

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 HOUSE BILL 1490

By: Brumbaugh

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6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2001, Section 215.28, as amended by
9 Section 2, Chapter 334, O.S.L. 2008 (19 O.S. Supp.
10 2010, Section 215.28), which relates to creation of
the District Attorneys Council; modifying functions
of the District Attorneys Council; and providing an
effective date.

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

14 SECTION 1. AMENDATORY 19 O.S. 2001, Section 215.28, as
15 amended by Section 2, Chapter 334, O.S.L. 2008 (19 O.S. Supp. 2010,
16 Section 215.28), is amended to read as follows:

17 Section 215.28 A. There is hereby created the District
18 Attorneys Council which shall be organized and administered as
19 herein provided. Any reference in the Oklahoma Statutes to the
20 District Attorneys Training Coordination Council shall mean the
21 District Attorneys Council.

22 B. The chief executive officer of the office of the Council is
23 the Executive Coordinator who shall be appointed and supervised by
24 the Council. The Executive Coordinator shall serve at the pleasure

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

- 17 C. 1. The Council shall be composed of the following members:
- 18 a. the Attorney General, or a designated representative
19 of the Attorney General,
 - 20 b. the President of the Oklahoma District Attorneys
21 Association,
 - 22 c. the President-elect of the Oklahoma District Attorneys
23 Association,

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1 d. one district attorney selected by the Court of
2 Criminal Appeals for a three-year term, and

3 e. one district attorney selected by the Board of
4 Governors of the Oklahoma Bar Association for a three-
5 year term.

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

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

23 E. The Council shall meet at least four times in each year and
24 shall hold special meetings when called by the Chairman, or, in the

1 absence of the Chairman, by the Vice Chairman or when called by the
2 Chairman upon the written request of two members of the Council.
3 The Council shall establish its own procedures and requirements with
4 respect to quorum, place and conduct of its meetings and other
5 matters.

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

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

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

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

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1 2. Convene regional or statewide conferences and training
2 seminars for the purpose of implementing the provisions of this ~~act~~
3 section;

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

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

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

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

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

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

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

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

7 11. Allocate appropriations made by the Legislature for
8 prosecutorial services once funding exceeds 2011 fiscal year
9 limitations with a funding formula that takes into consideration the
10 number of criminal felony prosecutions filed within each district;
11 and

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

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

1 Warrants for expenditures shall be drawn by the State Treasurer
2 based on claims signed by the authorized employee or employees of
3 the Council and approved for payment by the Director of the Office
4 of State Finance.

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

8 SECTION 2. This act shall become effective November 1, 2011.

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