

1 charged upon the order of any judge of a court of record of such
2 county, with the protection of the rights of any defendant to a
3 criminal action. The board of county commissioners of such county
4 shall provide for necessary office supplies and equipment and
5 arrange for sufficient office space in the county building, used by
6 the courts of record of such county, to permit the efficient and
7 effective operation of the office of public defender.

8 B. For purposes of liability under the Governmental Tort Claims
9 Act, any public defender, assistant public defender or employee
10 thereof, who is employed under this section shall be deemed a state
11 employee.

12 SECTION 2. AMENDATORY 19 O.S. 1991, Section 138.4, as
13 amended by Section 16, Chapter 343, O.S.L. 1994 (19 O.S. Supp. 2000,
14 Section 138.4), is amended to read as follows:

15 Section 138.4 In counties subject to the provisions of ~~this~~
16 ~~act,~~ Section ~~138.1~~ 138.1a et seq. of this title, wherein the
17 district judges have determined, in accordance with Section 138.3 of
18 this title that the protection of the unfortunate and
19 poverty-stricken defendants subject to criminal action in such
20 county require the employment of a county indigent defender on a
21 full-time basis, such person so appointed shall not engage in any
22 practice of law except in the performance of ~~his~~ the duties as
23 county indigent defender, and shall receive a salary commensurate

1 with the salary received by the district attorney in said district,
2 payable monthly, from the court fund of such county, provided such
3 salaries shall not apply to counties of less than ~~two hundred~~
4 ~~thousand (200,000)~~ three hundred thousand (300,000) population;
5 provided that if additional assistance is required by the county
6 indigent defender to properly fulfill the duties of ~~his~~ the office
7 he, the indigent defender may authorize the employment of and
8 appoint assistant defenders on a full-time or part-time basis, which
9 assistants shall be under the same restrictions as to the practice
10 of law as the county indigent defender of such county, and each
11 shall receive a salary commensurate with the range of salaries of
12 assistant district attorneys in their districts, payable monthly,
13 out of the court fund of the county as determined by the county
14 indigent defender.

15 SECTION 3. AMENDATORY Section 20, Chapter 303, O.S.L.
16 1992, as last amended by Section 2, Chapter 298, O.S.L. 1993 (19
17 O.S. Supp. 2000, Section 138.7), is amended to read as follows:

18 Section 138.7 In those counties subject to the provisions of
19 Section ~~138.1~~ 138.1a of ~~Title 19 of the Oklahoma Statutes~~ this
20 title, if the court determines that a conflict of interest exists
21 between a defendant and the county indigent defender, the case may
22 be reassigned by the court to another county indigent defender, an
23 attorney who represents indigents pursuant to contract, or a private

1 attorney who has agreed to accept such appointments. In addition,
2 in every case where the defendant is subject to the death penalty
3 and a conflict of interest exists between the defendant and the
4 county indigent defender, the court may appoint the Indigent Defense
5 System to represent the defendant. However, in every case where
6 multiple defendants exist in the case and more than one defendant is
7 subject to the death penalty and a conflict of interest exists
8 between one or more of the defendants that are subject to the death
9 penalty and the county indigent defender, the court may appoint the
10 Indigent Defense System to represent not more than one of the
11 defendants in the case.

12 SECTION 4. AMENDATORY Section 21, Chapter 303, O.S.L.
13 1992 (19 O.S. Supp. 2000, Section 138.8), is amended to read as
14 follows:

15 Section 138.8 In counties subject to the provisions of Section
16 ~~138.1~~ 138.1a of ~~Title 19 of the Oklahoma Statutes~~ this title, expert
17 witness compensation for indigent defense shall be paid by the court
18 fund pursuant to procedures established by the governing board of
19 the court fund.

20 SECTION 5. AMENDATORY 22 O.S. 1991, Section 1359, as
21 renumbered by Section 32, Chapter 303, O.S.L. 1992, and as last
22 amended by Section 3, Chapter 298, O.S.L. 1993 (19 O.S. Supp. 2000,
23 Section 138.9), is amended to read as follows:

1 Section 138.9 In those counties with a population in excess of
2 ~~two hundred thousand (200,000)~~ three hundred thousand (300,000)
3 under the latest Federal Decennial Census, the county indigent
4 defenders, for those counties subject to the provisions of Section
5 ~~138.1~~ 138.1a of ~~Title 19 of the Oklahoma Statutes~~ this title, shall
6 perfect appeals for those defendants which they represented in the
7 trial court unless an appellate conflict exists between two or more
8 such defendants, in which case the county indigent defender shall
9 represent one defendant, the Oklahoma Indigent Defense System shall
10 represent one defendant, and the court may assign the appeal of the
11 case for any other defendants in the same manner as provided for
12 conflict at the trial level in Section 138.7 of this title. The
13 Oklahoma Indigent Defense System shall also represent all indigent
14 defendants from such counties who were not represented at trial by
15 the county public defenders unless a conflict of interest on appeal
16 exists between defendants, in which case the Oklahoma Indigent
17 Defense System shall represent one defendant, the county indigent
18 defender shall represent one defendant and the court may assign the
19 appeal of the case for any other defendants in the same manner as
20 provided for conflict at the trial level in Section 138.7 of this
21 title.

22 SECTION 6. This act shall become effective July 1, 2001.

1 SECTION 7. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-21-01 - DO
6 PASS, As Coauthored.