

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SENATE BILL 1323

By: Thompson (Roger)

4  
5  
6 AS INTRODUCED

7 An Act relating to district attorneys; amending 19  
8 O.S. 2021, Section 215.29, which relates to district  
9 attorneys and assistant district attorneys;  
10 authorizing certain retired persons to retain certain  
11 items under certain conditions; authorizing transfer  
12 of certain items under certain circumstances;  
13 authorizing purchase of certain issued items;  
14 amending 19 O.S. 2021, Section 215.35A, which relates  
15 to district attorney investigators; authorizing  
16 certain retired persons to retain certain items under  
17 certain conditions; authorizing transfer of certain  
18 items under certain circumstances; authorizing  
19 purchase of certain issued items; updating statutory  
20 language; and providing an effective date.

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

22 SECTION 1. AMENDATORY 19 O.S. 2021, Section 215.29, is  
23 amended to read as follows:

24 Section 215.29. A. 1. A district attorney or former district  
attorney may carry a firearm on his or her person anywhere in the  
state to use only for personal protection if the person has  
successfully completed a handgun qualification course for court  
officials developed by the Council on Law Enforcement Education and

1 Training (CLEET). The Council on Law Enforcement Education and  
2 Training may provide for an identification card to be issued to the  
3 district attorney or former district attorney and may provide  
4 application forms. If the person issued an identification card is  
5 no longer eligible, that person shall immediately return the  
6 identification card to the Council on Law Enforcement Education and  
7 Training.

8 2. A district attorney who retires from such service, who has  
9 successfully completed a minimum handgun qualification course for  
10 court officials developed by CLEET, and who is not otherwise  
11 disqualified from ownership or possession of a firearm may be  
12 entitled to receive at the time of retirement the continued custody,  
13 possession, and ownership of the sidearm, badge, and holster carried  
14 by the district attorney immediately prior to retirement. Such  
15 retiring district attorney may retain his or her status as a law  
16 enforcement officer of the State of Oklahoma, retired.

17 3. Upon the death or disability of a district attorney while  
18 holding such office, the successor district attorney may grant the  
19 custody, possession, and ownership of the state-issued sidearm,  
20 holster, and badge which was carried by the district attorney  
21 immediately prior to his or her death or disability to the surviving  
22 spouse or next of kin if such spouse or next of kin is not otherwise  
23 disqualified from ownership or possession of a firearm.

24

1       4. In addition to the sidearm carried by the district attorney  
2 immediately prior to retirement, the district attorney may purchase  
3 the rifle or shotgun, or both, issued to the district attorney  
4 immediately prior to retirement. The cost to the retiring district  
5 attorney for the purchase of the shotgun or rifle, or both, shall be  
6 the state-approved firearms vendor trade-in value, and upon payment  
7 of that amount, the retiring district attorney shall be entitled to  
8 ownership of the shotgun or rifle, or both. Any records regarding  
9 the ownership of each firearm transferred shall be modified to  
10 reflect the transfer to the retiring district attorney. Proceeds  
11 from the purchase of the shotgun or rifle, or both, shall be  
12 deposited in the District Attorneys Evidence Fund as provided for in  
13 Section 215.40 of this title.

14       5. The granting of any firearm shall be subject to all  
15 applicable laws pertaining to the possession and ownership of  
16 firearms.

17       B. 1. At the discretion of the district attorney, the district  
18 attorney may allow an assistant district attorney to carry a firearm  
19 on his or her person anywhere in the state to use only for personal  
20 protection if the person has successfully completed a handgun  
21 qualification course for court officials developed by the Council on  
22 Law Enforcement Education and Training. The Council on Law  
23 Enforcement Education and Training may provide for an identification  
24

1 card to be issued to the assistant district attorney and may provide  
2 application forms.

3 2. At the discretion of the district attorney, an assistant  
4 district attorney who retires from service as an assistant district  
5 attorney and who is not otherwise disqualified from ownership or  
6 possession of a firearm may be entitled to receive at the time of  
7 retirement the custody, possession, and ownership of the sidearm,  
8 badge, or holster carried by the assistant district attorney  
9 immediately prior to retirement.

10 3. Upon the death or disability of an assistant district  
11 attorney while holding such position, the district attorney may  
12 grant to the surviving spouse or next of kin of the deceased or  
13 disabled assistant district attorney the custody, possession, and  
14 ownership of the state-issued sidearm, holster, or badge of the  
15 deceased or disabled assistant district attorney. If the district  
16 attorney does not grant the state-issued sidearm, holster, or badge  
17 to the spouse or next of kin, as provided herein, such items shall  
18 be returned to the custody of the district attorney.

