

1 ENGROSSED SENATE
2 BILL NO. 748

By: Shurden and Crutchfield of
the Senate

3 and

4 Leist, Hutchison and
5 Mitchell of the House

6
7
8 [Department of Public Safety Personnel - deleting
9 reference to Capital Patrol Commander and Sergeants -
10 effective date -
11 emergency]

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13
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 47 O.S. 1991, Section 2-105, as
16 last amended by Section 3, Chapter 245, O.S.L. 1998 (47 O.S. Supp.
17 1998, Section 2-105), is amended to read as follows:

18 Section 2-105. A. The Commissioner, subject to the Oklahoma
19 Personnel Act, Section 840-1.1 et seq. of Title 74 of the Oklahoma
20 Statutes, shall appoint:

21 1. A Chief of the Highway Patrol Division with the rank of
22 Colonel, Assistant Chief of the Highway Patrol Division with the
23 rank of Lieutenant Colonel, and subordinate officers and employees
24 of the Highway Patrol Division, including Colonels, Majors,
25 Captains, First Lieutenants, Supervisors with the rank of Second
26 Lieutenant and Patrolmen, who shall comprise the Oklahoma Highway
27 Patrol Division of the Department of Public Safety;

28 2. A First Lieutenant, Supervisors with the rank of Second
29 Lieutenant, and Patrolmen who shall comprise the Lake Patrol Section
30 of the Oklahoma Highway Patrol Division of the Department of Public
31 Safety;

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1 3. A ~~Commander of the Oklahoma Capitol Patrol Division with the~~
2 ~~rank of~~ First Lieutenant, Supervisors with the rank of Second
3 Lieutenant, ~~Sergeants~~ and Patrolmen, who shall comprise the ~~Oklahoma~~
4 Capitol Patrol ~~Division~~ Section of the Oklahoma Highway Patrol
5 Division of the Department of Public Safety; and

6 4. A Director of the Communications Division with the rank of
7 Captain, Communications Coordinators with the rank of First
8 Lieutenant, Communications Superintendents with the rank of Second
9 Lieutenant, Communications Supervisors with the rank of Sergeant,
10 Communications Dispatchers, Radio Technicians and Tower Maintenance
11 Officers who shall comprise the Communications Division of the
12 Department of Public Safety.

13 B. 1. The Commissioner, when appointing commissioned officers
14 and employees to the positions set out in subsection A of this
15 section, shall determine, in consultation with the Administrator of
16 the Office of Personnel Management, minimum qualifications and shall
17 select such officers and employees only after examinations to
18 determine their physical and mental qualifications for such
19 positions. The content of the examinations shall be prescribed by
20 the Commissioner, and all such appointees shall satisfactorily
21 complete a course of training in operations and procedures as
22 prescribed by the Commissioner.

23 2. No person shall be appointed to any position set out in
24 subsection A of this section unless the person is a citizen of the
25 United States of America, of good moral character, and:

26 a. for commissioned officer positions, shall be not less
27 than twenty-one (21) years of age nor more than
28 thirty-five (35) years of age, and ~~shall possess~~:

29 (1) for any person appointed to the Oklahoma Highway
30 Patrol Division on or before December 31, 1998,
31 shall possess a minimum of thirty (30)

32 successfully completed semester hours from a

1 college or university which is recognized by and
2 accepted by the American Association of
3 Collegiate Registrars and Admissions Officers and
4 whose hours are transferable between such
5 recognized institutions, or

6 (2) for any person appointed to the Oklahoma Highway
7 Patrol Division, on or after January 1, 1999,
8 shall possess an associate degree or a minimum of
9 sixty-two (62) successfully completed semester
10 hours from a college or university which is
11 recognized by and accepted by the American
12 Association of Collegiate Registrars and
13 Admissions Officers and whose hours are
14 transferable between such recognized
15 institutions, or

16 ~~(3) for any person appointed to the Oklahoma Capitol~~
17 ~~Patrol Division, a high school diploma or General~~
18 ~~Educational Development equivalency certificate;~~
19 ~~shall possess either six (6) months of previous~~
20 ~~experience in law enforcement or security work or~~
21 ~~fifteen (15) successfully completed semester~~
22 ~~hours from a college or university which is~~
23 ~~recognized and accepted by the American~~
24 ~~Association of Collegiate Registrars and~~
25 ~~Admissions Officers and whose hours are~~
26 ~~transferrable between such recognized~~
27 ~~institutions, or~~

28 b. for any such position in the Communications Division,
29 a person shall be at least twenty (20) years of age
30 and shall possess a high school diploma or General
31 Educational Development equivalency certificate; shall
32 possess either six (6) months of previous experience

1 as a dispatcher or fifteen (15) successfully completed
2 semester hours from a college or university which is
3 recognized by and accepted by the American Association
4 of Collegiate Registrars and Admissions Officers and
5 whose hours are transferable between such recognized
6 institutions.

