

ENROLLED HOUSE  
BILL NO. 1723

By: Hamilton, Steidley and  
Glover of the House

and

Haney and Hobson of the  
Senate

An Act relating to law enforcement entities; amending 19 O.S. 1991, Section 215.34, as amended by Section 2, Chapter 295, O.S.L. 1994 (19 O.S. Supp. 1994, Section 215.34), which relates to assistant district attorneys; modifying method for calculation of salaries of part-time assistants; amending 47 O.S. 1991, Section 156.1, as amended by Section 1 of Enrolled Senate Bill No. 337 of the 1st Session of the 45th Oklahoma Legislature, which relates to use of state-owned vehicles; expanding list of agencies whose law enforcement personnel may be allowed to use state-owned vehicles for certain purpose; requiring the Oklahoma State Bureau of Investigation to employ a senior agent for certain purposes; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 215.34, as amended by Section 2, Chapter 295, O.S.L. 1994 (19 O.S. Supp. 1994, Section 215.34), is amended to read as follows:

Section 215.34 A. Effective January 1, 1983, full-time assistants with less than one (1) year of experience in the general practice of law or experience as a Supreme Court licensed full-time intern in an internship with an Oklahoma district attorney's office shall receive a salary of not more than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over one (1) but less than two (2) years of experience shall receive not more than seventy percent (70%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over two (2) years of experience but less than three (3) years of experience shall receive not more than eighty percent (80%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over three (3) years of experience shall receive a salary of not more than ninety percent (90%) and not less than fifty percent (50%) of the salary of the district attorney of the district; except that the designated first assistant with over three (3) years of experience may receive up to ninety-five percent (95%) of the salary of the district attorney. All assistant district attorneys who are paid in excess of fifty percent (50%) of the salary of the district attorney shall not engage in the private practice of law, but may complete pending cases of a civil nature, not in conflict with the interest of any county of the district in

which he is appointed. No assistant district attorney permitted to practice law shall accept employment in a case investigated by the office of the district attorney.

Effective July 1, 1994, any full-time assistants hired, promoted or reclassified with less than two (2) years of experience in the general practice of law or experience as a licensed intern in an internship with an Oklahoma district attorney's office shall receive a salary of not more than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over two (2) but less than three (3) years of experience shall receive not more than fifty-five percent (55%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over three (3) years of experience but less than four (4) years of experience shall receive not more than sixty percent (60%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over four (4) years of experience but less than five (5) years of experience shall receive not more than sixty-five percent (65%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over five (5) years of experience but less than six (6) years of experience shall receive not more than seventy percent (70%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over six (6) years of experience but less than seven (7) years of experience shall receive not more than seventy-five percent (75%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over seven (7) years of experience but less than eight (8) years of experience shall receive not more than eighty percent (80%) nor less than fifty percent (50%) of the salary of the district attorney of the district. Full-time assistants with over eight (8) years of experience but less than nine (9) years of experience shall receive not more than eighty-five percent (85%) of the salary of the district attorney of the district. Full-time assistants with over nine (9) years of experience shall receive a salary of not more than ninety percent (90%) and not less than fifty percent (50%) of the salary of the district attorney of the district; except that the designated first assistant with over three (3) years of experience may receive up to ninety-five percent (95%) of the salary of the district attorney. All assistant district attorneys who are paid in excess of fifty percent (50%) of the salary of the district attorney shall not engage in the private practice of law, but may complete pending cases of a civil nature, not in conflict with the interests of any county of the district in which appointed. No assistant district attorney permitted to practice law shall accept employment in a case investigated by the office of the district attorney.

B. Part-time assistants with less than one (1) year of experience in the general practice of law or experience as a licensed full-time intern in an internship with an Oklahoma district attorney's office shall receive forty percent (40%) prorated salary based on the pay scale limits provided in subsection A of this section against the actual hours worked ~~of the salary of the District Attorney of the district~~. Part-time assistants with more than one (1) year of experience shall receive not more than a prorated fifty percent (50%) salary based on the pay scale limits provided in subsection A of this section nor less than a prorated forty percent (40%) ~~of the salary of the District Attorney of the district~~ salary based on the pay scale limits provided in subsection A of this section.

