

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

HOUSE BILL 2707

By: Pfeiffer

AS INTRODUCED

An Act relating to agriculture; creating the Office of Agricultural Special Prosecutors; authorizing the Commissioner of the State Board of Agriculture to employ certain persons as special prosecutors; empowering special prosecutors to prosecute violations of certain laws; prohibiting certain double capacity service; authorizing the performance of other duties; providing for funding; amending 2 O.S. 2011, Section 6-310, which relates to agriculture law enforcement agents; authorizing agriculture law enforcement agents to commence certain proceedings with the Office of the Agricultural Special Prosecutors; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-310.1 of Title 2, unless there is created a duplication in numbering, reads as follows:

A. There is hereby established the Office of Agricultural Special Prosecutors within the Oklahoma Department of Agriculture, Food, and Forestry.

1 B. If funding is available pursuant to subsection F of this
2 section, the Commissioner of the State Board of Agriculture may
3 employ lawyers licensed to practice law in Oklahoma to serve as
4 special prosecutors in special proceedings before the State Board of
5 Agriculture.

6 C. Special prosecutors shall be empowered to prosecute
7 violations of any of the laws relating to the Oklahoma Agricultural
8 Code or relating to theft of livestock and of farming equipment or
9 farm implements.

10 D. An individual serving as an agricultural special prosecutor
11 shall not serve as legal counsel to the Board in the same formal
12 proceeding.

13 E. If funding is available, the special prosecutor may perform
14 such other duties as are assigned by the Commissioner.

15 F. The Office of Agricultural Special Prosecutors shall be
16 funded by each of the Bogus Check Restitution Programs created
17 pursuant to Section 111 of Title 22 of the Oklahoma Statutes through
18 the Bogus Check Restitution Program Fund of each respective county
19 treasurer.

20 SECTION 2. AMENDATORY 2 O.S. 2011, Section 6-310, is
21 amended to read as follows:

22 Section 6-310. A. The Commissioner of the State Board of
23 Agriculture may commission, subject to the approval of the Board,
24 agriculture law enforcement agents.

1 B. Agriculture law enforcement agents, when commissioned,
2 shall:

3 1. Have all the powers of peace officers except the serving or
4 execution of civil process other than the execution of civil process
5 related to the Oklahoma Agricultural Code;

6 2. Have in all parts of the state the same powers with respect
7 to criminal matters and enforcement of the laws relating thereto as
8 sheriffs, highway patrol, and police officers in their respective
9 jurisdictions;

10 3. Enforce the civil, criminal, and administrative provisions
11 relating to livestock theft, animal health and importation statutes
12 and theft of farming equipment and farm implements, as well as any
13 other law contained in the Oklahoma Agricultural Code;

14 4. Possess all immunities and matters of defense now available
15 or hereafter made available to sheriffs, highway patrol and police
16 officers in any suit brought against them in consequence of acts
17 done in the course of their employment; and

18 5. Comply with the provisions of Section 3311 of Title 70 of
19 the Oklahoma Statutes.

20 C. Agriculture law enforcement agents specifically:

21 1. Are vested with the power and authority of sheriffs in
22 making arrests for violations of the Oklahoma Agricultural Code and
23 in the enforcement of nonagriculture-related crimes in cooperation
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1 with other law enforcement officers and agencies as authorized by
2 the Board and approved by the Governor of the State of Oklahoma;

3 2. May take into possession any farming equipment or farm
4 implement and any and all livestock, or any part thereof, killed,
5 taken, shipped or had in possession contrary to the law. Such
6 livestock or parts thereof may be disposed of as determined by the
7 Commissioner or any court of competent jurisdiction;

8 3. May make a complaint and cause proceedings to be commenced
9 against any person for violation of any of the laws relating to the
10 Oklahoma Agricultural Code or relating to theft of livestock and of
11 farming equipment or farm implements, with the sanction of the
12 prosecuting or district attorney of the county in which the
13 proceedings are brought or with the Office of the Agricultural
14 Special Prosecutors, and shall not be required to give security for
15 costs;

16 4. In connection with the enforcement of the civil, criminal,
17 and administrative provisions, shall have the express authority to
18 stop the transportation or movement of any animal or farming
19 equipment or farm implement within this state and shall have the
20 right to enter upon all premises, posted, or otherwise, when
21 necessary for enforcement of the laws of this state;

22 5. Shall be under the control and direction of the
23 Commissioner. The Commissioner may, at any time, remove any powers
24 or authority of arrest conferred by the Commissioner; and

1 6. Shall have the right to carry firearms as authorized by the
2 Commissioner.

3 SECTION 3. This act shall become effective November 1, 2016.

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