

1 ENGROSSED SENATE
2 BILL NO. 1323

By: Thompson (Roger) and
Hamilton of the Senate

3 and

4 Hilbert of the House

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6
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.

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

24 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
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

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

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

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

23 4. In addition to the sidearm carried by the district attorney
24 immediately prior to retirement, the district attorney may purchase

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

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

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

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

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

17 4. At the discretion of the district attorney and in addition
18 to the sidearm carried by the assistant district attorney
19 immediately prior to retirement, the assistant district attorney may
20 purchase the rifle or shotgun, or both, issued to the assistant
21 district attorney immediately prior to retirement. The cost to the
22 retiring assistant district attorney for the purchase of the shotgun
23 or rifle, or both, shall be the state-approved firearms vendor
24 trade-in value, and upon payment of that amount, the retiring

1 assistant district attorney shall be entitled to ownership of the
2 shotgun or rifle, or both. Any records regarding the ownership of
3 each firearm transferred shall be modified to reflect the transfer
4 to the retiring assistant district attorney. Proceeds from the
5 purchase of the shotgun or rifle, or both, shall be deposited in the
6 District Attorneys Evidence Fund as provided for in Section 215.40
7 of this title.

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

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

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

20 Section 215.35A. A. District attorney investigators serve
21 under the direction of the district attorney, and shall perform such
22 services as are necessary in the investigation of criminal activity
23 or preparation of civil litigation within the district.
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1 B. If the district attorney's investigator is certified as a
2 peace officer by the Council on Law Enforcement Education and
3 Training the investigator shall be considered a peace officer and
4 shall have the powers now or hereafter vested by law in peace
5 officers.

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

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

20 E. Upon the death or disability of a district attorney
21 investigator while so employed, at the discretion of the district
22 attorney, the district attorney may grant custody, possession, and
23 ownership of the state-issued sidearm, badge, or holster, that was
24 carried by the district attorney investigator immediately prior to

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

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

21 G. The granting of any firearm shall be subject to all
22 applicable laws pertaining to the possession and ownership of
23 firearms.

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

1 Passed the Senate the 26th day of February, 2024.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2024.

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8 _____
9 Presiding Officer of the House
10 of Representatives