7 3. No commissioned officer of the Department shall, while in
8 such position, be a candidate for any political office or take part
9 in or contribute any money or other thing of value, directly or
10 indirectly, to any political campaign or to any candidate for public
11 office. Anyone convicted of violating the provisions of this
12 paragraph shall be guilty of a misdemeanor and shall be punished as
13 provided by law.

14 4. The Commissioner or any employee of the Department shall not
15 be a candidate for any political office, or in any way be active or
16 participate in any political contest of any Primary, General, or
17 Special Election, except to cast a ballot. No commissioned officer
18 of the Department, while in the performance of the officer's
19 assigned duty of providing security and protection, shall be
20 considered as participating in a political campaign. The provisions
21 of this paragraph shall not be construed to preclude a commissioned
22 officer who is a member of the Oklahoma Highway Patrol Division of
23 the Department of Public Safety from being a candidate for a
24 position on a local board of education.

25 5. Drunkenness or being under the influence of intoxicating
26 liquors shall be sufficient grounds for the removal of any
27 commissioned officer of the Department, in and by the manner
28 provided for in this section.

29 C. 1. Upon initial appointment to the position of Patrolman or
30 Communications Dispatcher, the appointed employee shall be required
31 to serve an initial probationary period of twelve (12) months. The
32 Commissioner may extend the probationary period for up to three (3)

1 additional months provided that the employee and the Office of
2 Personnel Management are notified in writing as to such action and
3 the reasons therefor. During such probationary period, the employee
4 may be terminated at any time and for any reason at the discretion
5 of the Commissioner. Retention in the service after expiration of
6 the initial probationary period shall entitle such employee to be
7 classified as a permanent employee and the employee shall be so
8 classified. No permanent employee may be discharged or removed
9 except as provided for in this section.

10 2. A commissioned officer of the Oklahoma Highway Patrol
11 Division may be promoted during the initial probationary period if
12 such officer satisfactorily completes all training requirements
13 prescribed by the Commissioner.

14 D. 1. No permanent employee, as provided for in this section,
15 who is a commissioned officer of the Department, may be suspended
16 without pay or dismissed unless the employee has been notified in
17 writing by the Commissioner of such intended action and the reasons
18 therefor. No such notice shall be given by the Commissioner unless
19 sworn charges or statements have been obtained to justify the
20 action.

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

27 3. Commissioned officers of the Department of Public Safety are
28 not entitled to appeal interagency transfer to the Oklahoma Merit
29 Protection Commission pursuant to the Oklahoma Personnel Act,
30 Section 840-1.1 et seq. of Title 74 of the Oklahoma Statutes, unless
31 transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74
32 of the Oklahoma Statutes.

1 4. The Department of Public Safety shall follow the uniform
2 grievance procedure established and adopted by the Office of
3 Personnel Management for permanent classified employees, except for
4 those employees who are commissioned officers of the Department.
5 The Department of Public Safety shall establish and adopt a
6 proprietary grievance procedure for commissioned officers of the
7 Department which is otherwise in compliance with the provisions of
8 Section 840-6.2 of Title 74 of the Oklahoma Statutes.

9 E. 1. The Commissioner is hereby authorized to purchase and
10 issue uniforms and necessary equipment for all commissioned officers
11 of the Department. All uniforms and equipment shall be used only in
12 the performance of the official duties of such officers and shall
13 remain the property of the Department, except as provided in Section
14 2-313 of this title.

15 2. Each of said commissioned officers assigned to the
16 Department of Public Safety shall be entitled to traveling,
17 telephone, and telegraph expenses while away from the city or town
18 designated by the Chief of the Oklahoma Highway Patrol Division as
19 headquarters, when such expense is incurred in service of the state.

20 F. The position of Chief of the Oklahoma Highway Patrol
21 Division shall be filled from the body of commissioned officers of
22 the Oklahoma Highway Patrol Division and appointment to said
23 position shall be based on qualifications, previous record as a
24 commissioned officer of the Oklahoma Highway Patrol Division, length
25 of service, and efficiency of service performed.

26 G. The Commissioner of Public Safety is hereby authorized to
27 send employees of the Department of Public Safety to such schools as
28 Northwestern University Traffic Institute, Northwestern University
29 Police Administrator's Institute, the National Police Academy
30 conducted by the Federal Bureau of Investigation, or to any other
31 such schools of similar training which would be conducive to
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1 improving the efficiency of the Oklahoma Highway Patrol and the
2 Department of Public Safety.

