

THE HOUSE OF REPRESENTATIVES
Monday, March 3, 2008

Committee Substitute for
House Bill No. 3275

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 3275 - By: DUNCAN of the House.

An Act relating to counties and county officers; amending 19 O.S. 2001, Sections 215.4 and 215.28, which relate to district attorneys; modifying persons who may assist the district attorney; removing District Attorneys Council from the Office of the Attorney General; and providing an effective date.

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

1 SECTION 1. AMENDATORY 19 O.S. 2001, Section 215.4, is amended to read
2 as follows:
3 Section 215.4 The district attorney, assistant district attorneys, or special assistant
4 district attorneys authorized by subsection C of Section 215.37M of this title, shall
5 appear in all trial courts and prosecute all actions for crime committed in the district,
6 whether the venue is changed or not; the district attorney or assistant district attorneys
7 shall prosecute or defend in all courts, state and federal, in any county in this state, all
8 civil actions or proceedings in which any county in the district is interested, or a party
9 unless representation for the county is provided pursuant to subsection A of Section
10 215.37M of this title; and the district attorney or assistant district attorneys shall assist
11 the grand jury, if required, pursuant to Section 215.13 of this title. The district attorney

1 may at all times request the assistance of district attorneys, assistant district attorneys
2 ~~or~~, district attorney investigators from other districts, or any attorney employed by the
3 District Attorneys Council who then may appear and assist in the prosecution of actions
4 for crime or assist in investigation of crime in like manner as assistants or investigators
5 in the district.

6 SECTION 2. AMENDATORY 19 O.S. 2001, Section 215.28, is amended to read
7 as follows:

8 Section 215.28 A. There is hereby created ~~a special division of the office of Attorney~~
9 ~~General to be known~~ as the District Attorneys Council which shall be organized and
10 administered as herein provided. Any reference in the Oklahoma Statutes to the District
11 Attorneys Training Coordination Council shall mean the District Attorneys Council.

12 B. The chief executive officer of the office of the Council is the Executive
13 Coordinator who shall be appointed and supervised by the Council. The Executive
14 Coordinator shall serve at the pleasure of the Council. The Executive Coordinator shall
15 be licensed to practice law in Oklahoma and shall have been a district attorney or
16 assistant district attorney or have held an equivalent position in state or federal
17 government for at least three (3) years prior to his or her appointment. The Executive
18 Coordinator may appoint an Assistant Coordinator, both of whom shall be in the
19 unclassified service of the state. The Executive Coordinator and the Assistant
20 Coordinator, who shall also be licensed to practice law in Oklahoma, shall devote full
21 time to their duties and shall not engage in the private practice of law. The Executive
22 Coordinator shall perform the functions and duties as may be assigned to him or her by

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 the Council. The Executive Coordinator shall be named the project director and fiscal
2 officer of any grant or fund received by the Council. The Executive Coordinator and the
3 Assistant Coordinator shall receive compensation for their services within the pay scale
4 limits for district attorneys.

5 C. 1. The Council shall be composed of the following members:

- 6 a. the Attorney General, or ~~his~~ a designated representative of the
7 Attorney General,
- 8 b. the President of the Oklahoma District Attorneys Association;
- 9 c. the President-elect of the Oklahoma District Attorneys Association;
- 10 d. one district attorney selected by the Court of Criminal Appeals for a
11 three-year term; and
- 12 e. one district attorney selected by the Board of Governors of the
13 Oklahoma Bar Association for a three-year term.

14 2. A member of the Council shall vacate ~~his~~ the appointment upon termination of
15 ~~his~~ the member's official position as Attorney General or district attorney. A vacancy
16 shall be filled in the same manner as the original appointment. A member appointed to
17 fill a vacancy created other than by expiration of a term shall be appointed for the
18 unexpired term of the member whom ~~he~~ the appointed member is to succeed in the same
19 manner as the original appointment. Any member may serve more than one term.

