

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1565

By: Weaver

AS INTRODUCED

An Act relating to the Attorney General; amending 74 O.S. 2021, Section 18b, which relates to duties of the Attorney General; creating additional duty for the Attorney General; clarifying liability for conduct of law enforcement officers; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2021, Section 18b, is amended to read as follows:

Section 18b. A. The duties of the Attorney General as the chief law officer of the state shall be:

1. To appear for the state and prosecute and defend all actions and proceedings, civil or criminal, in the Supreme Court and Court of Criminal Appeals in which the state is interested as a party;

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

3. To initiate or appear in any action in which the interests of the state or the people of the state are at issue, or to appear

1 at the request of the Governor, the Legislature, or either branch  
2 thereof, and prosecute and defend in any court or before any  
3 commission, board or officers any cause or proceeding, civil or  
4 criminal, in which the state may be a party or interested; and when  
5 so appearing in any such cause or proceeding, the Attorney General  
6 may, if the Attorney General deems it advisable and to the best  
7 interest of the state, take and assume control of the prosecution or  
8 defense of the state's interest therein;

9 4. To consult with and advise district attorneys, when  
10 requested by them, in all matters pertaining to the duties of their  
11 offices, when the district attorneys shall furnish the Attorney  
12 General with a written opinion supported by citation of authorities  
13 upon the matter submitted;

14 5. To give an opinion in writing upon all questions of law  
15 submitted to the Attorney General by the Legislature or either  
16 branch thereof, or by any state officer, board, commission or  
17 department, provided, that the Attorney General shall not furnish  
18 opinions to any but district attorneys, the Legislature or either  
19 branch thereof, or any other state official, board, commission or  
20 department, and to them only upon matters in which they are  
21 officially interested;

22 6. At the request of the Governor, State Auditor and Inspector,  
23 State Treasurer, or either branch of the Legislature, to prosecute  
24 any official bond or any contract in which the state is interested,

1 upon a breach thereof, and to prosecute or defend for the state all  
2 actions, civil or criminal, relating to any matter connected with  
3 either of their Departments;

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

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

10 9. To enforce the proper application of monies appropriated by  
11 the Legislature and to prosecute breaches of trust in the  
12 administration of such funds;

13 10. To institute actions to recover state monies illegally  
14 expended, to recover state property and to prevent the illegal use  
15 of any state property, upon the request of the Governor or the  
16 Legislature;

17 11. To pay into the State Treasury, immediately upon its  
18 receipt, all monies received by the Attorney General belonging to  
19 the state;

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

3 13. To keep and file copies of all opinions, contracts, forms  
4 and letters of the office, and to keep an index of all opinions,  
5 contracts and forms according to subject and section of the law  
6 construed or applied;

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

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

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

19 17. To institute civil actions against members of any state  
20 board or commission for failure of such members to perform their  
21 duties as prescribed by the statutes and the Constitution and to  
22 prosecute members of any state board or commission for violation of  
23 the criminal laws of this state where such violations have occurred  
24 in connection with the performance of such members' official duties;

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

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

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

15        21. To represent and protect the collective interests of all  
16 utility consumers of this state in rate-related proceedings before  
17 the Corporation Commission or in any other state or federal judicial  
18 or administrative proceeding;

19        22. To represent and protect the collective interests of  
20 insurance consumers of this state in rate-related proceedings before  
21 the Insurance Commissioner or in any other state or federal judicial  
22 or administrative proceeding;

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

3 24. To monitor and evaluate any action by the federal  
4 government including, but not limited to, executive orders by the  
5 President of the United States, rules or regulations promulgated by  
6 an agency of the federal government or acts of Congress to determine  
7 if such actions are in violation of the Tenth Amendment to the  
8 Constitution of the United States; and

9 25. To cross-deputize police officers of the police department  
10 of any municipality or any officer deputized by the county sheriff  
11 or a designee subject to an interlocal governmental agreement with  
12 the Attorney General's Office in an effort to combine city, county,  
13 and state law enforcement efforts and to encourage cooperation  
14 between city, county, and state law enforcement officials.

15 Liability for the conduct of any municipal police officer cross-  
16 deputized under the terms and conditions of an interlocal  
17 governmental agreement or any officer deputized by the county  
18 sheriff under the terms and conditions of an interlocal governmental  
19 agreement shall remain the responsibility of the respective employer  
20 for that officer.

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

3 C. In all appeals from the Corporation Commission to the  
4 Supreme Court of Oklahoma in which the state is a party, the  
5 Attorney General shall have the right to designate counsel of the  
6 Corporation Commission as the Attorney General's legally appointed  
7 representative in such appeals, and it shall be the duty of the  
8 Corporation Commission counsel to act when so designated and to  
9 consult and advise with the Attorney General regarding such appeals  
10 prior to taking action therein.

11 SECTION 2. This act shall become effective November 1, 2022.

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