

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2420

By: Nichols

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6 AS INTRODUCED

7 An Act relating to law enforcement; amending 74 O.S.
8 2011, Section 18b, as last amended by Section 1,
Chapter 444, O.S.L. 2019 (74 O.S. Supp. 2020, Section
9 18b), which relates to duties of the Attorney
10 General; expanding duties of the Attorney General;
directing the Attorney General to conduct certain
11 investigations; requiring submission of written
report; specifying contents of report; authorizing
12 the Attorney General to initiate and prosecute
criminal actions against certain persons; directing
13 the Attorney General to publish certain report on the
website of the Attorney General; creating a Police
14 Practices Unit within the Office of the Attorney
General; stating duties of the Unit; providing for
codification; and providing an effective date.

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

18 SECTION 1. AMENDATORY 74 O.S. 2011, Section 18b, as last
19 amended by Section 1, Chapter 444, O.S.L. 2019 (74 O.S. Supp. 2020,
20 Section 18b), is amended to read as follows:

21 Section 18b. A. The duties of the Attorney General as the
22 chief law officer of the state shall be:
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1 1. To appear for the state and prosecute and defend all actions
2 and proceedings, civil or criminal, in the Supreme Court and Court
3 of Criminal Appeals in which the state is interested as a party;

4 2. To appear for the state and prosecute and defend all actions
5 and proceedings in any of the federal courts in which the state is
6 interested as a party;

7 3. To initiate or appear in any action in which the interests
8 of the state or the people of the state are at issue, or to appear
9 at the request of the Governor, the Legislature, or either branch
10 thereof, and prosecute and defend in any court or before any
11 commission, board or officers any cause or proceeding, civil or
12 criminal, in which the state may be a party or interested; and when
13 so appearing in any such cause or proceeding, the Attorney General
14 may, if the Attorney General deems it advisable and to the best
15 interest of the state, take and assume control of the prosecution or
16 defense of the state's interest therein;

17 4. To consult with and advise district attorneys, when
18 requested by them, in all matters pertaining to the duties of their
19 offices, when the district attorneys shall furnish the Attorney
20 General with a written opinion supported by citation of authorities
21 upon the matter submitted;

22 5. To give an opinion in writing upon all questions of law
23 submitted to the Attorney General by the Legislature or either
24 branch thereof, or by any state officer, board, commission or

1 department, provided, that the Attorney General shall not furnish
2 opinions to any but district attorneys, the Legislature or either
3 branch thereof, or any other state official, board, commission or
4 department, and to them only upon matters in which they are
5 officially interested;

6 6. At the request of the Governor, State Auditor and Inspector,
7 State Treasurer, or either branch of the Legislature, to prosecute
8 any official bond or any contract in which the state is interested,
9 upon a breach thereof, and to prosecute or defend for the state all
10 actions, civil or criminal, relating to any matter connected with
11 either of their Departments;

12 7. Whenever requested by any state officer, board or
13 commission, to prepare proper drafts for contracts, forms and other
14 writing which may be wanted for the use of the state;

15 8. To prepare drafts of bills and resolutions for individual
16 members of the Legislature upon their written request stating the
17 gist of the bill or resolution desired;

18 9. To enforce the proper application of monies appropriated by
19 the Legislature and to prosecute breaches of trust in the
20 administration of such funds;

21 10. To institute actions to recover state monies illegally
22 expended, to recover state property and to prevent the illegal use
23 of any state property, upon the request of the Governor or the
24 Legislature;

1 11. To pay into the State Treasury, immediately upon its
2 receipt, all monies received by the Attorney General belonging to
3 the state;

4 12. To settle, compromise and dispose of an action in which the
5 Attorney General represents the interests of the state, so long as
6 the consideration negotiated for such settlement, compromise or
7 disposition is payable to the state or one of its agencies which is
8 a named party of the action and any monies, any property or other
9 item of value is paid first to the State Treasury;

10 13. To keep and file copies of all opinions, contracts, forms
11 and letters of the office, and to keep an index of all opinions,
12 contracts and forms according to subject and section of the law
13 construed or applied;

14 14. To keep a register or docket of all actions, demands and
15 investigations prosecuted, defended or conducted by the Attorney
16 General in behalf of the state. The register or docket shall give
17 the style of the case or investigation, where pending, court number,
18 office number, the gist of the matter, result and the names of the
19 assistants who handled the matter;

