

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 253

BY: STIPE

AS INTRODUCED

AN ACT RELATING TO COUNTIES AND COUNTY GOVERNMENT;
AMENDING SECTION 13, CHAPTER 340, O.S.L. 1982, AS
LAST AMENDED BY SECTION 10, CHAPTER 254, O.S.L.
1988 AND SECTION 15, CHAPTER 340, O.S.L. 1982, AS
LAST AMENDED BY SECTION 9, CHAPTER 254, O.S.L. 1988
(19 O.S. SUPP. 1990, SECTIONS 215.32 AND 215.35)
AND 19 O.S. 1981, SECTION 516, WHICH RELATE TO
SUPPORT STAFF FOR DISTRICT ATTORNEYS AND DUTIES OF
PEACE OFFICERS; ELIMINATING CERTAIN INVESTIGATOR
POSITIONS; PROVIDING FOR DUTIES TO BE PROVIDED BY
OFFICE OF COUNTY SHERIFF; REPEALING SECTION 9,
CHAPTER 109, O.S.L. 1988, AS AMENDED BY SECTION 5,
CHAPTER 348, O.S.L. 1989 (19 O.S. SUPP. 1990,
SECTION 215.35A), WHICH RELATES TO INVESTIGATORS
FOR DISTRICT ATTORNEYS; AND PROVIDING AN EFFECTIVE
DATE.

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

SECTION 1. AMENDATORY Section 13, Chapter 340, O.S.L.
1982, as last amended by Section 10, Chapter 254, O.S.L. 1988 (19
O.S. Supp. 1990, Section 215.32), is amended to read as follows:

Section 215.32 A. Effective January 1, 1983, each district attorney subject to provisions hereinafter set forth may appoint assistants, ~~investigators~~ and support staff pursuant to the formula set forth in subsection B of this section. Each district may, at the request of the district attorney, have at least one ~~district investigator~~ and one victim-witness coordinator to adequately provide the victim and witnesses services required by Section 215.33 of this title. Victim-witness coordinators shall be support staff personnel. ~~If the district investigator is licensed to practice law in the State of Oklahoma, he may also act as an assistant district attorney in all matters but his salary shall not exceed the salary range for investigators in that district.~~

B. In each district containing a population of less than three hundred thousand (300,000) persons, the district attorney may appoint one assistant district attorney for each county within the district and one additional assistant district attorney for each twenty thousand (20,000) population and multiple thereof in each county. In each district containing a population of three hundred thousand (300,000) or more persons but less than five hundred thousand (500,000) persons, the district attorney may appoint one assistant district attorney for each county within the district and one additional assistant district attorney for each seventeen thousand (17,000) population and multiple thereof in each county. In each district containing a population in excess of five hundred thousand (500,000) persons, the district attorney may appoint three assistant district attorneys for each county within the district and one additional assistant district attorney for each seventeen thousand (17,000) population and multiple thereof in each county. Provided, that in those districts containing seventeen thousand (17,000) or more military personnel and dependents who have been excluded from the Federal Census, the district attorney may appoint two additional assistant district attorneys.

C. ~~1.~~ Each district attorney may appoint a half-time assistant district attorney for each mental institution, juvenile facility and correctional institution located within his district. ~~Each district attorney may appoint one investigator. In addition each district attorney may appoint one additional investigator for each one hundred thousand (100,000) population and multiple thereof within his district.~~

~~2. In addition to the investigators that may be appointed pursuant to the provisions of paragraph 1 of this section, there shall be one (1) investigator appointed to District Attorney District No. 24.~~

D. Each district attorney may appoint one support staff personnel for each assistant district attorney position, and one support staff position may also be appointed for each district attorney.

E. Any employee in the offices of the district attorneys as of May 1, 1982, in any position which exceeds the formula presented above, shall continue to be employed in such office and, after January 1, 1983, shall be paid by the state until such time as that position is vacated, at which time said position shall cease to exist.

F. At the discretion of the district attorney, any designated full-time assistant, ~~investigator~~ or support staff position may be replaced, permanently or temporarily, with any full-time position in a lower salary percentage range, pursuant to the salary pay plan set forth in Sections 215.34 and 215.35 of this title, as long as the total number of full-time employees, for that district, does not exceed the number established for the district by the formula set forth in this act. ~~In addition, at the discretion of the district attorney, investigators may be retained in excess of the positions authorized by the formula as set forth in this section, as long as a requisite number of other authorized positions for that district~~

~~remain vacant so that the total maximum allowable cost for personal services for that district, as set forth in the formula in this section and the salary plan in Section 215.34 of this title, is not exceeded.~~

G. As of September 1, 1991, duties previously provided by investigators employed by the district attorney shall hereinafter be provided by the office of the county sheriff.

SECTION 2. AMENDATORY Section 15, Chapter 340, O.S.L. 1982, as last amended by Section 9, Chapter 254, O.S.L. 1988 (19 O.S. Supp. 1990, Section 215.35), is amended to read as follows:

Section 215.35 ~~A. Salaries for the first investigator of the district shall be at an annual sum not to exceed sixty percent (60%) of the salary of the district attorney; all other investigators of such district shall receive compensation in an amount not to exceed fifty-five percent (55%) of the salary of the district attorney.~~

~~B. A.~~ One support staff position in each district shall receive compensation in an annual sum not to exceed sixty percent (60%) of the salary of the district attorney. All other support staff positions shall receive annual compensation in sums not to exceed fifty-five percent (55%) of the salary of the district attorney. No salary in effect July 1, 1986, shall be reduced in any event.

~~C. B.~~ The compensation of all such assistants, ~~investigators~~ and support staff of each district shall be determined by the district attorney of such district and within the limitations heretofore provided. In affixing such compensation the district attorney shall base same upon the responsibilities assigned to such employment, and the qualifications, training, experience and length of employment of each employee. All assistants, ~~investigators~~ and support staff personnel shall serve at the pleasure of the district attorney.

SECTION 3. AMENDATORY 19 O.S. 1981, Section 516, is amended to read as follows:

Section 516. It shall be the duty of the sheriff, under-sheriffs and deputies to keep and preserve the peace of their respective counties, and to quiet and suppress all affrays, riots and unlawful assemblies and insurrections, for which purpose and for the service of process in civil and criminal cases, and in apprehending or securing any person for felony or breach of the peace, they and every constable may call to their aid such person or persons of their county as they may deem necessary. As of September 1, 1991, it shall be the duty of the office of the county sheriff to provide investigative services for the district attorney. The county sheriff will be reimbursed, at a reasonable rate, for the cost of such services by the district attorney.

SECTION 4. REPEALER Section 9, Chapter 109, O.S.L. 1988, as amended by Section 5, Chapter 348, O.S.L. 1989 (19 O.S. Supp. 1990, Section 215.35A), is hereby repealed.

SECTION 5. This act shall become effective September 1, 1991.

43-1-697

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