

1 STATE OF OKLAHOMA

2 1st Session of the 47th Legislature (1999)

3 COMMITTEE SUBSTITUTE
4 FOR
5 HOUSE BILL NO. 1670

By: Roggow

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7 COMMITTEE SUBSTITUTE

8 An Act relating to schools; amending 70 O.S. 1991,
9 Section 3311, as last amended by Section 1, Chapter
10 329, O.S.L. 1998 (70 O.S. Supp. 1998, Section 3311),
11 which relates to Council on Law Enforcement Education
and Training; modifying membership of Council;
providing an effective date; and declaring an
emergency.

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

15 SECTION 1. AMENDATORY 70 O.S. 1991, Section 3311, as
16 last amended by Section 1, Chapter 329, O.S.L. 1998 (70 O.S. Supp.
17 1998, Section 3311), is amended to read as follows:

18 Section 3311. A. There is hereby re-created a Council on Law
19 Enforcement Education and Training. The Council shall be composed
20 of ~~five (5)~~ eight (8) police or peace officers, one selected by each
21 of the following: the Court of Criminal Appeals, the Commissioner
22 of Public Safety, the Board of Directors of the Oklahoma Sheriffs
23 and Peace Officers Association, the Board of Directors of the
24 Fraternal Order of Police, the Board of Directors of the Oklahoma
25 Sheriff's Association, the Speaker of the House of Representatives,
26 the President Pro Tempore of the Senate and the Governor. The
27 Director selected by the Council shall be an ex officio member of
28 the Council and shall act as Secretary. The Council on Law
29 Enforcement Education and Training shall select a chair and vice-
30 chair from among its members. Members of the Council on Law
31 Enforcement Education and Training shall not receive a salary for
32 duties performed as members of the Council, but shall be reimbursed

1 for their actual and necessary expenses incurred in the performance
2 of Council duties pursuant to the provisions of the State Travel
3 Reimbursement Act.

4 B. The Council on Law Enforcement Education and Training is
5 hereby authorized and directed to:

6 1. Appoint a larger Advisory Council to discuss problems and
7 hear recommendations concerning necessary research, minimum
8 standards, educational needs, and other matters imperative to
9 upgrading Oklahoma law enforcement to professional status-;i

10 2. Promulgate rules and regulations with respect to such
11 matters as certification, revocation, suspension and withdrawal of
12 certification, minimum courses of study, testing and test scores,
13 attendance requirements, equipment and facilities, minimum
14 qualifications for instructors, minimum standards for basic and
15 advanced in-service courses, and seminars for Oklahoma police and
16 peace officers-;i

17 3. Authorize research, basic and advanced courses, and seminars
18 to assist in program planning directly and through subcommittees-;i

19 4. Authorize additional staff and services necessary for
20 program expansion-;i

21 5. Recommend legislation necessary to upgrade Oklahoma law
22 enforcement to professional status-;i

23 6. Establish policies and regulations concerning the number,
24 geographic and police unit distribution, and admission requirements
25 of those receiving tuition or scholarship aid available through the
26 Council. Such waiver of costs shall be limited to duly appointed
27 members of legally constituted local, county, and state law
28 enforcement agencies on the basis of educational and financial
29 need-;i

30 7. Appoint a Director and an Assistant Director to direct the
31 staff, inform the Council of compliance with the provisions of this
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1 section and perform such other duties imposed on the Council by
2 law-;

3 8. Enter into contracts and agreements for the payment of
4 classroom space, food, and lodging expenses as may be necessary for
5 law enforcement officers attending any official course of
6 instruction approved or conducted by the Council. Such expenses may
7 be paid directly to the contracting agency or business
8 establishment. The food and lodging expenses for each law
9 enforcement officer shall not exceed the authorized rates as
10 provided for in the State Travel Reimbursement Act-; and

11 9. Certify canine teams, consisting of a dog and a handler
12 working together as a team, trained to detect controlled dangerous
13 substances.

