26 ELECTIONS</b>	
<b>CHAPTER A1 ELECTION CODE</b>	
§ 7-109 Disclosure of vote—Prohibition—Admissibility as evidence .....	183
<b>TITLE 30 GUARDIAN AND WARD</b>	
§ 1-123 Letters of guardianship .....	183
<b>TITLE 37 INTOXICATING LIQUORS</b>	
<b>CHAPTER 3 OKLAHOMA ALCOHOLIC BEVERAGE CONTROL ACT</b>	
§ 506.1 Alcoholic Beverage Laws Enforcement Commission ..	184
<b>TITLE 43 MARRIAGE AND FAMILY</b>	
§ 10 Evidence before issue of license .....	184
§ 11 Copy of record—Admission as evidence .....	184
§ 112.2 Evidence of ongoing domestic abuse or child abuse—Determinations relating to convicted sex offenders—Presumption .....	184
§ 130 Evidence .....	186
§ 136 Mailing of alimony and support payments—Evidence of support payments—Income assignment fee .....	186

TABLE OF CONTENTS

**TITLE 43A MENTAL HEALTH**

**CHAPTER 1 MENTAL HEALTH LAW OF 1986**

§ 1-109	Privileged, confidential nature of medical records and physician/client communications.....	187
§ 10-110	Confidentiality of records and reports.....	193

**TITLE 47 MOTOR VEHICLES**

**CHAPTER 10 ACCIDENTS AND ACCIDENT REPORTS**

§ 10-115	Public inspection of reports relating to accidents ....	195
----------	---	-----

**CHAPTER 12 EQUIPMENT OF VEHICLES**

§ 12-420	Civil proceedings—Effect of act.....	195
§ 12-427	Official slow-moving vehicle emblem.....	195

**CHAPTER 14 SIZE, WEIGHT AND LOAD**

§ 14-110	Carrying registration certificate—Inspection.....	196
----------	---	-----

**CHAPTER 67 CHEMICAL TESTS**

§ 752	Administration of tests—Authorization—Liability— Laboratories—Independent analysis—Costs .....	197
§ 756	Admission of evidence shown by tests .....	200
§ 757	Other competent evidence—Admissibility.....	202

**CHAPTER 74 OKLAHOMA VEHICLE LICENSE AND  
REGISTRATION ACT**

§ 1109	Confidential nature of information contained in certificates of title, applications, or registration— Fees—Penalty .....	202
--------	--	-----

**TITLE 51 OFFICERS**

**CHAPTER 1 GENERAL PROVISIONS**

§ 21	Oaths, officers authorized to administer.....	207
§ 24A.5	Inspection, copying and/or mechanical reproduction of records—Exemptions .....	208
§ 24A.7	Personnel records—Confidentiality—Inspection and copying .....	210

**CHAPTER 3 OUSTER BY ACTION**

§ 105	Prima facie evidence.....	211
-------	---------------------------	-----

**TITLE 56 POOR PERSONS**

**CHAPTER 7 ASSISTANCE—AGED PERSONS, ETC.**  
 § 240.4 Admissibility of report of payments..... 212

**TITLE 58 PROBATE PROCEDURE**

**CHAPTER 15 SPECIAL CLASSES OF PROBATE CASES**  
 § 912 Termination of joint tenancy or life tenancy with  
 remainder interest by affidavit ..... 212  
 § 941 Presumption of death—Issuance of letters  
 testamentary or of administration..... 214

**CHAPTER 16 UNIFORM SIMULTANEOUS DEATH ACT**  
 § 1001 Disposition of property upon insufficient evidence of  
 survivorship ..... 214

**TITLE 59 PROFESSIONS AND OCCUPATIONS**

**CHAPTER 1 ACCOUNTANCY**  
 § 15.5 Quorum—Seal—Records—Staff—Expenditures—  
 Rules and regulations—Delegation of authority ..... 215

**CHAPTER 20 OKLAHOMA REAL ESTATE LICENSE  
 CODE**  
 § 858-206 Suits—Service—Seal—Certified copies—Location  
 of office ..... 216

**CHAPTER 32 SOCIAL WORKERS**  
 § 1261.6 Information confidential—Disclosure..... 216

**TITLE 63 PUBLIC HEALTH AND SAFETY**

**CHAPTER 37 MEDICOLEGAL INVESTIGATIONS**  
 § 949 Records—Evidence—Sudden infant death syndrome ... 217

**CHAPTER 53 HEALTH SERVICES FOR MINORS**  
 § 2602 Right of self-consent under certain conditions—  
 Doctor patient privileges ..... 220