3 H. Any former commissioned officer of the Department whose
4 separation from the Department was at such officer's own request and
5 not a result of such officer's own actions contrary to the policy of
6 the Department may make application for reinstatement as a
7 commissioned officer of the division or section of the Department in
8 which such officer was previously employed, provided such reinstated
9 officer will be able to complete twenty (20) years of credited
10 service by the time the reinstated officer reaches fifty-five (55)
11 years of age. The Commissioner may waive the requirements of
12 possessing the number of semester hours as required in subsection B
13 of this section for any former commissioned officer making
14 application for reinstatement as a commissioned officer of the
15 Department. The Commissioner may require the applicant for
16 reinstatement to attend selected courses of instruction, as
17 prescribed by the Commissioner. In the event of future hostilities
18 wherein the Congress of the United States declares this nation in a
19 state of war with a foreign nation, including military service
20 brought about by the Vietnam War, any period of military service
21 served by a commissioned officer of the Department shall be
22 considered as continued service with such Department, provided such
23 commissioned officer returns to duty within sixty (60) days after
24 release from military service.

25 SECTION 2. AMENDATORY Section 7, Chapter 245, O.S.L.
26 1998 (47 O.S. Supp. 1998, Section 2-105.7), is amended to read as
27 follows:

28 Section 2-105.7 A. ~~There is hereby created~~ Effective July 1,
29 1999, the Oklahoma Capitol Patrol Division ~~within~~ of the Department
30 of Public Safety is hereby abolished.

31 B. ~~The Oklahoma Capitol Patrol Division shall have the~~
32 ~~authority to provide law enforcement services to all state buildings~~

1 ~~and properties, including grounds appurtenant thereto, within~~
2 ~~Oklahoma and Tulsa Counties and to enforce all parking, traffic, and~~
3 ~~criminal laws within Oklahoma and Tulsa Counties, and shall have the~~
4 ~~authority to perform other law enforcement duties within the state~~
5 ~~as prescribed by the Commissioner of Public Safety. There is hereby~~
6 created within the Oklahoma Highway Patrol Division of the
7 Department of Public Safety a Capitol Patrol Section which shall
8 consist of such employees as may be necessary to provide law
9 enforcement services to all state buildings and properties,
10 including grounds appurtenant thereto, within Oklahoma County and
11 Tulsa County. All commissioned officers of the Capitol Patrol
12 Section as designated by the Commissioner shall have the authority
13 to enforce all parking, traffic, and criminal laws within Oklahoma
14 County and Tulsa County. Any statutory references to the Oklahoma
15 Capitol Patrol Division shall mean the Capitol Patrol Section of the
16 Oklahoma Highway Patrol Division of the Department of Public Safety.

17 C. ~~Law enforcement personnel in the Division shall have the~~
18 ~~powers vested by law in peace officers in this state except the~~
19 ~~service or execution of civil process and shall be so deemed and~~
20 ~~taken in all courts having jurisdiction of offenses against the laws~~
21 ~~of this state. Effective July 1, 1999, all commissioned officers in~~
22 the Oklahoma Capitol Patrol Division of the Department of Public
23 Safety and the powers, duties, responsibilities and authority of
24 such Division are hereby transferred to the Capitol Patrol Section
25 of the Oklahoma Highway Patrol Division of the Department of Public
26 Safety as established in subsection B of this section. Each officer
27 classified as a Capitol Patrol Officer on June 30, 1999, shall be
28 reclassified as a Patrolman, each officer classified as a Capitol
29 Patrol Sergeant or a Capitol Patrol Supervisor on June 30, 1999,
30 shall be reclassified as a Patrol Supervisor, with the rank of
31 Second Lieutenant, and each officer classified as a Capitol Patrol
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1 Commander on June 30, 1999, shall be reclassified as a Patrol First
2 Lieutenant as established in subsection G of this section.

3 D. After July 1, 1999, any such officer set out in subsection C
4 of this section may request reclassification to the equivalent
5 lateral position, rank and salary within the Oklahoma Highway Patrol
6 Division and shall be reclassified to such position if the officer:

7 1. Meets the requirements of paragraph 2 of subsection B of
8 Section 2-105 of this title. Provided, such officer shall be exempt
9 from the maximum age limitation;

10 2. Satisfactorily completes a course of training as prescribed
11 by the Commissioner; and

12 3. Serves a twelve-month probationary period which shall
13 commence upon entering into the course of training required by
14 paragraph 2 of this subsection.