19 4. At the discretion of the district attorney and in addition  
20 to the sidearm carried by the assistant district attorney  
21 immediately prior to retirement, the assistant district attorney may  
22 purchase the rifle or shotgun, or both, issued to the assistant  
23 district attorney immediately prior to retirement. The cost to the  
24 retiring assistant district attorney for the purchase of the shotgun

1 or rifle, or both, shall be the state-approved firearms vendor  
2 trade-in value, and upon payment of that amount, the retiring  
3 assistant district attorney shall be entitled to ownership of the  
4 shotgun or rifle, or both. Any records regarding the ownership of  
5 each firearm transferred shall be modified to reflect the transfer  
6 to the retiring assistant district attorney. Proceeds from the  
7 purchase of the shotgun or rifle, or both, shall be deposited in the  
8 District Attorneys Evidence Fund as provided for in Section 215.40  
9 of this title.

10 5. The granting of any firearm shall be subject to all  
11 applicable laws pertaining to the possession and ownership of  
12 firearms.

13 C. If an assistant district attorney ends his or her  
14 employment, the assistant district attorney shall immediately return  
15 the identification card to the Council on Law Enforcement Education  
16 and Training. If the person issued an identification card is no  
17 longer eligible, that person shall immediately return the  
18 identification card to the Council on Law Enforcement Education and  
19 Training.

20 SECTION 2. AMENDATORY 19 O.S. 2021, Section 215.35A, is  
21 amended to read as follows:

22 Section 215.35A. A. District attorney investigators serve  
23 under the direction of the district attorney, and shall perform such  
24

1 services as are necessary in the investigation of criminal activity  
2 or preparation of civil litigation within the district.

3 B. If the district attorney's investigator is certified as a  
4 peace officer by the Council on Law Enforcement Education and  
5 Training the investigator shall be considered a peace officer and  
6 shall have the powers now or hereafter vested by law in peace  
7 officers.

8 C. While in the performance of official duties as an  
9 investigator for the district attorney, an investigator who has been  
10 certified as a peace officer by the Council on Law Enforcement  
11 Education and Training shall have jurisdiction in any portion of the  
12 state.

13 D. Any district attorney's investigator certified as a peace  
14 officer by the Council on Law Enforcement Education and Training may  
15 at the discretion of the district attorney be entitled to receive at  
16 the time of retirement, by reason of length of service, the  
17 continued custody, possession and ownership of the sidearm, holster,  
18 and badge carried by the investigator immediately prior to  
19 retirement. Such retiring district attorney investigator may retain  
20 his or her status as a law enforcement officer of the State of  
21 Oklahoma, retired.

22 E. Upon the death or disability of a district attorney  
23 investigator while so employed, at the discretion of the district  
24 attorney, the district attorney may grant custody, possession, and

1 ownership of the state-issued sidearm, badge, or holster, that was  
2 carried by the district attorney investigator immediately prior to  
3 his or her death or disability to the surviving spouse or next of  
4 kin, if such spouse or next of kin is not otherwise disqualified  
5 from ownership or possession of a firearm. If the district attorney  
6 does not grant the state-issued sidearm, holster, or badge to the  
7 spouse or next of kin, as provided herein, such items shall be  
8 returned to the custody of the district attorney.

9 F. In addition to the sidearm carried by the district attorney  
10 investigator immediately prior to retirement, the district attorney  
11 investigator may purchase the rifle or shotgun, or both, issued to  
12 the district attorney investigator immediately prior to retirement.  
13 The cost to the retiring district attorney investigator for the  
14 purchase of the shotgun or rifle, or both, shall be the state-  
15 approved firearms vendor trade-in value, and upon payment of that  
16 amount, the retiring district attorney investigator shall be  
17 entitled to ownership of the shotgun or rifle, or both. Any records  
18 regarding the ownership of each firearm transferred shall be  
19 modified to reflect the transfer to the retiring district attorney  
20 investigator. Proceeds from the purchase of the shotgun or rifle,  
21 or both, shall be deposited in the District Attorneys Evidence Fund  
22 as provided for in Section 215.40 of this title.

23  
24

1        G. The granting of any firearm shall be subject to all  
2 applicable laws pertaining to the possession and ownership of  
3 firearms.

4        SECTION 3. This act shall become effective November 1, 2024.

5  
6        59-2-2977            CN            12/14/2023 10:03:45 AM

7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24