

1 STATE OF OKLAHOMA

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

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

By: Thompson (Roger) and
Hamilton of the Senate

6 and

7 Worthen of the House

8
9 COMMITTEE SUBSTITUTE

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

Section 215.29. A. 1. A district attorney or former district
attorney may carry a firearm on his or her person anywhere in the

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

11 2. A district attorney or assistant district attorney, at the
12 discretion of the district attorney, who:

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

19 may be entitled to purchase at the time of retirement the sidearm
20 and badge carried by the district attorney or assistant district
21 attorney immediately prior to retirement. The retiring district
22 attorney may retain his or her status as a law enforcement officer
23 of the State of Oklahoma, retired.

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

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

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

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

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

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

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

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

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

21 C. While in the performance of official duties as an
22 investigator for the district attorney, an investigator who has been
23 certified as a peace officer by the Council on Law Enforcement
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1 Education and Training shall have jurisdiction in any portion of the
2 state.

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

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

23 F. In addition to the sidearm carried by the district attorney
24 investigator immediately prior to retirement, the district attorney

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

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

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

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