

SHORT TITLE: Capitol Patrol; clarifying statewide jurisdiction;
effective date; emergency.

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

SENATE BILL NO. 320

By: Shurden

AS INTRODUCED

An Act relating to the Capitol Patrol Division of the Department of Public Safety; amending 47 O.S. 1991, Sections 2-103 and 2-117, which relate to the organization and police authority of the Department; amending 74 O.S. 1991, Section 1811.4E, as amended by Section 1, Chapter 302, O.S.L. 1992 (74 O.S. Supp. 1994, Section 1811.4E), which relates to the Capitol Patrol Division; clarifying statewide jurisdiction; modifying language; deleting language; providing certain procedures for salaries, promotion, and ranking; specifying certain eligibility criteria for appointment and reinstatement; recodifying 74 O.S. 1991, Section 1811.4E, as last amended by Section 3 of this act, which relates to the Capitol Patrol Division; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-103, is amended to read as follows:

Section 2-103. The Commissioner shall organize the Department of Public Safety in such manner as he may deem necessary and proper

to segregate and conduct the work of the Department, and the Department shall ~~be divided into five principal divisions, to be known respectively as~~ consist of, but not be limited to, the Oklahoma Highway Patrol Division, Drivers License Division, Oklahoma Lake Patrol Division, Oklahoma Capitol Patrol Division, Financial Responsibility Division and Administrative Division. The latter division shall include the Technical and Communications Section, and any other section or bureau deemed necessary by the Commissioner.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 2-117, is amended to read as follows:

Section 2-117. The Commissioner and ~~each officer~~ all commissioned officers of the Department as he shall designate ~~and including~~ all members of the Oklahoma Highway Patrol Division shall have the power:

1. Of peace officers for the purpose of enforcing the provisions of the Uniform Vehicle Code and any other law regulating the operation of vehicles or the use of the highways, including the Motor Carriers Act of this state or any other laws of this state by the direction of the Governor.

2. The commissioned officers of the Department and members of the Oklahoma Highway Patrol Division are hereby declared to be peace officers of the State of Oklahoma and shall be so deemed and taken in all courts having jurisdiction of offenses against the laws of the state. The members of the Oklahoma Highway Patrol Division shall have the powers now or hereafter vested by law in peace officers except the serving or execution of civil process. ~~The members of the Oklahoma Highway Patrol Division~~ All commissioned officers of the Department shall have authority to arrest without writ, rule, order or process any person detected by them in the act of violating any law of the state. When ~~a member of the Oklahoma Highway Patrol Division~~ any commissioned officer of the Department is in pursuit of a violator or suspected violator ~~and is unable to~~

~~arrest such violator or suspected violator within the limits of the district or territory over which the jurisdiction of such member of the Oklahoma Highway Patrol Division extends,~~ he shall be and is hereby authorized to continue in pursuit of such violator or suspected violator into whatever part of the state may be reasonably necessary to effect the apprehension and arrest of the same, and to arrest such violator or suspected violator wherever he may be overtaken, and to assist in the location of stolen property, including livestock and poultry or the carcasses thereof, and to make any inspection necessary of any truck, trailer or contents thereof in connection therewith.

The powers and duties conferred on the ~~members and~~ commissioned officers of the ~~Oklahoma Highway Patrol Division~~ Department shall not limit the powers and duties of sheriffs or other peace officers of the state or any political subdivision of the state, provided however, that the Oklahoma Highway Patrol Division shall have primary law enforcement authority respecting traffic-related offenses upon the National System of Interstate and Defense Highways. The Commissioner may designate any portion of the National System of Interstate and Defense Highways for special traffic-related enforcement by the Oklahoma Highway Patrol Division and issue a written notice to any other law enforcement agency affected thereby. Upon receipt of such notice, the affected law enforcement agency shall not regulate traffic nor enforce traffic-related statutes or ordinances upon such designated portion of the National System of Interstate and Defense Highways without prior coordination and written approval of the Commissioner. This section shall not limit a member of the Oklahoma Highway Patrol Division from requesting assistance from any other law enforcement agency nor limit officers of such agency from rendering the requested assistance. The officer and the law enforcement agency responding to the request of the member of the Oklahoma Highway Patrol Division

or sheriff's department shall have the same rights and immunities as are possessed by the Oklahoma Highway Patrol Division.