**CHAPTER 59A HYDRATION AND NUTRITION FOR  
 INCOMPETENT PATIENTS ACT**  
 § 3080.3 Presumption of hydration and nutrition sufficient  
 to sustain life..... 221  
 § 3080.4 Presumption of nutrition and hydration, when  
 inapplicable..... 222

TABLE OF CONTENTS

**CHAPTER 72 BOATING SAFETY**

§ 4210.8 Operation or control of vessel under influence of alcohol or other intoxicating substance..... 223

**TITLE 67 RECORDS**

**CHAPTER 10A ARCHIVES AND RECORDS COMMISSION**

§ 309 Microfilm—Deemed original record for all purposes .... 224

**TITLE 74 STATE GOVERNMENT**

**CHAPTER 2 ATTORNEY GENERAL**

§ 18p-3 Contracts for shelter and services—Disclosure of case records, shelter locations or board member information ..... 224

**CHAPTER 5 STATE BUREAU OF INVESTIGATION**

§ 150.27a OSBI Combined DNA Index System (CODIS) Database ..... 226

**TITLE 75 STATUTES AND REPORTS**

**CHAPTER 8 ADMINISTRATIVE PROCEDURES**

§ 252 Filing as condition of validity—Notification of failure to comply ..... 229  
§ 310 Procedures before agency ..... 229

**TITLE 76 TORTS**

§ 19 Access to medical records—Copies—Waiver of privilege—Exception for inmates when threat to safety or security of self or institution ..... 231  
§ 21 Presumption of negligence ..... 233  
§ 111 Limitations on liability for exposure to COVID-19 ..... 234  
§ 112 Short title—COVID-19 Product Protection Act—Limitations on liability ..... 234

**TITLE 78 TRADEMARKS AND LABELS OKLAHOMA DECEPTIVE TRADE PRACTICES ACT**

§ 53 Acts constituting deceptive trade practices—Prima facie evidence of intent to injure competitors ..... 236

**Chapter 4 Selected Rules of Court**

**Rules for District Courts of Oklahoma**

**Rule 5 Pretrial proceedings**

**Rule 11 Judges; uniformity of rulings**

**Rule 13 Summary judgment or summary disposition of issues**

**Rule 20 Direct contempt**

**Rule 28 Instructing as to issues of fact**

**Rules of the Seventh and Twenty-Sixth Administrative Districts, Oklahoma and Canadian Counties**

**Rule 18 Depositions**

**Rule 19 Exhibits**

**Rules of the Fourteenth Judicial District, Tulsa and Pawnee Counties**

**Rule CV 23 Trial exhibits**

**Rule CV 26 Videotaped depositions**

**Rule 50 Discovery materials not to be filed**

**Chapter 5 Evidence Code with Author's Comments**

**ARTICLE I GENERAL PROVISIONS**

§ 2101	Short Title .....	258
§ 2102	Legislative Purpose.....	266
§ 2103	Scope of Rules.....	270
§ 2104	Rulings on Evidence.....	280
§ 2105	Preliminary Questions .....	298
§ 2106	Limited Admissibility .....	306
§ 2107	Remainder of Record .....	310

**ARTICLE II JUDICIAL NOTICE**

§ 2201	Judicial Notice of Law .....	311
§ 2202	Judicial Notice of Adjudicative Facts .....	316
§ 2203	Determining Propriety of Taking Judicial Notice .....	325

**ARTICLE III PRESUMPTIONS**

§ 2301	Definitions .....	328
§ 2302	Establishment of Basic Fact.....	332
§ 2303	Effect of Presumptions in Civil Cases .....	334