C. Each county in a district shall have at least one assistant district attorney who shall reside in the county.

D. Each assistant district attorney shall: be at least twenty-one (21) years of age; be a resident of the district, if required by the district attorney; and have a license to practice law in the courts of record of this state at the time of appointment. All assistant district attorneys shall serve at the pleasure of the district attorney.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 156.1, as amended by Section 1 of Enrolled Senate Bill No. 337 of the 1st Session of the 45th Oklahoma Legislature, is amended to read as follows:

Section 156.1 A. It shall be unlawful for any state official, officer, or employee, except any essential employees approved by the Governor and those officers or employees authorized in subsection B of this section, to ride to or from the employee's place of residence in a state-owned automobile, truck, or pickup, except in the performance of the employee's official duty, or to use any such automobile, truck, ambulance, or pickup for other personal or private purposes. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for a period to not exceed thirty (30) days, or by both said fine and imprisonment, and in addition thereto, shall be discharged from state employment.

B. 1. Any state employee, other than the law enforcement officers provided for in paragraph 2 of this subsection, who receives emergency telephone calls regularly at the employee's residence when the employee is not on duty and is regularly called upon to use a vehicle after normal work hours in response to such emergency calls, may be permitted to use a vehicle belonging to the State of Oklahoma to provide transportation between the employee's residence and the assigned place of employment, provided such distance does not exceed seventy-five (75) miles in any round trip or is within the county where the assigned place of employment is located. Provided further, an employee may be permitted to use a state-owned vehicle to provide temporary transportation between a specific work location other than the assigned place of employment and the employee's residence, if such use shall result in a monetary saving to the agency, and such authorization shall not be subject to the distance or area restrictions provided for in this paragraph. Authorization for temporary use of a state-owned vehicle for a specific project shall be in writing stating the justification for this use and the saving expected to result. Such authorization shall be valid for not to exceed sixty (60) days. Any state entity other than law enforcement that avails itself of this provision shall keep a monthly record of all participating employees, the number of emergency calls received, and the number of times that a state vehicle was used in the performance of such emergency calls.

2. Any employee of the Department of Public Safety, Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma State Bureau of Investigation, Alcoholic Beverage Laws Enforcement Commission, Oklahoma Horse Racing Commission, Office of the Inspector General within the Department of Human Services or Office of the State Fire Marshal, who is a law enforcement officer, or any employee of a district attorney who is a law enforcement officer, may be permitted to use a state-owned vehicle to provide transportation between the employee's residence and the assigned place of employment and between the residence and any location other

than the assigned place of employment to which the employee travels in the performance of the employee's official duty.

C. The principal administrator of the state agency with which the employee is employed shall so designate the employee's status in writing or provide a copy of the temporary authorization to the Governor, the President Pro Tempore of the Senate, and the Speaker of the House of Representatives. Such employee status report shall also be provided to the State Fleet Manager of the Division of Fleet Management if the motor vehicle for emergency use is provided by said Division.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 150.34 of Title 74, unless there is created a duplication in numbering, reads as follows:

Of the full-time-equivalent employees authorized for the Oklahoma State Bureau of Investigation, one senior agent shall be employed for the purpose of conducting judicial background investigations requested by the Judicial Nominating Commission. When not conducting investigations for the Judicial Nominating Commission, the senior agent may be involved in investigations as requested by the Council on Judicial Complaints and in other investigations as deemed appropriate by the Director of the Oklahoma State Bureau of Investigation; provided, however, the first priority of the agent will be to respond to requests of the Commission.

SECTION 4. This act shall become effective September 1, 1995.

Passed the House of Representatives the 18th day of May, 1995.

Speaker of the House of  
Representatives

Passed the Senate the 18th day of May, 1995.

President of the Senate