

1 **SENATE FLOOR VERSION**

2 February 15, 2024

3 SENATE BILL NO. 1323

By: Thompson (Roger)

4
5 An Act relating to district attorneys; amending 19
6 O.S. 2021, Section 215.29, which relates to district
7 attorneys and assistant district attorneys;
8 authorizing certain retired persons to retain certain
9 items under certain conditions; authorizing transfer
10 of certain items under certain circumstances;
11 authorizing purchase of certain issued items;
12 amending 19 O.S. 2021, Section 215.35A, which relates
13 to district attorney investigators; authorizing
14 certain retired persons to retain certain items under
15 certain conditions; authorizing transfer of certain
16 items under certain circumstances; authorizing
17 purchase of certain issued items; updating statutory
18 language; and providing an effective date.

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

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

22 Section 215.29. A. 1. A district attorney or former district
23 attorney may carry a firearm on his or her person anywhere in the
24 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
Training (CLEET). The Council on Law Enforcement Education and
Training may provide for an identification card to be issued to the
district attorney or former district attorney and may provide

1 application forms. If the person issued an identification card is
2 no longer eligible, that person shall immediately return the
3 identification card to the Council on Law Enforcement Education and
4 Training.

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

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

21 4. In addition to the sidearm carried by the district attorney
22 immediately prior to retirement, the district attorney may purchase
23 the rifle or shotgun, or both, issued to the district attorney
24 immediately prior to retirement. The cost to the retiring district

1 attorney for the purchase of the shotgun or rifle, or both, shall be
2 the state-approved firearms vendor trade-in value, and upon payment
3 of that amount, the retiring district attorney shall be entitled to
4 ownership of the shotgun or rifle, or both. Any records regarding
5 the ownership of each firearm transferred shall be modified to
6 reflect the transfer to the retiring district attorney. Proceeds
7 from the purchase of the shotgun or rifle, or both, shall be
8 deposited in the District Attorneys Evidence Fund as provided for in
9 Section 215.40 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 B. 1. At the discretion of the district attorney, the district
14 attorney may allow an assistant district attorney to carry a firearm
15 on his or her person anywhere in the state to use only for personal
16 protection if the person has successfully completed a handgun
17 qualification course for court officials developed by the Council on
18 Law Enforcement Education and Training. The Council on Law
19 Enforcement Education and Training may provide for an identification
20 card to be issued to the assistant district attorney and may provide
21 application forms.

22 2. At the discretion of the district attorney, an assistant
23 district attorney who retires from service as an assistant district
24 attorney and who is not otherwise disqualified from ownership or

1 possession of a firearm may be entitled to receive at the time of
2 retirement the custody, possession, and ownership of the sidearm,
3 badge, or holster carried by the assistant district attorney
4 immediately prior to retirement.

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

14 4. At the discretion of the district attorney and in addition
15 to the sidearm carried by the assistant district attorney
16 immediately prior to retirement, the assistant district attorney may
17 purchase the rifle or shotgun, or both, issued to the assistant
18 district attorney immediately prior to retirement. The cost to the
19 retiring assistant district attorney for the purchase of the shotgun
20 or rifle, or both, shall be the state-approved firearms vendor
21 trade-in value, and upon payment of that amount, the retiring
22 assistant district attorney shall be entitled to ownership of the
23 shotgun or rifle, or both. Any records regarding the ownership of
24 each firearm transferred shall be modified to reflect the transfer

1 to the retiring assistant district attorney. Proceeds from the
2 purchase of the shotgun or rifle, or both, shall be deposited in the
3 District Attorneys Evidence Fund as provided for in Section 215.40
4 of this title.

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

8 C. If an assistant district attorney ends his or her
9 employment, the assistant district attorney shall immediately return
10 the identification card to the Council on Law Enforcement Education
11 and Training. If the person issued an identification card is no
12 longer eligible, that person shall immediately return the
13 identification card to the Council on Law Enforcement Education and
14 Training.

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

17 Section 215.35A. A. District attorney investigators serve
18 under the direction of the district attorney, and shall perform such
19 services as are necessary in the investigation of criminal activity
20 or preparation of civil litigation within the district.

21 B. If the district attorney's investigator is certified as a
22 peace officer by the Council on Law Enforcement Education and
23 Training the investigator shall be considered a peace officer and
24

1 shall have the powers now or hereafter vested by law in peace
2 officers.

3 C. While in the performance of official duties as an
4 investigator for the district attorney, an investigator who has been
5 certified as a peace officer by the Council on Law Enforcement
6 Education and Training shall have jurisdiction in any portion of the
7 state.

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

17 E. Upon the death or disability of a district attorney
18 investigator while so employed, at the discretion of the district
19 attorney, the district attorney may grant custody, possession, and
20 ownership of the state-issued sidearm, badge, or holster, that was
21 carried by the district attorney investigator immediately prior to
22 his or her death or disability to the surviving spouse or next of
23 kin, if such spouse or next of kin is not otherwise disqualified
24 from ownership or possession of a firearm. If the district attorney

1 does not grant the state-issued sidearm, holster, or badge to the
2 spouse or next of kin, as provided herein, such items shall be
3 returned to the custody of the district attorney.

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

18 G. The granting of any firearm shall be subject to all
19 applicable laws pertaining to the possession and ownership of
20 firearms.

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

22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
23 February 15, 2024 - DO PASS
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