TABLE OF CONTENTS

§ 2304	Presumptions in Criminal Cases.....	340
§ 2305	Inconsistent Presumptions .....	347
<b>ARTICLE IV RELEVANCY</b>		
§ 2401	Definition of “Relevant Evidence”.....	348
§ 2402	Relevant Evidence Generally Admissible; Irrelevant Evidence Inadmissible .....	359
§ 2403	Exclusion of Relevant Evidence on Grounds of Prejudice, Confusion or Cumulative Nature of Evidence.....	366
§ 2404	Character Evidence Not Admissible to Prove Conduct; Exceptions; Other Crimes .....	391
§ 2405	Methods of Proving Character .....	433
§ 2406	Habit; Routine Practice .....	441
§ 2407	Subsequent Remedial Measures .....	443
§ 2408	Compromise and Offers to Compromise.....	446
§ 2409	Payment of Medical and Similar Expenses .....	453
§ 2410	Pleas and Plea Discussions; Admissibility of Evidence.....	455
§ 2411	Liability Insurance .....	461
§ 2412	Sexual Offense Against Another Person—Evidence of Other Sexual Behavior Inadmissible—Exceptions ...	465
§ 2413	Sexual Assault Offense—Commission of Other Offenses Admissible—Definition.....	468
§ 2414	Child Molestation Offense—Commission of Other Offenses Admissible—Definitions .....	470
<b>ARTICLE V PRIVILEGES</b>		
§ 2501	Privileges Recognized Only as Provided .....	471
§ 2502	Attorney-Client Privilege .....	475
§ 2502.1	Communications Between Accountant and Client ...	484
§ 2503	Physician and Psychotherapist-Patient Privilege ....	485
§ 2503.1	Interpreter for the Deaf or Hard-of-Hearing Privilege.....	496
§ 2504	Spousal Privilege .....	498
§ 2505	Religious Privilege.....	505
§ 2506	Journalist’s Privilege.....	508
§ 2506.1	Renumbered as Title 12, § 2503.1 by Laws 2002, c. 468, § 78, eff. Nov. 1, 2002 .....	511
§ 2506.2	Peer Support Counseling Confidentiality .....	511
§ 2507	Political Vote .....	514
§ 2508	Trade Secrets .....	516
§ 2509	Secrets of State and Other Official Information; Governmental Privileges .....	518
§ 2510	Identity of Informer .....	520
§ 2510.1	Crime Stoppers Organizations—Privileged Communications—Orders for Production of Records .....	528

§ 2511	Waiver of Privilege by Voluntary Disclosure .....	530
§ 2512	Privileged Matter Disclosed Under Compulsion or Without Opportunity to Claim Privilege .....	532
§ 2513	Comment Upon or Inference From Claim of Privilege; Instruction .....	533

**ARTICLE VI WITNESSES**

**General Provisions**

§ 2601	General Rule of Competency .....	537
§ 2602	Personal Knowledge .....	542
§ 2603	Oath or Affirmation .....	545
§ 2604	Interpreters .....	549
§ 2605	Competency of Judge as Witness .....	550
§ 2606	Competency of Juror as Witness.....	552
§ 2607	Who May Impeach .....	559
§ 2608	Evidence of Character and Conduct of Witness.....	569
§ 2609	Impeachment by Evidence of Conviction of Crime....	578
§ 2610	Religious Beliefs or Opinions.....	604
§ 2611	Mode and Order of Interrogation and Presentation ..	605
§ 2611.1	Repealed by Laws 1993, c. 197, § 4, eff. Sept. 1, 1993 .....	614
§ 2611.2	Minor or Incapacitated Witnesses—Closing of Testimony to Public—Taking Testimony Outside Courtroom—Meeting in Chambers with Judge and Attorneys—Presence of Support Person.....	614

**Uniform Child Witness Testimony by Alternative Methods Act**

§ 2611.3	Short Title .....	617
§ 2611.4	Definitions .....	619
§ 2611.5	Testimony To Which Act Applies—Other Procedures Not Precluded .....	620
§ 2611.6	Hearing—Determination of Whether To Use Alternative Method Testimony .....	621
§ 2611.7	Situations Where Alternative Method Testimony Permitted.....	622
§ 2611.8	Determination of Whether To Allow Child Witness To Testify by an Alternative Method .....	623
§ 2611.9	Order—Required Contents .....	624
§ 2611.10	Opportunity for Examination and Cross-examination.....	625
§ 2611.11	Construction and Application of Act.....	625
§ 2611.12	Support Person or Therapeutic Dog.....	626

**General Provisions (cont'd.)**

§ 2612	Writing Used to Refresh Memory.....	626
§ 2613	Prior Statements of Witnesses .....	630