3. At all times to direct all traffic in conformance with law and, in the event of a fire, or other emergency, or to expedite traffic, or to insure safety, to direct traffic as conditions may require, notwithstanding the provisions of law. A ~~member of the Oklahoma Highway Patrol Division~~ commissioned officer of the Department shall have the authority, and it shall be his duty, to require satisfactory proof of ownership of the contents of any motor vehicle as defined in this act, including livestock, poultry or the carcasses thereof. In the event that the proof of ownership is not satisfactory, it shall be the duty of a ~~member of the Oklahoma Highway Patrol Division~~ commissioned officer of the Department to take the motor vehicle, driver and the contents of the motor vehicle into custody and deliver same to the sheriff of the county wherein the cargo, motor vehicle and driver are taken into custody.

4. When on duty, upon reasonable belief that any vehicle is being operated in violation of any provisions of the Uniform Vehicle Code, or any other law regulating the operation of vehicles, to require the driver thereof to stop and exhibit his driver's license and the registration card issued for the vehicle and submit to an inspection of such vehicle, the registration plates and registration card thereon or to any inspection and test of the equipment of such vehicle.

5. To inspect any vehicle of a type required to be registered hereunder in any public garage or repair shop or in any place where such vehicles are held for sale or wrecking, for the purpose of locating stolen vehicles and investigating the title and registration thereof.

6. To serve all warrants relating to the enforcement of the laws regulating the operation of vehicles or the use of the highways

and bench warrants issued for nonpayment of fines and costs for moving traffic violations.

7. To investigate traffic accidents and secure testimony of witnesses or of persons involved.

8. To investigate reported thefts of motor vehicles, trailers and semitrailers.

9. To stop and inspect any motor vehicle or trailer for such mechanical tests as may be prescribed by the Commissioner to determine the vehicle's roadability. Any vehicle which may be found to be unsafe for use on the highways may be ordered removed from said highway until such alterations or repairs have been made that will render said vehicle serviceable for use on the highway. To stop and inspect the contents of all motor vehicles to ascertain whether or not the provisions of all general laws are being observed.

10. It shall be the duty of the ~~Oklahoma Highway Patrol~~ Division commissioned officer of the Department to enforce the laws of the state relating to the registration and licensing of motor vehicles; to enforce the laws relating to the operation and use of vehicles on the highway; to enforce and prevent, on the roads of the state highway system, the violation of the laws relating to the size, weight, and speed of commercial motor vehicles and all laws designed for the protection of the highway pavements and structures on such highways; to investigate and report to the Corporation Commission and the Oklahoma Tax Commission violation of their rules and regulations and the laws governing the transportation of persons and property by motor transportation companies and all other motor carriers for hire; to investigate and report violations of all laws relating to the collection of excise taxes on motor vehicle fuels; and regulate the movement of traffic on the roads of the state highway system. It shall be the duty of the ~~Oklahoma Highway Patrol~~ Division commissioned officer of the Department, whenever possible,

to determine persons causing or responsible for the breaking, damaging, or destruction of any improved surfaced roadway, structure, sign, marker, guardrail, or any other appurtenance constructed or maintained by the Department of Transportation, and to arrest persons responsible therefor and to bring them before the proper officials for prosecution. It shall be the duty of the ~~Oklahoma Highway Patrol Division~~ commissioned officer of the Department to investigate and report all motor vehicle accidents on the state highway system outside of incorporated municipalities and in such other jurisdictions as may be authorized by law.

Whenever any person is arrested by a patrolman for a traffic violation the provisions of Sections 16-101 through 16-114 of this title shall apply.

11. No state official shall have any power, right, or authority to command, order, or direct any ~~member of the Oklahoma Highway Patrol Division~~ commissioned officer of the Department to perform any duty or service contrary to the provisions of the Uniform Vehicle Code.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 1811.4E, as amended by Section 1, Chapter 302, O.S.L. 1992 (74 O.S. Supp. 1994, Section 1811.4E), is amended to read as follows:

Section 1811.4E A. There is hereby created the ~~Department of Public Safety State~~ Oklahoma Capitol Patrol Division within the Department of Public Safety, ~~to be known as the Oklahoma Capitol Patrol.~~

B. The Department of Public Safety shall have the authority to provide ~~police patrol, security, and protection of~~ law enforcement services to all state buildings and properties within the State of Oklahoma City and Tulsa, and for enforcing all parking, traffic, and criminal laws ~~within the boundaries of~~ for the State Capitol Park, the State Capitol Complex in Tulsa, and the Governor's Mansion and grounds appurtenant thereto. This authority shall not divest the

officers of this Division from enforcing all state laws in other jurisdictions of the state. In addition, all officers of this Division shall have the authority of commissioned law enforcement officers of the Department of Public Safety as prescribed in Section 2-117 of Title 47 of the Oklahoma Statutes.

