

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3765

By: Cantrell

AS INTRODUCED

An Act relating to office of public defender;
amending 19 O.S. 2021, Section 138.1a, which relates
to the creation of office of public defender;
modifying population requirements; and providing an
effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2021, Section 138.1a, is
amended to read as follows:

Section 138.1a A. In each county of this state possessing a
population of over ~~three hundred thousand (300,000)~~ six hundred
thousand (600,000) according to the Federal Decennial Census of ~~1990~~
2020, or any succeeding Federal Decennial Census, there is hereby
created the office of public defender, and such office shall be
charged upon the order of any judge of a court of record of such
county, with the protection of the rights of any defendant to a
criminal action. The board of county commissioners of such county
shall provide for necessary office supplies and equipment and
arrange for sufficient office space in the county building, used by

1 the courts of record of such county, to permit the efficient and
2 effective operation of the office of public defender.

3 B. Subject to available funding, the board of county
4 commissioners, along with the office of the public defender, shall
5 provide and coordinate training and continuing legal education for
6 attorneys employed by the office of the public defender. Curriculum
7 for training required under this section shall include, but not be
8 limited to:

- 9 1. Nationally recognized defense seminars; and
- 10 2. Evidence-based practices regarding behavioral health and
11 treatment of defendants with substance abuse or mental health needs.

12 C. For purposes of liability under the Governmental Tort Claims
13 Act, any public defender, assistant public defender or employee
14 thereof, who is employed under this section shall be deemed a state
15 employee.

16 SECTION 2. This act shall become effective November 1, 2024.

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