STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2290 By: Reese

AS INTRODUCED

An Act relating to motor vehicles; amending 47 O.S. 1991, Section 2-105, as amended by Section 1, Chapter 2, O.S.L. 1992 (47 O.S. Supp. 1993, Section 2-105), which relates to the Highway Patrol; removing age restriction for the Highway Patrol; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-105, as amended by Section 1, Chapter 2, O.S.L. 1992 (47 O.S. Supp. 1993, Section 2-105), is amended to read as follows:

Section 2-105. (a) The Commissioner when appointing the subordinate officers such as majors, captains, first lieutenants, second lieutenants, and patrolmen shall determine, in consultation with the Administrator of the Office of Personnel Management, minimum qualifications and shall select such officers only after examinations to determine their physical and mental qualifications for such positions. The content of the examinations shall be prescribed by the Commissioner, and all appointees shall complete a course of training in Highway Patrol operations and procedures as prescribed by the Commissioner. No person shall be appointed to the

Oklahoma Highway Patrol Division unless the person is or has been a citizen of the State of Oklahoma, shall be of good moral character, shall be not less than twenty-three (23) years of age, and shall possess a minimum of thirty (30) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions.

No member, officer, major, captain, first lieutenant, second lieutenant, or patrolman of the Oklahoma Highway Patrol Division shall, while in such position, be a candidate for any political office or take part in or contribute any money or other thing of value, directly or indirectly, to any political campaign or to any candidate for public office. Anyone convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished as provided by law. The Commissioner or any member of the Department shall not be a candidate for any political office, or in any way be active or participate in any political contest of any Primary, General, or Special Election, except to cast a ballot. No member of the Oklahoma Highway Patrol while in the performance of the member's assigned duty of providing security and protection shall be considered as participating in a political campaign. The provisions of this paragraph shall not be construed to preclude a member of the Oklahoma Highway Patrol Division of the Department of Public Safety from being a candidate for a position on a local board of education.

Drunkenness or being under the influence of intoxicating liquors shall be sufficient grounds for the removal of any member of the Highway Patrol, in and by the manner provided for in this section.

(b) Patrolmen provided for in this section shall be required to serve a probationary period of twelve (12) months. The Commissioner may extend the probationary period for up to three (3) additional

months provided that the employee and the Office of Personnel Management are notified in writing as to such action and the reasons therefor. During such probationary period their services may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the probationary period shall entitle such employee to be classified as a permanent employee and he shall be so classified. A member of the Oklahoma Highway Patrol Division may be promoted during the initial probationary period if such member satisfactorily completes all training requirements prescribed by the Commissioner. No permanent employee may be discharged or removed except as provided for in this section.

(c) 1. No permanent employee, as provided for in this section, may be suspended without pay or dismissed unless the employee has been notified in writing by the Commissioner of such intended action and the reasons therefor. No such notice shall be given by the Commissioner unless sworn charges or statements have been obtained to justify the action.

2. Whenever such charges are preferred the Commissioner at his discretion may suspend the accused pending the hearing and final determination of such charges. If the charges are not sustained in whole or in part, the accused shall be entitled to his pay during the period of such suspension. If the charges are sustained in whole or in part, the accused shall not receive any pay for the period of such suspension.

3. Uniformed members of the Oklahoma Highway Patrol Division of the Department of Public Safety are not entitled to appeal intraagency transfer to the Oklahoma Merit Protection Commission pursuant to the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes, unless transfer is in violation of Section 841.7 or 841.10 of Title 74 of the Oklahoma Statutes.

4. The Department of Public Safety shall follow the uniform grievance procedure established and adopted by the Office of Personnel Management for permanent classified employees, except for those employees who are uniformed members of the Oklahoma Highway Patrol Division. The Department of Public Safety shall establish and adopt a proprietary grievance procedure for uniformed members of the Oklahoma Highway Patrol Division which is otherwise in compliance with the provisions of Section 841.9 of Title 74 of the Oklahoma Statutes.

(d) The Commissioner is hereby authorized to purchase uniforms and necessary equipment for all members of the Oklahoma Highway Patrol Division, and each of said members shall be entitled to his traveling, telephone, and telegraph expenses while away from the city or town designated by the Chief of the Oklahoma Highway Patrol Division as headquarters, when such expense is incurred in service of the state.

(e) The position of Chief of the Oklahoma Highway Patrol Division shall be filled from the membership of the uniformed body of the Oklahoma Highway Patrol Division and appointment to said position shall be based on qualifications, previous record as a member of the Oklahoma Highway Patrol Division, length of service, and efficiency of service performed. The Chief of the Oklahoma Highway Patrol Division shall have the rank of Colonel.

(f) The Commissioner of Public Safety is hereby authorized to send members of the Department of Public Safety to such schools as Northwestern University Traffic Institute, Northwestern University Police Administrator's Institute, the National Police Academy conducted by the Federal Bureau of Investigation, or to any other such schools of similar training which would be conducive to improving the efficiency of the Oklahoma Highway Patrol and the Department of Public Safety.

(g) ~~The maximum age for the initial employment of any person employed as a member of the Oklahoma Highway Patrol Division shall be thirty-five (35) years of age.~~ Any former member of the Oklahoma Highway Patrol Division whose separation from the organization was at his own request and not a result of his own actions contrary to the policy of the organization may make application for reinstatement as a member of the Oklahoma Highway Patrol Division, provided he will be able to complete twenty (20) years of credited service by the time he reaches fifty-five (55) years of age. The Commissioner may waive the requirements of possessing the number of semester hours as required in subsection (a) of this section for any former member making application for reinstatement as a member of the Oklahoma Highway Patrol Division. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner, at the Oklahoma Highway Patrol Academy. In the event of future hostilities wherein the Congress of the United States declares this nation in a state of war with a foreign nation, including military service brought about by the Vietnam War, any period of military service served by a member of the Oklahoma Highway Patrol Division shall be considered as continued service with such Oklahoma Highway Patrol Division, provided such member returns to duty within sixty (60) days after his release from military service.

SECTION 2. This act shall become effective September 1, 1994.

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