C. Law enforcement personnel in the Capitol Patrol Division shall have the powers vested by law in peace officers in this state except the service or execution of civil process, and shall be so deemed and taken as peace officers in all courts having jurisdiction of offenses against the laws of this state. Executive Security Officers employed pursuant to Section 2-105.3 of Title 47 of the Oklahoma Statutes shall be law enforcement personnel in the Division.

D. Subject to the Oklahoma Personnel Act, Section 840.1 et seq. of Title 74 of the Oklahoma Statutes, the positions of Capitol Patrol Commander, Supervisor II, Supervisor I and Patrolmen are created in the Department of Public Safety Capitol Patrol Division. The Commander of the Capitol Patrol Division shall have the rank of Captain, Supervisor II shall have the rank of First Lieutenant, and Supervisor I shall have the rank of Second Lieutenant. Salaries and promotional requirements for all officers and employees of the Division shall be governed by procedures established by the Office of Personnel Management and shall conform with a regional salary schedule and promotional procedures established by the Commissioner of Public Safety and a Capitol Patrol promotional process committee, appointed by the Commander of the Capitol Patrol Division.

E. The Commissioner of Public Safety when appointing the members of the Capitol Patrol Division shall determine, in consultation with the Administrator of the Merit System of Personnel Administration, shall determine minimum qualifications of personnel in the Division. In appointing personnel, the Commissioner and shall select them such officers only after examinations to determine

their physical and mental qualifications for such positions. The ~~scope~~ content of the examinations shall be prescribed by the Commissioner. ~~Personnel~~ Each appointee of the Division shall satisfactorily complete ~~any~~ a course of training ~~requirements that~~ in operations and procedures as prescribed by the Commissioner ~~may~~ prescribe. No person shall be appointed as a member of the Capitol Patrol Division unless the person is or has been a citizen of the State of Oklahoma, is of good moral character, is not less than twenty-one (21) years of age, and possesses 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 Registers and Admissions Officers and whose hours are transferable between such recognized institutions.

~~E. Law~~ F. Upon initial appointment, law enforcement personnel in the Capitol Patrol Division 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 Capitol Patrol Division may be promoted during the initial probationary period if such officer satisfactorily completes all training requirements prescribed by the Commissioner.

~~F. G.~~ G. The Department of Public Safety is authorized to purchase and issue uniforms and necessary equipment to be used only in the performance of their official duties. All uniforms and equipment shall remain the property of the Department. The Commissioner is authorized to pay uniformed personnel an expense allowance in the

amount and for the purchases as provided in Section 2-130 of Title 47 of the Oklahoma Statutes.

G. H. The Department of Public Safety is authorized to purchase and maintain motor vehicles and other equipment for use by the Division.

~~H. All personnel employed by and assigned to the State Capitol Police of the Office of Public Affairs and the Police of the Oklahoma Capitol Improvement Authority on July 1, 1982, are hereby transferred to the Department of Public Safety. No transferred employee shall be required to accept a lesser grade or salary than presently received plus any salary adjustments provided by the Legislature for state employees, and no entrance examinations shall be required for continued employment in the same or similar positions with the Department of Public Safety. Persons having the title of "Chief of Police", "Police Supervisor", and "Police Officer" shall retain their current titles. All funds, records, radios, motor vehicles, equipment, and supplies now under the jurisdiction and control of the Office of Public Affairs and the Oklahoma Capitol Improvement Authority, which are used in the operation of the State Capitol Police and the Capitol Improvement Authority Police are hereby transferred to the Department of Public Safety in partial consideration of the performance of the security and enforcement functions provided by the Department of Public Safety to the Office of Public Affairs and the Oklahoma Capitol Improvement Authority. The Office of Public Affairs and the Oklahoma Capitol Improvement Authority shall provide office and operations space for the State Capitol Division~~ I. The maximum age for the initial employment of any person employed as a member of the Capitol Patrol Division shall be thirty-five (35) years of age. Any former member of the Capitol Patrol Division whose separation from the Division was at his own request and not a result of his own actions contrary to the policy of the Department may make

application for reinstatement as a member of the Capitol Patrol Division, provided he will be able to complete twenty (20) years of credited services by the time he reaches fifty-five (55) years of age. The Commissioner may waive the requirement of possessing the number of semester hours required in subsection E of this section for any former member making application for reinstatement as a member of the Capitol Patrol Division. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner, at a 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 served by a member of the Capitol Patrol Division shall be considered as continued service with such Capitol Patrol Division, provided such member returns to duty with said Division within sixty (60) days after his release from military services.

SECTION 4. RECODIFICATION 74 O.S. 1991, Section 1811.4E, as last amended by Section 3 of this act, shall be recodified as Section 2-140 of Title 47, unless there is created a duplication in numbering.

SECTION 5. This act shall become effective July 1, 1995.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

45-1-0173

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