14 C. Failure of the Legislature to appropriate necessary funds to
15 provide for expenses and operations of the Council on Law
16 Enforcement Education and Training shall not invalidate other
17 provisions of this section relating to the creation and duties of
18 the Council.

19 D. 1. No person shall be eligible to complete a basic police
20 course approved by the Council until the Oklahoma State Bureau of
21 Investigation and the Federal Bureau of Investigation have reported
22 to the submitting agency that such person has no felony record, and
23 the employing agency has reported to the Council that such person
24 has undergone psychological testing as provided for in paragraph 2
25 of this subsection, and the applicant has certified that the
26 applicant has a high school diploma or a GED equivalency certificate
27 and is not participating in a deferred sentence agreement for a
28 felony or a crime involving moral turpitude.

29 2. No person shall be certified as a police or peace officer in
30 this state unless the employing agency has reported to the Council
31 that:

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- 1 a. the Oklahoma State Bureau of Investigation and the
2 Federal Bureau of Investigation have reported that
3 such person has no record of a conviction of a felony
4 or crime involving moral turpitude,
- 5 b. such person has undergone psychological evaluation
6 such as the Minnesota Multiphasic Personality
7 Inventory, the California Personality Inventory, or
8 other psychological instrument approved by the Council
9 on Law Enforcement Education and Training. The
10 psychological instrument utilized shall be evaluated
11 by a psychologist licensed by the State of Oklahoma,
12 and the employing agency shall certify to the Council
13 that the evaluation was conducted in accordance with
14 this provision and that the employee/applicant is
15 suitable to serve as a peace officer in the State of
16 Oklahoma. Nothing herein shall preclude a
17 psychologist licensed in the state from employing
18 additional psychological techniques to assist the
19 employing agency's determination of the
20 employee/applicant's suitability to serve as a peace
21 officer in the State of Oklahoma. Any person found
22 not to be suitable for employment or certification by
23 the Council shall not be employed, retained in
24 employment as a peace officer, or certified by the
25 Council for at least one (1) year, at which time the
26 employee/applicant may be re-evaluated by a
27 psychologist licensed by the State of Oklahoma. This
28 section shall also be applicable to all reserve peace
29 officers in the State of Oklahoma,
- 30 c. such person possesses a high school diploma or a GED
31 equivalency certificate, provided this requirement
32 shall not affect those persons who are already

1 employed as a police or peace officer prior to
2 November 1, 1985, and

3 d. such person is not participating in a deferred
4 sentence agreement for a felony or a crime involving
5 moral turpitude,

6 and the Council has determined that such person has satisfactorily
7 completed a basic police course of not less than one hundred twenty
8 (120) hours of accredited instruction for reserve police officers
9 and reserve deputies and not less than three hundred (300) hours for
10 full-time salaried police or peace officers from the Council or
11 curriculum or course of study approved by the Council. Said
12 training shall include training in crime and drug prevention, crisis
13 intervention, and youth and family intervention techniques.

14 3. Every person who has not been certified as a police or peace
15 officer and is duly appointed or elected as a police or peace
16 officer shall hold such position on a temporary basis only, and
17 shall, within one (1) year from the date of appointment or taking
18 office, qualify as required in this subsection or forfeit such
19 position. In computing the one (1) year, all service shall be
20 cumulative from date of first appointment or taking office as a
21 police or peace officer with any department in this state. The
22 Council may extend the time requirement specified in this paragraph
23 for good cause as determined by the Council. An elected police or
24 peace officer shall be eligible to enroll in a basic police course
25 in accordance with this subsection upon election. A duty is hereby
26 imposed upon the employing agency to withhold payment of the
27 compensation or wage of said unqualified officer. If the police or
28 peace officer fails to forfeit the position or the employing agency
29 fails to require the officer to forfeit the position, the district
30 attorney shall file the proper action to cause the forfeiting of
31 such position. The district court of the county where the officer
32 is employed shall have jurisdiction to hear the case.

1 4. The Council may certify officers who have completed a course
2 of study in another state deemed by the Council to meet standards
3 for Oklahoma peace officers.

