

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 606

By: Stewart

AS INTRODUCED

An Act relating to office of public defender; amending 19 O.S. 2021, Sections 138.1a, 138.4, and 138.9, which relate to creation of office and compensation; increasing certain population requirements; updating statutory language; 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)~~ four hundred thousand (400,000) according to the latest Federal Decennial Census ~~of 1990, 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. AMENDATORY 19 O.S. 2021, Section 138.4, is
17 amended to read as follows:

18 Section 138.4. In counties subject to the provisions of Section
19 138.1a et seq. of this title, wherein the district judges have
20 determined, in accordance with Section 138.3 of this title that the
21 protection of the unfortunate and poverty-stricken defendants
22 subject to criminal action in such county require the employment of
23 a county indigent defender on a full-time basis, such person so
24 appointed shall not engage in any practice of law except in the

1 performance of the duties as county indigent defender, and shall
2 receive a salary commensurate with the salary received by the
3 district attorney in ~~said~~ the district, payable monthly, from the
4 court fund of ~~such~~ the county, provided such salaries shall not
5 apply to counties with a population of less than ~~three hundred~~
6 ~~thousand (300,000)~~ population four hundred thousand (400,000)
7 according to the latest Federal Decennial Census; provided that if
8 additional assistance is required by the county indigent defender to
9 properly fulfill the duties of the office, the indigent defender may
10 authorize the employment of and appoint assistant defenders on a
11 full-time or part-time basis, which assistants shall be under the
12 same restrictions as to the practice of law as the county indigent
13 defender of such county, and each shall receive a salary
14 commensurate with the range of salaries of assistant district
15 attorneys in their districts, payable monthly, out of the court fund
16 of the county as determined by the county indigent defender.

17 SECTION 3. AMENDATORY 19 O.S. 2021, Section 138.9, is
18 amended to read as follows:

19 Section 138.9. In those counties with a population in excess of
20 ~~three hundred thousand (300,000)~~ under four hundred thousand
21 (400,000) according to the latest Federal Decennial Census, the
22 county indigent defenders, for those counties subject to the
23 provisions of Section 138.1a of this title, shall perfect appeals
24 for those defendants which they represented in the trial court

1 unless an appellate conflict exists between two or more such
2 defendants, in which case the county indigent defender shall
3 represent one defendant, the Oklahoma Indigent Defense System shall
4 represent one defendant, and the court may assign the appeal of the
5 case for any other defendants in the same manner as provided for
6 conflict at the trial level in Section 138.7 of this title. If an
7 appellate conflict of interest exists between the defendant and the
8 county indigent defender in a case in which the defendant has
9 received the death penalty, the district court may appoint the
10 Indigent Defense System to represent the defendant on appeal. The
11 Oklahoma Indigent Defense System shall also represent all indigent
12 defendants from such counties who were not represented at trial by
13 the county public defenders unless a conflict of interest on appeal
14 exists between defendants, in which case the Oklahoma Indigent
15 Defense System shall represent one defendant, the county indigent
16 defender shall represent one defendant and the court may assign the
17 appeal of the case for any other defendants in the same manner as
18 provided for conflict at the trial level in Section 138.7 of this
19 title.

20 SECTION 4. This act shall become effective November 1, 2025.

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