20 15. To keep a complete office file of all cases and
21 investigations handled by the Attorney General on behalf of the
22 state;

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1 16. To report to the Legislature or either branch thereof
2 whenever requested upon any business relating to the duties of the
3 Attorney General's office;

4 17. To institute civil actions against members of any state
5 board or commission for failure of such members to perform their
6 duties as prescribed by the statutes and the Constitution and to
7 prosecute members of any state board or commission for violation of
8 the criminal laws of this state where such violations have occurred
9 in connection with the performance of such members' official duties;

10 18. To respond to any request for an opinion of the Attorney
11 General's office, submitted by a member of the Legislature,
12 regardless of subject matter, by written opinion determinative of
13 the law regarding such subject matter;

14 19. To convene multicounty grand juries in such manner and for
15 such purposes as provided by law; provided, such grand juries are
16 composed of citizens from each of the counties on a pro rata basis
17 by county;

18 20. To investigate any report by the State Auditor and
19 Inspector filed with the Attorney General pursuant to Section 223 of
20 this title and prosecute all actions, civil or criminal, relating to
21 such reports or any irregularities or derelictions in the management
22 of public funds or property which are violations of the laws of this
23 state;

1 21. To represent and protect the collective interests of all
2 utility consumers of this state in rate-related proceedings before
3 the Corporation Commission or in any other state or federal judicial
4 or administrative proceeding;

5 22. To represent and protect the collective interests of
6 insurance consumers of this state in rate-related proceedings before
7 the Insurance Commissioner or in any other state or federal judicial
8 or administrative proceeding; ~~and~~

9 23. To investigate and prosecute any criminal action relating
10 to insurance fraud, if in the opinion of the Attorney General a
11 criminal prosecution is warranted, or to refer such matters to the
12 appropriate district attorney; and

13 24. To investigate and prosecute any criminal action relating
14 to incidents involving a shooting by a peace officer that results in
15 the death of an unarmed citizen, if in the opinion of the Attorney
16 General a criminal prosecution is warranted.

17 B. Nothing in this section shall be construed as requiring the
18 Attorney General to appear and defend or prosecute in any court any
19 cause or proceeding for or on behalf of the Oklahoma Tax Commission,
20 the Board of Managers of the State Insurance Fund, or the
21 Commissioners of the Land Office.

22 C. In all appeals from the Corporation Commission to the
23 Supreme Court of Oklahoma in which the state is a party, the
24 Attorney General shall have the right to designate counsel of the

1 Corporation Commission as the Attorney General's legally appointed
2 representative in such appeals, and it shall be the duty of the
3 Corporation Commission counsel to act when so designated and to
4 consult and advise with the Attorney General regarding such appeals
5 prior to taking action therein.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 20m of Title 74, unless there is
8 created a duplication in numbering, reads as follows:

9 A. The Attorney General shall investigate each incident
10 involving a shooting by a peace officer that results in the death of
11 an unarmed citizen. The Attorney General shall be authorized to do
12 all of the following:

13 1. Investigate and gather facts in an incident involving a
14 shooting by a peace officer that results in the death of an unarmed
15 citizen;

16 2. For every investigation conducted, prepare and submit a
17 written report. The written report shall include, at a minimum, the
18 following information:

19 a. a statement of the facts,

20 b. a detailed analysis and conclusion for each
21 investigatory issue, and

22 c. recommendations to modify the policies and practices
23 of the law enforcement agency, as applicable; and
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1 3. If criminal charges against the peace officer involved in
2 the incident are found to be warranted, initiate and prosecute a
3 criminal action against the peace officer.

4 B. The Attorney General shall post and maintain on the website
5 of the Attorney General each written report prepared by the Attorney
6 General pursuant to subsection A of this section, appropriately
7 redacting any information in the report that is required to be kept
8 confidential according to the provisions of the Oklahoma Open
9 Records Act.

10 C. Upon the effective date of this act, there is hereby created
11 within the Office of the Attorney General a Police Practices Unit.
12 The duty of the Unit shall be to review the use of deadly force
13 policies of law enforcement agencies in this state.

14 D. Upon the request of any law enforcement agency in this
15 state, the Police Practices Unit shall review the policies of the
16 agency relating to the use of deadly force. The Unit shall be
17 authorized to make specific and customized recommendations to the
18 law enforcement agency that requests a review based on policies
19 identified as recommended best practices.

20 SECTION 3. This act shall become effective November 1, 2021.

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