20 D. The Council shall designate from among its members a Chairman and Vice
21 Chairman who shall serve for one-year terms and who may be reelected. Membership on
22 the Council shall not constitute holding a public office. The Council shall not have the

1 right to exercise any portion of the sovereign power of the state. A member of the
2 Council shall not be disqualified from holding any public office or employment by reason
3 of ~~his~~ appointment or membership on the Council, nor shall ~~he~~ the member forfeit the
4 office or employment, by reason of ~~his~~ appointment ~~hereunder~~ to the Council.

5 E. The Council shall meet at least four times in each year and shall hold special
6 meetings when called by the Chairman, or, in the absence of the Chairman, by the Vice
7 Chairman or when called by the Chairman upon the written request of two members of
8 the Council. The Council shall establish its own procedures and requirements with
9 respect to quorum, place and conduct of its meetings and other matters.

10 F. The members of the Council shall not receive a salary for duties performed as
11 members of the Council but shall be entitled to be reimbursed for their travel expenses in
12 accordance with the State Travel Reimbursement Act.

13 G. The Council shall make an annual report to the Governor, the President Pro
14 Tempore of the Senate, the Speaker of the House of Representatives, and the President
15 of the Oklahoma District Attorneys Association regarding its efforts to implement the
16 purposes of this act.

17 H. The Council shall have the power to perform such functions as in its opinion
18 shall strengthen the criminal justice system in Oklahoma, to provide a professional
19 organization for the education, training and coordination of technical efforts of all state
20 prosecutors and to maintain and improve prosecutor efficiency and effectiveness in
21 enforcing the laws of this state including, but not limited to, the following:

22 1. Organize, supervise and perform functions consistent with this act;

- 1 2. Convene regional or statewide conferences and training seminars for the purpose
2 of implementing the provisions of this act;
- 3 3. Accept and expend monies, gifts, grants or services from any public or private
4 source; contract or enter into agreements with educational institutions or state or federal
5 agencies; and employ personnel as the Council in its judgment finds necessary to
6 effectively carry out the provisions of this act. Such employees shall be in the
7 unclassified service of the state;
- 8 4. Serve in an advisory capacity to the district attorneys of the state;
- 9 5. Provide and coordinate training and continuing legal education for district
10 attorneys and their assistants, including participation in nationally recognized
11 prosecutorial seminars conducted in other states;
- 12 6. Gather and disseminate information to district attorneys relative to their official
13 duties, including changes in the law relative to their office;
- 14 7. Coordinate with law enforcement officers, the courts and corrections workers
15 providing interdisciplinary seminars to augment the effectiveness of the criminal justice
16 system;
- 17 8. Require statistical reports from district attorneys' offices relating to functions
18 and workload performance;
- 19 9. Recommend additional legislation necessary to upgrade the Oklahoma District
20 Attorneys System to professional status;

1 10. Establish an equitable distribution plan for allocation of any funds or gifts
2 received from public or private sources for state prosecution and distribute such funds in
3 accordance with such plan; and

4 11. Appoint a larger Advisory Council made up of district attorneys and assistant
5 district attorneys to discuss problems and hear recommendations concerning necessary
6 research, minimum standards, educational needs, and other matters imperative to
7 upgrading Oklahoma prosecution to professional status.

8 I. There is hereby created in the State Treasury a revolving fund for the Council, to
9 be designated the "District Attorneys Council Revolving Fund". The fund shall consist of
10 all monies received by the Council other than appropriated funds. The revolving fund
11 shall be a continuing fund not subject to fiscal year limitations and shall be under the
12 control and management of the Council. Expenditures from this fund shall be made
13 pursuant to the purposes of this act and without legislative appropriation. Warrants for
14 expenditures shall be drawn by the State Treasurer based on claims signed by the
15 authorized employee or employees of the Council and approved for payment by the
16 Director of State Finance.

17 J. The Council may accept operation and supervision of the Law Enforcement
18 Assistance Administration grants presently being administered by the Oklahoma
19 District Attorneys Association.

1 SECTION 3. This act shall become effective November 1, 2008.
2 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
3 dated 02-28-08 - DO PASS, As Amended.