TABLE OF CONTENTS

§ 2614	Calling and Interrogation of Witnesses by Court .....	636
§ 2615	Exclusion of Witnesses .....	637
<b>ARTICLE VII OPINIONS AND EXPERT TESTIMONY</b>		
§ 2701	Opinion Testimony by Lay Witnesses .....	644
§ 2702	Testimony by Experts .....	652
§ 2703	Bases of Opinion Testimony by Experts.....	671
§ 2704	Opinion on Ultimate Issue.....	678
§ 2705	Disclosure of Facts or Data Underlying Expert Opinion.....	690
<b>ARTICLE VIII HEARSAY</b>		
§ 2801	Definitions.....	695
§ 2802	Hearsay Rule .....	728
§ 2803	Hearsay Exceptions; Availability of Declarant Immaterial.....	731
§ 2803.1	Statements of Children Not Having Attained 16 years or Incapacitated Persons Describing Acts of Physical Abuse or Sexual Contact—Admissibility in Criminal and Juvenile Proceedings.....	775
§ 2803.2	Renumbered as Title 12, § 2611.2 by Laws 1999, c. 108, § 1, eff. Nov. 1, 1999.....	786
§ 2804	Hearsay Exception; Declarant Unavailable .....	786
§ 2804.1	Hearsay Exception—Exceptional circumstances .....	803
§ 2805	Hearsay Within Hearsay .....	804
§ 2806	Attacking and Supporting Credibility of Declarant...	807
<b>ARTICLE IX AUTHENTICATION AND IDENTIFICATION</b>		
§ 2901	Requirement of Authentication or Identification .....	809
§ 2902	Self-Authentication .....	818
§ 2902	Self-Authentication (effective November 1, 2024).....	820
§ 2903	Subscribing Witness' Testimony Unnecessary.....	826
<b>ARTICLE X CONTENTS OF WRITINGS, RECORDINGS AND PHOTOGRAPHS</b>		
§ 3001	Definitions.....	827
§ 3002	Requirement of Original .....	829
§ 3003	Admissibility of Duplicates .....	832
§ 3004	Admissibility of Other Evidence of Contents .....	833
§ 3005	Public Records .....	836
§ 3006	Summaries .....	838
§ 3007	Testimony or Written Admission of Party .....	840
§ 3008	Functions of Judge and Jury.....	841
§ 3009	Medical bills—Identification .....	844
§ 3009.1	Personal Injury Suits—Medical Bills—Evidence.....	845
§ 3010	Repealed by Laws 1982, c. 198, § 16 .....	846
§ 3011	Admissible Evidence—Exercise of Free Speech or	

Display of Religious Beliefs..... 846

**ARTICLE XI MISCELLANEOUS**

§ 3101 Repealed by Laws 2002, c. 468, § 80 ..... 846  
 § 3102 Repealed by Laws 2002, c. 468, § 80 ..... 846  
 § 3103 Effective Date ..... 846

**Chapter 6 Federal Rules of Evidence**

**ARTICLE I GENERAL PROVISIONS**

Rule 101 Scope; Definitions..... 851  
 Rule 102 Purpose ..... 852  
 Rule 103 Rulings on Evidence..... 852  
 Rule 104 Preliminary Questions ..... 853  
 Rule 105 Limiting Evidence That Is Not Admissible Against  
 Other Parties or for Other Purposes ..... 853  
 Rule 106 Remainder of or Related Statements..... 853  
 Rule 107 Illustrative Aids..... 854

**ARTICLE II JUDICIAL NOTICE**

Rule 201 Judicial Notice of Adjudicative Facts..... 854

**ARTICLE III PRESUMPTIONS IN CIVIL CASES**

Rule 301 Presumptions in Civil Cases Generally ..... 855  
 Rule 302 Applying State Law to Presumptions in Civil  
 Cases..... 855

**ARTICLE IV RELEVANCE AND ITS LIMITS**

Rule 401 Test for Relevant Evidence ..... 855  
 Rule 402 General Admissibility of Relevant Evidence..... 855  
 Rule 403 Excluding Relevant Evidence for Prejudice,  
 Confusion, Waste of Time, or Other Reasons..... 856  
 Rule 404 Character Evidence; Other Crimes, Wrongs or Acts. 856  
 Rule 405 Methods of Proving Character ..... 857  
 Rule 406 Habit; Routine Practice ..... 857  
 Rule 407 Subsequent Remedial Measures ..... 857  
 Rule 408 Compromise Offers and Negotiations ..... 858  
 Rule 409 Offers to Pay Medical and Similar Expenses..... 858  
 Rule 410 Pleas, Plea Discussions, and Related Statements.... 858  
 Rule 411 Liability Insurance ..... 859  
 Rule 412 Sex-Offense Cases: The Victim’s Sexual Behavior or  
 Predisposition..... 859  
 Rule 413 Similar Crimes in Sexual-Assault Cases..... 860  
 Rule 414 Similar Crimes in Child-Molestation Cases ..... 861  
 Rule 415 Similar Acts in Civil Cases Involving Sexual  
 Assault or Child Molestation..... 861