15 E. All commissioned officers of the Capitol Patrol Section of
16 the Oklahoma Highway Patrol Division of the Department of Public
17 Safety shall have, in addition to their primary duty as prescribed
18 in subsection B of this section, a secondary duty to enforce all
19 state statutes, to make arrests for violations and to perform other
20 duties as prescribed by the Commissioner of Public Safety.

21 F. The Department of Central Services and the Oklahoma Capitol
22 Improvement Authority shall provide office and operations space for
23 the ~~Oklahoma~~ Capitol Patrol ~~Division~~ Section.

24 ~~E. G.~~ 1. Effective ~~January~~ July 1, 1999, the annual salaries
25 for the commissioned officers within the ~~Oklahoma~~ Capitol Patrol
26 ~~Division~~ Section of the Oklahoma Highway Patrol Division of the
27 Department of Public Safety shall be in accordance and conformity
28 with the following salary schedule and as prescribed by paragraph 2
29 of this subsection, exclusive of longevity pay, as authorized by
30 Section 840-2.18 of Title 74 of the Oklahoma Statutes, expense
31 allowance, as authorized by Section 2-130 of this title, irregular
32 shift pay, as authorized by Section 2-130.1 of this title:

1	Capitol Patrol Commander <u>First Lieutenant</u>	\$38,266.00
2		<u>\$53,143.00</u>
3	Capitol Patrol Supervisor	\$34,276.00
4		<u>\$49,206.00</u>
5	Capitol Patrol Sergeant	\$32,624.00
6	Capitol Patrolman	
7	Step 1	\$22,922.00
8		<u>\$25,000.00</u>
9	Step 2	\$23,284.00
10		<u>\$26,200.00</u>
11	Step 3	\$23,854.00
12		<u>\$27,458.00</u>
13	Step 4	\$24,442.00
14		<u>\$28,776.00</u>
15	Step 5	\$25,044.00
16		<u>\$30,157.00</u>
17	Step 6	\$25,642.00
18		<u>\$31,604.00</u>
19	Step 7	\$26,278.00
20		<u>\$33,121.00</u>
21	Step 8	\$26,916.00
22		<u>\$34,711.00</u>
23	Step 9	\$27,578.00
24		<u>\$36,377.00</u>
25	Step 10	\$28,254.00
26		<u>\$38,123.00</u>
27	Step 11	\$28,944.00
28		<u>\$39,953.00</u>
29	Step 12	\$29,634.00
30		<u>\$41,871.00</u>
31	Step 13	\$30,344.00
32		<u>\$43,881.00</u>

1	Step 14	\$31,030.00
2		<u>\$45,987.00</u>
3	Probationary Capitol Patrolman	\$21,179.00
4	Capitol Patrol Trainee	\$19,070.00

5 2. On ~~January~~ July 1, 1999, each Capitol Patrolman shall be
6 assigned and the salary of such Patrolman shall be adjusted to the
7 salary schedule provided for in paragraph 1 of this subsection.
8 Such initial adjustment of salaries shall be to the step which
9 number corresponds to the number of completed years of service such
10 Patrolman has accumulated in the Oklahoma Capitol Patrol Division of
11 the Department of Public Safety. Provided, however, no such
12 Patrolman shall receive less than the salary the Patrolman was
13 receiving on ~~December 31, 1998~~ June 30, 1999. If the number of
14 completed years of service of such Patrolman exceeds fourteen (14)
15 years on ~~January~~ July 1, 1999, then said Patrolman shall be assigned
16 to, and the salary of such Patrolman shall be adjusted to, Step 14
17 of said salary schedule.

18 3. After ~~January~~ July 1, 1999, each Capitol Patrolman shall
19 receive upon the anniversary date of the Patrolman an annual salary
20 increase to the next higher step of the salary schedule provided for
21 in paragraph 1 of this subsection if such Patrolman, within the
22 preceding twelve-month period:

- 23 a. has achieved a satisfactory Performance Rating Score,
- 24 b. has not received any disciplinary action which has
25 resulted in any suspension from the Department for a
26 period of ten (10) or more days, and
- 27 c. has not received any disciplinary action which has
28 resulted in demotion.

29 4. Notwithstanding the provisions of paragraphs 2 and 3 of this
30 subsection, in any twelve-month period no Capitol Patrolman shall
31 receive:
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- 1 a. a salary increase which exceeds an increase to the
2 next higher step of the salary schedule provided for
3 in paragraph 1 of this subsection, or
4 b. more than one such salary increase to the step of the
5 salary schedule provided for in paragraph 1 of this
6 subsection, unless salary increases are authorized by
7 the Legislature.

