

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 HOUSE BILL 1303

By: Lowe

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5
6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2011, Sections 138.2, 138.3 and
9 138.4, which relate to county indigent defenders;
10 transferring appointment and retention decisions from
11 judges to board of county commissioners; and
12 providing an effective date.

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

14 SECTION 1. AMENDATORY 19 O.S. 2011, Section 138.2, is
15 amended to read as follows:

16 Section 138.2 The office of county indigent defender shall be
17 assumed by such attorneys, authorized to practice law in the State
18 of Oklahoma, as shall be appointed either on a full-time or part-
19 time basis by the ~~judges of the courts of record~~ board of county
20 commissioners of such county and shall continue to serve at the
21 pleasure of said ~~judges~~ county commissioners, and the attorney
22 designated by said ~~judges~~ county commissioners as the person in
23 charge of such office shall be the county indigent defender, and all
24 other attorneys who may be appointed to assist such county indigent

1 defender shall be designated as assistant county indigent defender,
2 of such county.

3 SECTION 2. AMENDATORY 19 O.S. 2011, Section 138.3, is
4 amended to read as follows:

5 Section 138.3 ~~Judges of the courts of record~~ The board of
6 county commissioners of any county subject to the provisions of ~~this~~
7 ~~act~~ Section 138.1a et seq. of this title shall determine, at the
8 time the county budget is submitted, the necessity of retaining a
9 county indigent defender or assistants thereto on a full-time or
10 part-time basis at public expense for representation of unfortunate
11 and poverty-stricken persons charged with commission of a crime,
12 which determination shall be made after inquiry into the number of
13 impoverished or destitute defendants ~~which have been~~ brought before
14 such courts during the past term and an estimate of the number that
15 may be charged during the next fiscal year.

16 SECTION 3. AMENDATORY 19 O.S. 2011, 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~~ board
20 of county commissioners has determined, in accordance with Section
21 138.3 of this title that the protection of the unfortunate and
22 poverty-stricken defendants subject to criminal action in such
23 county ~~require~~ requires the employment of a county indigent defender
24 on a full-time basis, such person so appointed shall not engage in

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

16 SECTION 4. This act shall become effective November 1, 2019.

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18 57-1-6786 GRS 12/14/18
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