TABLE OF CONTENTS

**ARTICLE V PRIVILEGES**

Rule 501	Privilege in General .....	862
Rule 502	Attorney-Client Privilege and Work Product; Limitations on Waiver .....	862

**ARTICLE VI WITNESSES**

Rule 601	Competency to Testify in General .....	863
Rule 602	Need for Personal Knowledge .....	863
Rule 603	Oath or Affirmation to Testify Truthfully .....	864
Rule 604	Interpreter.....	864
Rule 605	Judge’s Competency as a Witness .....	864
Rule 606	Juror’s Competency as a Witness.....	864
Rule 607	Who May Impeach a Witness .....	865
Rule 608	A Witness’s Character for Truthfulness or Untruthfulness.....	865
Rule 609	Impeachment by Evidence of a Criminal Conviction .....	865
Rule 610	Religious Beliefs or Opinions.....	866
Rule 611	Mode and Order of Examining Witnesses and Presenting Evidence.....	867
Rule 612	Writing Used to Refresh a Witness’s Memory .....	867
Rule 613	Witness’s Prior Statement.....	868
Rule 614	Court’s Calling or Examining a Witness .....	868
Rule 615	Excluding Witnesses from the Courtroom; Preventing an Excluded Witness’s Access to Trial Testimony .....	868

**ARTICLE VII OPINIONS AND EXPERT TESTIMONY**

Rule 701	Opinion Testimony by Lay Witnesses .....	869
Rule 702	Testimony by Expert Witnesses.....	869
Rule 703	Bases of an Expert’s Opinion Testimony .....	869
Rule 704	Opinion on an Ultimate Issue.....	870
Rule 705	Disclosing the Facts or Data Underlying an Expert’s Opinion.....	870
Rule 706	Court-Appointed Expert Witnesses .....	870

**ARTICLE VIII HEARSAY**

Rule 801	Definitions That Apply to This Article; Exclusions from Hearsay .....	871
Rule 802	The Rule Against Hearsay.....	872
Rule 803	Exceptions to the Rule Against Hearsay— Regardless of Whether the Declarant Is Available as a Witness.....	872
Rule 804	Exceptions to the Rule Against Hearsay—When the Declarant Is Unavailable as a Witness .....	876
Rule 805	Hearsay Within Hearsay .....	878
Rule 806	Attacking and Supporting the Declarant’s	

	Credibility .....	878
Rule 807	Residual Exception .....	878

**ARTICLE IX AUTHENTICATION AND IDENTIFICATION**

Rule 901	Authenticating or Identifying Evidence.....	879
Rule 902	Evidence That Is Self-Authenticating .....	880
Rule 903	Subscribing Witness’s Testimony .....	882

**ARTICLE X CONTENTS OF WRITINGS, RECORDINGS, AND PHOTOGRAPHS**

Rule 1001	Definitions That Apply to This Article.....	883
Rule 1002	Requirement of the Original .....	883
Rule 1003	Admissibility of Duplicates.....	883
Rule 1004	Admissibility of Other Evidence of Content.....	883
Rule 1005	Copies of Public Records to Prove Content.....	884
Rule 1006	Summaries to Prove Content .....	884
Rule 1007	Testimony or Statement of a Party to Prove Content.....	884
Rule 1008	Functions of the Court and Jury .....	885

**ARTICLE XI MISCELLANEOUS RULES**

Rule 1101	Applicability of the Rules.....	885
Rule 1102	Amendments .....	886
Rule 1103	Title.....	886

**Chapter 7 Checklists and Other Practical Guides**

§§ 2401, 2402	Foundation for Offering an Exhibit .....	887
§ 2404(A)	Foundation for Offering Character Evidence and Its Rebuttal.....	888
§ 2404(B)	Foundation for Offering Evidence of Other Crimes, Wrongs or Acts: Burks Guidelines .....	889
§§ 2501–2513	Privileges and Rules of Confidentiality .....	889
§ 2607	Methods of Impeachment.....	890
§ 2608	Rehabilitating Impeached Witness ....	891
§ 2609	Prior Convictions for Impeachment— Balancing Probative Value Against Prejudice.....	891
§ 2612	Foundation for	

