

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 HOUSE BILL 1319

By: Shelton

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5
6 AS INTRODUCED

7 An Act relating to state government; granting the
8 Attorney General the discretion to investigate and
9 prosecute certain cases; providing guidelines for
10 requesting investigations; defining terms; providing
11 for codification; and providing an effective date.

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 20m of Title 74, unless there is
15 created a duplication in numbering, reads as follows:

16 A. The Attorney General shall have the discretion to
17 investigate and prosecute all officer-involved deaths that occur
18 within this state.

19 B. If an investigation is requested or ordered by the Office of
20 the Attorney General, the investigation shall be conducted by at
21 least two investigators, one of whom is the lead investigator and
22 neither of whom is employed by a law enforcement agency that employs
23 a law enforcement officer involved in the officer-involved death.

24 The investigators conducting the investigation shall provide a

1 complete report to the Attorney General. If the Attorney General
2 determines that there is no basis to prosecute the law enforcement
3 officer involved in the officer-involved death, the Attorney General
4 shall release the report to the general public.

5 C. The provisions of this section shall only apply to officer-
6 involved deaths that occur after November 1, 2015.

7 D. As used in this section:

8 1. "Law enforcement agency" means any agency of this state that
9 employs law enforcement officers;

10 2. "Law enforcement officer" means any police officer, peace
11 officer, sheriff, deputy sheriff, correctional officer, probation or
12 parole officer, or any employee of a governmental agency who is
13 authorized by law to engage in the investigation, arrest,
14 prosecution or supervision of a person for any violation of law and
15 has statutory powers of arrest; and

16 3. "Officer-involved death" means the death of an individual
17 that results directly from an action or an omission by a law
18 enforcement officer while the law enforcement officer is on duty or
19 while the law enforcement officer is off duty but performing
20 activities that are within the scope of his or her law enforcement
21 duties.

22 SECTION 2. This act shall become effective November 1, 2015.
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24 55-1-5354 GRS 01/08/15