

1 ENGROSSED SENATE
2 BILL NO. 448

By: Crain of the Senate

and

Banz of the House

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6 An Act relating to domicile of district attorneys;
7 defining term; construing provision; requiring
8 certain domicile for certain officers; authorizing
9 certain actions; providing for validity of certain
10 actions; providing for filling of certain vacancy;
11 amending 19 O.S. 2011, Section 215.2, which relates
12 to district attorney qualifications; modifying
13 certain qualification; providing for codification;
14 and providing an effective date.

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 215.2A of Title 19, unless there
18 is created a duplication in numbering, reads as follows:

19 A. For purposes of this act, "domicile" means the place where a
20 person has a true, fixed and permanent home and principal
21 establishment, to which the person has an intention of returning
22 even if he or she temporarily or actually resides elsewhere. A
23 person's actual place of residence shall not automatically be
24 considered the person's domicile.

B. A district attorney shall be domiciled in the appropriate
district for his or her entire term of office.

1 C. Any person of the district in which a district attorney
2 serves shall have standing to bring an action in the nature of an
3 action quo warranto to determine if the district attorney has proper
4 authority pursuant to the provisions of this section.

5 D. If a district attorney is required to forfeit his or her
6 office due to a lack of proper domicile as required by this section,
7 any action taken by the district attorney prior to such forfeiture
8 shall remain valid. If forfeiture of office is appealed, the
9 district attorney may remain in office until a decision is rendered.
10 In case of a vacancy due to a forfeiture of office pursuant to the
11 provisions of this section, the Governor shall appoint a district
12 attorney to serve out the remainder of the term.

13 SECTION 2. AMENDATORY 19 O.S. 2011, Section 215.2, is
14 amended to read as follows:

15 Section 215.2. Any person, otherwise qualified, who has been a
16 resident of the state for two (2) years, a registered voter in the
17 district and a resident residing within such district for at least
18 six (6) months immediately preceding the filing period, a person
19 domiciled within the district as required in Section 1 of this act,
20 a duly licensed attorney for at least five (5) years, and at least
21 twenty-eight (28) years of age, prior to the date of filing for the
22 office, shall be eligible to hold the office of district attorney.
23 ~~The district attorney shall reside in the district from which the~~
24 ~~district attorney was elected during the term of office.~~

