

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1323

By: Thompson (Roger) and
Hamilton of the Senate

and

Worthen and **Hilbert** of the
House

11 COMMITTEE SUBSTITUTE

12 An Act relating to district attorneys; amending 19
13 O.S. 2021, Section 215.29, which relates to district
14 attorneys and assistant district attorneys;
15 authorizing the retention of certain items upon
16 retirement; authorizing the transfer of certain items
17 upon death or disability; authorizing the purchase of
18 sidearms; making the granting of sidearms applicable
19 to firearm laws; amending 19 O.S. 2021, Section
20 215.35A, which relates to district attorney
21 investigators; authorizing the retention of certain
22 items upon retirement; authorizing the transfer of
23 certain items upon death or disability; authorizing
24 the purchase of certain issued items; making the
granting of sidearms applicable to firearm laws; and
providing an effective date.

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

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

1 Section 215.29. A. 1. A district attorney or former district
2 attorney may carry a firearm on his or her person anywhere in the
3 state to use only for personal protection if the person has
4 successfully completed a handgun qualification course for court
5 officials developed by the Council on Law Enforcement Education and
6 Training (CLEET). The Council on Law Enforcement Education and
7 Training may provide for an identification card to be issued to the
8 district attorney or former district attorney and may provide
9 application forms. If the person issued an identification card is
10 no longer eligible, that person shall immediately return the
11 identification card to the Council on Law Enforcement Education and
12 Training.

13 2. A district attorney or assistant district attorney, at the
14 discretion of the district attorney, who:

- 15 a. retires from such service,
16 b. has successfully completed a minimum handgun
17 qualification course for court officials developed by
18 CLEET, and
19 c. is not otherwise disqualified from ownership or
20 possession of a firearm,

21 may be entitled to purchase at the time of retirement the sidearm
22 and badge carried by the district attorney or assistant district
23 attorney immediately prior to retirement. The retiring district
24

1 attorney may retain his or her status as a law enforcement officer
2 of the State of Oklahoma, retired.

3 3. Upon the death or disability of a district attorney while
4 holding such office, the successor district attorney may grant the
5 possession and ownership of the badge which was carried by the
6 district attorney immediately prior to his or her death or
7 disability to the surviving spouse or next of kin.

8 4. The cost to the retiring district attorney or assistant
9 district attorney for the purchase of the sidearm shall be the
10 state-approved firearms vendor trade-in value, and upon payment of
11 that amount, the retiring district attorney or assistant district
12 attorney shall be entitled to ownership of the sidearm. Any records
13 regarding the ownership of each sidearm transferred shall be
14 modified to reflect the transfer. Proceeds from the purchase of the
15 sidearm shall be deposited in the District Attorneys Evidence Fund
16 as provided for in Section 215.40 of this title.

17 5. The granting of any sidearm shall be subject to all
18 applicable laws pertaining to the possession and ownership of
19 firearms.

20 B. At the discretion of the district attorney, the district
21 attorney may allow an assistant district attorney to carry a firearm
22 on his or her person anywhere in the state to use only for personal
23 protection if the person has successfully completed a handgun
24 qualification course for court officials developed by the Council on

1 Law Enforcement Education and Training. The Council on Law
2 Enforcement Education and Training may provide for an identification
3 card to be issued to the assistant district attorney and may provide
4 application forms.

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

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

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

18 B. If the district attorney's investigator is certified as a
19 peace officer by the Council on Law Enforcement Education and
20 Training the investigator shall be considered a peace officer and
21 shall have the powers now or hereafter vested by law in peace
22 officers.

23 C. While in the performance of official duties as an
24 investigator for the district attorney, an investigator who has been

1 certified as a peace officer by the Council on Law Enforcement
2 Education and Training shall have jurisdiction in any portion of the
3 state.

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

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

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

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
21 04/10/2024 - DO PASS, As Amended and Coauthored.

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