

HB 2329

THE HOUSE OF REPRESENTATIVES
Monday, March 1, 2010

House Bill No. 2329

As Amended

HOUSE BILL NO. 2329 - By: WRIGHT (JOHN) of the House.

[counties and county officers - District Attorneys Council - modifying
functions -
effective date]

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

1 SECTION 1. AMENDATORY 19 O.S. 2001, Section 215.28, as amended by
2 Section 2, Chapter 334, O.S.L. 2008 (19 O.S. Supp. 2009, Section 215.28), is amended to
3 read as follows:
4 Section 215.28 A. There is hereby created the District Attorneys Council which
5 shall be organized and administered as herein provided. Any reference in the Oklahoma
6 Statutes to the District Attorneys Training Coordination Council shall mean the District
7 Attorneys Council.
8 B. The chief executive officer of the office of the Council is the Executive
9 Coordinator who shall be appointed and supervised by the Council. The Executive
10 Coordinator shall serve at the pleasure of the Council. The Executive Coordinator shall
11 be licensed to practice law in Oklahoma and shall have been a district attorney or
12 assistant district attorney or have held an equivalent position in state or federal

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

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

- 11 a. the Attorney General, or a designated representative of the Attorney
12 General,
- 13 b. the President of the Oklahoma District Attorneys Association,
- 14 c. the President-elect of the Oklahoma District Attorneys Association,
- 15 d. one district attorney selected by the Court of Criminal Appeals for a
16 three-year term, and
- 17 e. one district attorney selected by the Board of Governors of the
18 Oklahoma Bar Association for a three-year term.

19 2. A member of the Council shall vacate the appointment upon termination of the
20 member's official position as Attorney General or district attorney. A vacancy shall be
21 filled in the same manner as the original appointment. A member appointed to fill a
22 vacancy created other than by expiration of a term shall be appointed for the unexpired

1 term of the member whom the appointed member is to succeed in the same manner as
2 the original appointment. Any member may serve more than one term.

3 D. The Council shall designate from among its members a Chairman and Vice
4 Chairman who shall serve for one-year terms and who may be reelected. Membership on
5 the Council shall not constitute holding a public office. The Council shall not have the
6 right to exercise any portion of the sovereign power of the state. A member of the
7 Council shall not be disqualified from holding any public office or employment by reason
8 of appointment or membership on the Council, nor shall the member forfeit the office or
9 employment, by reason of appointment to the Council.

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

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

18 G. The Council shall make an annual report to the Governor, the President Pro
19 Tempore of the Senate, the Speaker of the House of Representatives, and the President
20 of the Oklahoma District Attorneys Association regarding its efforts to implement the
21 purposes of this ~~aet~~ section.

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

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

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

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

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

15 5. Provide and coordinate training and continuing legal education for district
16 attorneys and their assistants, including participation in nationally recognized
17 prosecutorial seminars conducted in other states;

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

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

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

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

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

8 11. Allocate appropriations made by the Legislature for prosecutorial services once
9 funding exceeds 2009 fiscal year limitations with a funding formula that takes into
10 consideration the number of criminal prosecutions filed within each district; and

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

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

1 authorized employee or employees of the Council and approved for payment by the
2 Director of State Finance.

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

6 SECTION 2. This act shall become effective November 1, 2010.

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
8 dated 02-25-10 - DO PASS, As Amended.