

EHB 3275

THE STATE SENATE
Thursday, April 03, 2008

ENGROSSED

House Bill No. 3275

As Amended

ENGROSSED HOUSE BILL NO. 3275 - By: Joyner and Duncan of the House
and Nichols of the Senate.

**[counties and county officers - district attorneys -
effective date]**

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 215.4, is
amended to read as follows:

Section 215.4 The district attorney, assistant district
attorneys, or special assistant district attorneys authorized by
subsection C of Section 215.37M of this title, shall appear in all
trial courts and prosecute all actions for crime committed in the
district, whether the venue is changed or not; the district attorney
or assistant district attorneys shall prosecute or defend in all
courts, state and federal, in any county in this state, all civil
actions or proceedings in which any county in the district is
interested, or a party unless representation for the county is
provided pursuant to subsection A of Section 215.37M of this title;
and the district attorney or assistant district attorneys shall
assist the grand jury, if required, pursuant to Section 215.13 of

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

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

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

16 B. The chief executive officer of the office of the Council is
17 the Executive Coordinator who shall be appointed and supervised by
18 the Council. The Executive Coordinator shall serve at the pleasure
19 of the Council. The Executive Coordinator shall be licensed to
20 practice law in Oklahoma and shall have been a district attorney or
21 assistant district attorney or have held an equivalent position in
22 state or federal government for at least three (3) years prior to
23 his or her appointment. The Executive Coordinator may appoint an

1 Assistant Coordinator, both of whom shall be in the unclassified
2 service of the state. The Executive Coordinator and the Assistant
3 Coordinator, who shall also be licensed to practice law in Oklahoma,
4 shall devote full time to their duties and shall not engage in the
5 private practice of law. The Executive Coordinator shall perform
6 the functions and duties as may be assigned to him or her by the
7 Council. The Executive Coordinator shall be named the project
8 director and fiscal officer of any grant or fund received by the
9 Council. The Executive Coordinator and the Assistant Coordinator
10 shall receive compensation for their services within the pay scale
11 limits for district attorneys.

- 12 C. 1. The Council shall be composed of the following members:
- 13 a. the Attorney General, or ~~his~~ a designated
14 representative of the Attorney General,
 - 15 b. the President of the Oklahoma District Attorneys
16 Association ,
 - 17 c. the President-elect of the Oklahoma District Attorneys
18 Association ,
 - 19 d. one district attorney selected by the Court of
20 Criminal Appeals for a three-year term , and
 - 21 e. one district attorney selected by the Board of
22 Governors of the Oklahoma Bar Association for a three-
23 year term.

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

9 D. The Council shall designate from among its members a
10 Chairman and Vice Chairman who shall serve for one-year terms and
11 who may be reelected. Membership on the Council shall not
12 constitute holding a public office. The Council shall not have the
13 right to exercise any portion of the sovereign power of the state.
14 A member of the Council shall not be disqualified from holding any
15 public office or employment by reason of ~~his~~ appointment or
16 membership on the Council, nor shall ~~he~~ the member forfeit the
17 office or employment, by reason of ~~his~~ appointment ~~hereunder~~ to the
18 Council.

19 E. The Council shall meet at least four times in each year and
20 shall hold special meetings when called by the Chairman, or, in the
21 absence of the Chairman, by the Vice Chairman or when called by the
22 Chairman upon the written request of two members of the Council.
23 The Council shall establish its own procedures and requirements with

1 respect to quorum, place and conduct of its meetings and other
2 matters.

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

7 G. The Council shall make an annual report to the Governor, the
8 President Pro Tempore of the Senate, the Speaker of the House of
9 Representatives, and the President of the Oklahoma District
10 Attorneys Association regarding its efforts to implement the
11 purposes of this act.

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

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

21 2. Convene regional or statewide conferences and training
22 seminars for the purpose of implementing the provisions of this act;

1 3. Accept and expend monies, gifts, grants or services from any
2 public or private source; contract or enter into agreements with
3 educational institutions or state or federal agencies; and employ
4 personnel as the Council in its judgment finds necessary to
5 effectively carry out the provisions of this act. Such employees
6 shall be in the unclassified service of the state;

7 4. Serve in an advisory capacity to the district attorneys of
8 the state;

9 5. Provide and coordinate training and continuing legal
10 education for district attorneys and their assistants, including
11 participation in nationally recognized prosecutorial seminars
12 conducted in other states;

13 6. Gather and disseminate information to district attorneys
14 relative to their official duties, including changes in the law
15 relative to their office;

16 7. Coordinate with law enforcement officers, the courts and
17 corrections workers providing interdisciplinary seminars to augment
18 the effectiveness of the criminal justice system;

19 8. Require statistical reports from district attorneys' offices
20 relating to functions and workload performance;

21 9. Recommend additional legislation necessary to upgrade the
22 Oklahoma District Attorneys System to professional status;

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

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

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

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

4 SECTION 3. This act shall become effective November 1, 2008.

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-1-08 - DO PASS,
6 As Amended.