TABLE OF CONTENTS

	Refreshing Recollection of Witness.....	891
§ 2613	Foundation for Impeachment by Prior Inconsistent Statement.....	892
§ 2615	Exclusion of Witnesses...	892
§ 2801	Constitution of the United States, Amendment VI and Constitution of the State of Oklahoma, Article 2, § 20 Hearsay and the Right to Confrontation.....	893
§ 2803(5)	Foundation for Past Recollection Recorded .	894
§ 2803(6)	Foundation for Business Records.....	894
§ 2803(8)	Foundation for Public Records.....	894
§§ 2803(6), 2803(8), 2901(B)(9)	Foundation for Computer Print-Out...	895
§ 2803.1	Foundation for Admitting Statements of Children 16 Years or Younger Describing Acts of Physical Abuse or Sexual Conduct .....	895
§§ 2901, 2902	Methods of Authentication and Identification .....	896
§ 2901	Foundation for Audio Recording .....	897
§ 2901(B)(6)	Foundation for Telephone Conversation .....	897
§ 3006	Foundation for Using Summary .....	897
§ 3009	Foundation for Admitting Medical Bills .....	898

**Chapter 8 Common Objections and Responses**

**Objections to Form of Question**

§ 2611(A)	Argumentative Question.....	900
§ 2611(B)	Confusing Question.....	900

COURTROOM GUIDE: OKLAHOMA EVIDENCE

§ 2611(C)	Embarrassing the Witness.....	901
§ 2611(D)	Leading Question .....	901
§ 2611(E)	Misleading Question .....	901
§ 2611(F)	Narrative Testimony .....	902
§ 2611(G)	Unintelligible Question .....	902
<b>Objections to Admissibility</b>		
§§ 2401(A), 2402	Irrelevant .....	902
§ 2403(B)	Probative Value Outweighed By Unfair Prejudice.....	903
§ 2403(C)	Gruesome Photographs .....	903
§ 2403(D)	Confusion of Issues, Misleading the Jury ..	904
§ 2403(E)	Undue Delay.....	905
§ 2403(F)	Needless Presentation of Cumulative Evidence .....	905
§ 2403(G)	Unfair or Harmful Surprise.....	906
§ 2404(A)	Character Inadmissible as Substantive Evidence .....	906
§ 2404(B)	Other Crimes or Misconduct.....	907
§ 2405	Character Evidence, Specific Instances Inadmissible.....	908
§ 2406	Habit Evidence Inadmissible .....	908
§ 2407	Subsequent Remedial Measure .....	909
§ 2408	Compromise or Offer of Compromise in Civil Cases .....	909
§ 2409	Medical or Hospital Expenses, Payment ...	910
§ 2410	Compromise or Offer of Compromise in Criminal Cases.....	910
§ 2411	Insurance Inquiry .....	911
§ 2412	Sexual History of Rape Victim.....	911
§§ 2501–2510	Privileged .....	912
§ 2602	Personal Knowledge Lacking .....	912
§ 2605	Judge as Witness.....	913
§ 2606	Juror as Witness .....	913
§ 2607	Impeachment On Collateral Matter.....	913
§ 2608(A)	Opinion on Credibility.....	914
§ 2608(B)	Extrinsic Evidence of Specific Instances of Conduct to Impeach Credibility .....	914
§ 2608(C)	Cross-Examination As to Specific Instances of Conduct Probative of Truthfulness or Untruthfulness.....	915
§ 2609	Impeachment by Prior Conviction.....	915
§ 2609(B)	Impeachment by Evidence of Prior Conviction More Than Ten (10) Years Old .....	916
§ 2610	Religious Belief or Opinion.....	917
§ 2611(A)	Nonresponsive Answer .....	917
§ 2611(B)	Cross-Examination Beyond Scope of Direct .....	918

TABLE OF CONTENTS

§ 2614	Judge Examining Witnesses .....	918
§ 2701	Opinion of Lay Witness.....	918
§ 2702(A)	Expert Unqualified.....	919
§ 2702(B)	Expert Will Not Assist Trier of Fact .....	919
§ 2702(C)	Expert Engaging in Speculation.....	920
§ 2702(D)	Taylor Rule Foundation Not Established...	921
§ 2703	Expert Lacks Sufficient Basis for Opinion .	922
§ 2704(A)	Opinion on Ultimate Issue of Fact .....	922
§ 2704(B)	Opinion on Ultimate Issue of Law .....	923
§§ 2801, 2802	Hearsay .....	923
§§ 2901(A), 2902	Authentication or Identification .....	924
§ 2901(B)	Identification of Voices.....	925
§ 2901(B)(1-10)	Chain of Custody Insufficient.....	925
§§ 3001, 3002	Original Writing (Best Evidence) Required .....	925
§ 3006	Summary Inadmissible .....	926

**Index**