4 5. For purposes of this section, a police or peace officer is
5 defined as a full-time duly appointed or elected officer who is paid
6 for working more than twenty-five (25) hours per week and whose
7 duties are to preserve the public peace, protect life and property,
8 prevent crime, serve warrants, and enforce laws and ordinances of
9 this state, or any political subdivision thereof; provided elected
10 sheriffs and their deputies and elected and appointed chiefs of
11 police shall meet the requirements of this subsection within the
12 first twelve (12) months after assuming the duties of the office to
13 which they are elected or appointed; provided further that this
14 section shall not apply to persons designated by the Director of the
15 Department of Corrections as peace officers pursuant to Section 510
16 of Title 57 of the Oklahoma Statutes.

17 E. No person shall be certified as a police or peace officer by
18 the Council or be employed by the state, a county, a city, or any
19 political subdivision thereof, who has been convicted of a felony or
20 a crime involving moral turpitude unless a full pardon has been
21 granted by the proper agency; however, any person who has been
22 trained and certified by the Oklahoma Council on Law Enforcement
23 Education and Training and is actively employed as a full-time peace
24 officer as of November 1, 1985, shall not be subject to the
25 provisions of this subsection for convictions occurring prior to
26 November 1, 1985.

27 F. Every person employed as a police or peace officer in this
28 state shall be fingerprinted by the employing law enforcement
29 agency. One set of said impressions shall be mailed to the
30 Oklahoma State Bureau of Investigation and one set to the Federal
31 Bureau of Investigation, Washington, D.C. within ten (10) days from
32 the initial date of employment.

1 G. 1. The Council is hereby authorized to provide to any
2 employing agency the following information regarding a person who is
3 or has applied for employment as a police or peace officer of such
4 employing agency:

5 a. Oklahoma State Bureau of Investigation and Federal
6 Bureau of Investigation reports,

7 b. administration of the psychological tests provided for
8 herein,

9 c. performance in the course of study or other basis of
10 certification,

11 d. previous certifications issued, and

12 e. any administrative or judicial determination denying
13 certification.

14 2. An employing agency shall not be liable in any action
15 arising out of the release of contents of personnel information
16 relevant to the qualifications or ability of a person to perform the
17 duties of a police or peace officer when such information is
18 released pursuant to written authorization for release of
19 information signed by such person and is provided to another
20 employing agency which has employed or has received an application
21 for employment from such person.

22 H. A law enforcement agency employing police or peace officers
23 in this state shall report the hiring, resignation, or termination
24 for any reason of a police or peace officer to the Council at a time
25 established by the Council. Failure to comply with the provisions
26 of this subsection may disqualify a law enforcement agency from
27 participating in training programs sponsored by the Council.

28 I. As used in this section, "employing agency" means a
29 political subdivision or law enforcement agency which either has
30 employed or received an employment application from a person who, if
31 employed, would be subject to this section.

1 J. 1. Revocation of certification proceedings shall be
2 commenced by filing with the Council a complaint, on a form approved
3 by the Council, verified by the complainant. The sole issue to be
4 determined at the hearing shall be whether the person has been
5 convicted of a felony or crime involving moral turpitude.

6 2. Suspension of certification proceedings shall be commenced
7 by filing with the Council a complaint, on a form approved by the
8 Council, verified by the complainant. The sole issue to be
9 determined at the hearing shall be whether the person has entered a
10 plea of guilty or nolo contendere to a felony, a crime involving
11 moral turpitude or a misdemeanor domestic violence offense and is
12 currently participating in a deferred sentence which has not been
13 completed.

14 3. Upon the filing of the verified complaint, the Council's
15 Executive Director shall conduct a preliminary investigation to
16 determine whether:

- 17 a. there is reason to believe the person has been
18 convicted of a felony or crime involving moral
19 turpitude, or
20 b. there is reason to believe the person has entered a
21 plea of guilty or nolo contendere to a felony, a crime
22 involving moral turpitude or a domestic violence
23 offense and is currently participating in a deferred
24 sentence agreement.

