

ENGROSSED HOUSE  
BILL NO. 1908

By: Ferguson, Kirby, Perry,  
Wells and Leist

( public health and safety - Oklahoma Housing Authority  
Security Act - codification - effective date )

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1084.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Oklahoma Housing Authority Security Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1084.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

1. "Housing project" or "project" means the real property, buildings and other improvements within this state owned, leased, rented or operated by a housing authority;

2. "Housing authority police officer" means an individual holding a commission form and employed by a housing authority, pursuant to this act, who may also be known as a "housing authority security officer";

3. "Commission" means a certificate of appointment by the governing body of a housing authority of an individual certified as

a full-time police or peace officer pursuant to Section 3311 of Title 70 of the Oklahoma Statutes;

4. "Governing body" means in the case of a city, the council or other governing body of the city in which is vested legislative authority customarily imposed on the city council and in the case of a county, the board of county commissioners;

5. "Housing authority" means any public body corporate and politic created under the authority of Section 1055 of Title 63 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1084.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The jurisdiction of housing authority police officers includes the land, improvements, fixtures and property of any nature under the control of the housing authority. Pursuant to an agreement authorized by this act, the jurisdiction of housing authority police officers may include the highways, streets, roads, alleys, easements, and other public ways immediately adjacent to a housing project and any other areas authorized by such agreement. This delineation of jurisdiction, however, shall not be understood as limiting the completion of any necessary enforcement activities which began within these jurisdictions and are in compliance with the agreements made with the municipality or county sheriff pursuant to this act. In the absence of an agreement, only those law enforcement activities which began in a housing project may be completed off housing authority property and such activities must be completed in a timely manner. Such law enforcement activities shall only be authorized if the housing authority police have coordinated the activities with the local law enforcement agency having jurisdiction in that area. In addition, a housing authority police officer shall have jurisdiction in other locations pursuant to an agreement authorized by this act. Such agreement may authorize the

chief administrative officer of the law enforcement agency to request assistance pursuant to the agreement. Housing authority police officers, commissioned pursuant to this act, shall have the same powers, liabilities, and immunities as sheriffs or police officers within their jurisdiction.

B. As limited by law, the provisions of this section, and the governing board, a CLEET certified housing authority police officer shall have the authority to enforce:

1. State criminal statutes;

2. Municipal ordinances, if authorized by an agreement with the municipality; and

3. Rules and regulations of the housing authority employing such housing authority police officer.

C. As limited by law, the provisions of this section, and the governing body, the housing authority police department shall have the same authority as a municipal police department.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1084.4 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Governing bodies of housing authorities are authorized to establish housing authority police departments pursuant to the provisions of the Oklahoma Housing Authority Security Act. These bodies may employ and commission housing authority police officers and may designate uniforms, badges and insignia to be worn by such officers and displayed on vehicles or other equipment of the department. Housing authority police departments shall use the following words or phrases, alone or in any combination, in conjunction with the uniform, badges, insignia or on vehicles utilized by these departments: housing authority police, housing authority public safety department, housing authority police department, housing authority police officer, housing authority public safety officer, housing authority security, housing authority

security department, housing authority security officer or any standardized title such as director, chief, major, captain, lieutenant, sergeant, or corporal. Upon appointment, each such officer shall be given a written commission, with a photo identification, evidencing the officer's appointment and authority. The form of this commission shall be prescribed by the governing bodies specified in this act. Persons employed by a governing body which has established a housing authority police department but who are not housing authority police officers shall not be permitted to wear uniforms, badges or insignia specified in this subsection or receive commissions or photo identification of the type provided housing authority police officers.

B. The commission of a housing authority police officer may be suspended or revoked by the governing body for any reason. Such commission also may be suspended or revoked by the district attorney in whose district the officer is employed for cause related to the housing authority police officer's ability to exercise the powers of such commission in the interest of public security or suspended or revoked by the district attorney upon conviction of the housing authority police officer for larceny, theft, embezzlement, false pretense, fraud, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, or any offense involving a firearm. The commission of a housing authority police officer convicted of a felony or of a crime involving moral turpitude shall be revoked by the district attorney upon conviction. The commission of a campus police officer no longer employed by the governing body, except an officer who is retiring, shall be relinquished to the governing body or its representative, at the time of cessation of said employment. When a commission is revoked or relinquished, the housing authority police department shall take possession of all housing authority police

officer insignia, badges, identification cards and weapons issued to the officer. A person who fails to relinquish said insignia, badges, identification cards or weapons, upon conviction, shall be deemed guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment in the county jail for not to exceed one (1) year, or by both such fine and imprisonment.

C. Governing bodies shall notify the Council on Law Enforcement Education and Training (CLEET) when an officer is commissioned or a commission is relinquished or revoked. The governing bodies shall provide CLEET with all information regarding commissioned officers requested by CLEET.

D. A housing authority police officer employed pursuant to the Oklahoma Housing Authority Security Act shall not be able to participate in either the Oklahoma Police Pension and Retirement System or the Oklahoma Law Enforcement Retirement System, unless otherwise entitled to by law.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1084.5 of Title 63, unless there is created a duplication in numbering, reads as follows:

Whether or not governing bodies establish housing authority police departments pursuant to the Oklahoma Housing Authority Security Act, nothing in this act shall be construed as prohibiting governing bodies from:

1. Employing personnel licensed pursuant to the Oklahoma Security Guard and Private Investigator Act to be employed as housing authority security;

2. Contracting with municipalities to authorize their local municipal police department, or with a county sheriff's office, or with retired commissioned police officers to provide security services; or

3. Providing courtesy patrols, watchmen, traffic control personnel or other persons for the performance of safety or security duties for which such personnel are trained.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1084.6 of Title 63, unless there is created a duplication in numbering, reads as follows:

Municipalities and county sheriff departments having overlapping or concurrent jurisdiction with a proposed housing authority police department, may enter into agreements with the proposed housing authority police department recognizing jurisdictional boundaries and providing for mutual assistance. Any such agreements shall be executed by the governing bodies of the housing authority and the governing body of the municipality or sheriff, if different, and shall not serve to prevent other law enforcement agencies from having concurrent or overlapping jurisdiction. Nothing in this act or any action pursuant to this act shall be deemed to create an agent-principal relationship between any housing authority police officer and any municipality or county.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1084.7 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. Criminal fines, penalties, fees or penalty assessments imposed by a municipal or district court pursuant to state law or municipal ordinance as the result of an arrest or a citation issued by an officer commissioned pursuant to this act shall be collected and distributed as required by law.

B. The district attorney of the district where the unlawful conduct is alleged to have taken place shall have authority to prosecute such offense upon complaint being signed by a housing authority police officer commissioned pursuant to this act. Any municipal ordinance offense shall be prosecuted in a municipal court.

C. A housing authority police department or any officer thereof enforcing state law or municipal ordinance as authorized by the Oklahoma Housing Authority Security Act shall not be deemed to be acting under the authority of any political subdivision of the state, except the governing body establishing the department or commissioning the officer.

SECTION 8. This act shall become effective November 1, 1995.

Passed the House of Representatives the 7th day of March, 1995.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1995.

President of the Senate