8 Provided, however, such Patrolman shall receive the salary increase
9 which results from a promotion to another position within the
10 ~~Oklahoma Capitol Patrol Division~~ Section.

11 5. The steps prescribed for the position of ~~Capitol~~ Patrolman
12 in the salary schedule provided for in paragraph 1 of this
13 subsection are for salary and compensation purposes only. No
14 ~~Capitol~~ Patrolman shall be reassigned to another such step of said
15 salary schedule for the purposes of demotion, discipline, promotion,
16 incentive, reward or for any other reason other than the salary
17 increase provided for in paragraph 2, 3 or 4 of this subsection.

18 6. The provisions of this subsection shall supersede all
19 existing laws covering the salaries for the positions in the
20 ~~Oklahoma Capitol Patrol Division~~ Section of the Oklahoma Highway
21 Patrol Division of the Department of Public Safety.

22 ~~7. Upon graduation from the Council on Law Enforcement~~
23 ~~Education and Training Academy, each Capitol Patrol Trainee shall be~~
24 ~~promoted to and shall receive the salary for the position of~~
25 ~~Probationary Capitol Patrolman. Upon completion of the one-year~~
26 ~~probationary period, as required in subsection C of Section 2-105 of~~
27 ~~this title, each Probationary Capitol Patrolman shall be promoted to~~
28 ~~and shall receive the salary for Step 1 of the position of Capitol~~
29 ~~Patrolman, as provided for in paragraph 1 of this subsection.~~
30 ~~Thereafter, the salary of such Patrolman shall be subject to the~~
31 ~~provisions of this subsection.~~

1 SECTION 3. AMENDATORY 47 O.S. 1991, Section 2-313, as
2 last amended by Section 1, Chapter 181, O.S.L. 1996 (47 O.S. Supp.
3 1998, Section 2-313), is amended to read as follows:

4 Section 2-313. A. A retired member of the Oklahoma Highway
5 Patrol Division, the Capitol Patrol ~~Division~~ Section or the Lake
6 Patrol ~~Division~~ Section of the Oklahoma Highway Patrol Division of
7 the Department of Public Safety shall be entitled to receive upon
8 retirement, by reason of length of service, the continued custody
9 and possession of the sidearm and badge carried by such member
10 immediately prior to retirement. In addition to the sidearm carried
11 by such member immediately prior to retirement, the member may
12 purchase the rifle or shotgun issued to the member. The cost of
13 purchasing the weapon shall be the replacement value for a new
14 weapon and upon payment of that price, the member shall be entitled
15 to ownership of the weapon. Any records regarding the ownership of
16 the weapon shall be modified to reflect the transfer to the member.
17 Proceeds from the purchase of the weapon shall be deposited in the
18 Department of Public Safety Revolving Fund.

19 B. In the event a member retires by reason of disability, such
20 member shall be entitled to receive the continued custody and
21 possession of the sidearm upon written approval of the Commissioner
22 of the Department of Public Safety.

23 C. A retired member of the Oklahoma Highway Patrol Division,
24 the Capitol Patrol ~~Division~~ Section or the Lake Patrol ~~Division~~
25 Section of the Oklahoma Highway Patrol Division of the Department of
26 Public Safety shall be entitled to receive the continued custody and
27 possession of the official license plate issued for the vehicle that
28 was assigned to the member, provided the license plate shall not be
29 placed on any motor vehicle. The provisions of this subsection
30 shall apply to any member retiring on or after April 1, 1993, if the
31 official license plate is available.

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1 D. Custody and possession of the sidearm, badge and official
2 license plate of a member ~~killed in the line of duty~~ who dies during
3 his or her appointment may be awarded by the Commissioner to the
4 spouse or next-of-kin of the deceased member, provided the license
5 plate shall not be placed on any motor vehicle. The authority of
6 the Commissioner to award the license plate to the spouse or next-
7 of-kin shall apply if the deceased member ~~was killed~~ died on or
8 after ~~April 1, 1993~~ July 1, 1999.

9 SECTION 4. This act shall become effective July 1, 1999.

10 SECTION 5. It being immediately necessary for the preservation
11 of the public peace, health and safety, an emergency is hereby
12 declared to exist, by reason whereof this act shall take effect and
13 be in full force from and after its passage and approval.

14 Passed the Senate the 1st day of March, 1999.

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17 _____
President of the Senate

18 Passed the House of Representatives the ____ day of _____ ,
19 1999.

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23 _____
Speaker of the House of
Representatives

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