25 4. If the Executive Director does not find there is reason to
26 believe the person has been so convicted, or has entered a plea of
27 guilty or nolo contendere to a felony, a crime involving moral
28 turpitude or a misdemeanor domestic violence offense and is
29 currently participating in a deferred sentence agreement, the person
30 shall remain certified. The proceedings for the revocation or
31 suspension of certification shall be in accordance with Articles I
32 and II of the Administrative Procedures Act.

1 K. 1. The Council shall revoke the certification of any person
2 upon determining that such person has been convicted of a felony or
3 crime involving moral turpitude; provided, that if the conviction
4 has been reversed, vacated or otherwise invalidated by an appellate
5 court, such conviction shall not be the basis for revocation of
6 certification; provided further, that any person who has been
7 trained and certified by the Oklahoma Council on Law Enforcement
8 Education and Training and is actively employed as a full-time peace
9 officer as of November 1, 1985, shall not be subject to the
10 provisions of this subsection for convictions occurring prior to
11 November 1, 1985.

12 2. The Council shall suspend the certification of any person
13 upon determining that such person has entered a plea of guilty or
14 nolo contendere to a felony, a crime involving moral turpitude or a
15 misdemeanor domestic violence offense and is currently participating
16 in a deferred sentence agreement; provided, that if the plea of
17 guilty or nolo contendere has been withdrawn, and the case dismissed
18 or vacated, such plea shall not be the basis for suspension of
19 certification; provided further, that any person who has been
20 trained and certified by the Council and is actively employed as a
21 full-time peace officer shall not be subject to the provisions of
22 this subsection for convictions occurring prior to November 1, 1985.

23 L. 1. Every canine team in the state trained to detect
24 controlled dangerous substances shall be certified, by test, in the
25 detection of such controlled dangerous substances and shall be
26 recertified annually so long as the canine is used for such
27 detection purposes. The certification test and annual
28 recertification test provisions of this subsection shall not be
29 applicable to canines that are owned by a law enforcement agency and
30 that are certified and annually recertified in the detection of
31 controlled dangerous substances by the United States Custom Service.
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1 2. The fee for the certification test shall be Two Hundred
2 Dollars (\$200.00) and the annual recertification test fee shall be
3 One Hundred Dollars (\$100.00) per canine team. A retest fee of
4 Fifty Dollars (\$50.00) will be charged if the team fails the test.
5 No such fee shall be charged to any local, state or federal
6 government agency. The fees provided for in this paragraph shall be
7 deposited to the credit of the C.L.E.E.T. Fund created pursuant to
8 Section 1313.2 of Title 20 of the Oklahoma Statutes.

9 M. All tribal police officers of any Indian tribe or nation
10 which has entered into a cross-deputization agreement with the State
11 of Oklahoma or any political subdivision of the State of Oklahoma
12 pursuant to the provisions of Section 1221 of Title 74 of the
13 Oklahoma Statutes shall be eligible to enroll in and receive the
14 training provided for in this section under the same terms and
15 conditions that such training is made available to members of the
16 law enforcement agencies of the State of Oklahoma and its political
17 subdivisions, except that a fee of Three Dollars and sixteen cents
18 (\$3.16) per hour of training shall be charged for all training
19 provided pursuant to this subsection. Such fees shall be deposited
20 to the credit of the C.L.E.E.T. Fund created pursuant to Section
21 1313.2 of Title 20 of the Oklahoma Statutes.

22 N. If an employing law enforcement agency in this state has
23 paid the salary of a person while that person is completing in this
24 state a basic police course approved by the Council and if within
25 one (1) year after certification that person resigns and is hired by
26 another law enforcement agency in this state, the second agency or
27 the person receiving the training shall reimburse the original
28 employing agency for the salary paid to the person while completing
29 the basic police course by the original employing agency.

30 SECTION 2. This act shall become effective July 1, 1999.

31 SECTION 3. It being immediately necessary for the preservation
32 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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