

HOUSE OF REPRESENTATIVES

Wednesday, March 17, 1999

ENGROSSED

Senate Bill No. 227

As Amended

ENGROSSED SENATEBILL NO. 227 -- By SHURDEN and STIPE of the Senate and LEIST of the House.

AN ACT RELATING TO LAW ENFORCEMENT; AMENDING 19 O.S. 1991, SECTION 553, WHICH RELATES TO SHERIFFS; AMENDING 47 O.S. 1991, SECTION 2-313, AS LAST AMENDED BY SECTION 1, CHAPTER 181, O.S.L. 1996 (47 O.S. SUPP. 1998, SECTION 2-313), WHICH RELATES TO THE DEPARTMENT OF PUBLIC SAFETY; AMENDING 63 O.S. 1991, SECTION 2-103, AS AMENDED BY SECTION 2, CHAPTER 387, O.S.L. 1998 (63 O.S. SUPP. 1998, SECTION 2-103), WHICH RELATES TO THE OKLAHOMA STATE BUREAU OF NARCOTICS AND DANGEROUS DRUGS CONTROL COMMISSION; AMENDING 74 O.S. 1991, SECTION 150.23, AS AMENDED BY SECTION 1, CHAPTER 134, O.S.L. 1997 (74 O.S. SUPP. 1998, SECTION 150.23), WHICH RELATES TO CUSTODY AND POSSESSION OF SIDEARMS AND BADGES OF CERTAIN LAW ENFORCEMENT OFFICERS; EXPANDING CIRCUMSTANCES FOR AWARDED BADGES AND SIDEARMS TO FAMILY AND NEXT OF KIN AND MODIFYING OFFICERS TO WHICH THIS PROVISION IS APPLICABLE; AND PROVIDING AN EFFECTIVE DATE

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 553, is amended to read as follows:

Section 553. A. Sheriffs and their deputies, retiring under the provisions of Sections 951 et seq. of ~~Title 19 of the Oklahoma Statutes~~ this title, or Sections 901 et seq. of Title 74 of the Oklahoma Statutes, may retain their status as peace officers of the State of Oklahoma, retired, and as such may retain the right to keep their county issued firearm and badge, and bear firearms as provided by Sections 554 and 555 of this title.

B. Custody and possession of the firearm and badge of sheriffs or deputies certified as peace officers in this state who die while employed by the Sheriff's Department may be awarded to the spouse or next-of-kin of the deceased sheriff or deputy.

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

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

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

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

D. Custody and possession of the sidearm, badge and official license plate of a member ~~killed in the line of duty~~ who dies while employed by the Department of Public Safety may be awarded by the Commissioner to the spouse or next-of-kin of the deceased member, provided the license plate shall not be placed on any motor vehicle. The authority of the Commissioner to award the license plate to the spouse or next-of-kin shall apply if the deceased member was killed on or after April 1, 1993.

SECTION 3. AMENDATORY 63 O.S. 1991, Section 2-103, as amended by Section 2, Chapter 387, O.S.L. 1998 (63 O.S. Supp. 1998, Section 2-103), is amended to read as follows:

Section 2-103. A. The Director shall be appointed by the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission. The Director of Narcotics and Dangerous Drugs Control on January 1, 1984 shall be initially appointed as Director. The succeeding Director shall, at the time of ~~his~~ the appointment, have a Bachelor's Degree from an accredited college or university and at least five (5) years' experience in drug law enforcement. The Director may appoint necessary assistants, agents, and other personnel to perform the work of the office and may prescribe their titles and duties and fix their compensation pursuant to Merit System rules. The Director may appoint an employee to the position of Public

Information/Education Officer. Said position shall be unclassified and exempt from the rules and procedures of the Office of Personnel Management, except leave regulations. The office of the Director shall be located at a suitable place in Oklahoma City, Oklahoma.

B. 1. Agents appointed by the Director shall have the powers of peace officers generally; provided, the Director may appoint special agents to meet specific investigatory need, who do not meet the age and educational requirements as specified in this section.

2. On and after July 1, 1998, agents shall be at least twenty-one (21) years of age and shall have a Bachelor's Degree from an accredited college or university.

3. Each entering agent shall be required to serve one (1) year in a probationary status as a prerequisite to being placed on permanent status.

C. Agents appointed pursuant to the provisions of this section shall have the responsibility of investigating alleged violations and shall have the authority to arrest those suspected of having violated the provisions of the Uniform Controlled Dangerous Substances Act.

D. A commissioned employee of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control shall be entitled to receive upon retirement by reason of length of service, the continued custody and possession of the sidearm and badge carried by such employee immediately prior to retirement.

E. A commissioned employee of the Bureau may be entitled to receive, upon retirement by reason of disability, the continued custody and possession of the sidearm and badge carried by such employee immediately prior to retirement upon written approval of the Director.

F. Custody and possession of the sidearm and badge of a commissioned employee ~~killed in the line of duty who dies~~ while employed by the Bureau may be awarded by the Director to the spouse or next of kin of the deceased employee.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 150.23, as amended by Section 1, Chapter 134, O.S.L. 1997 (74 O.S. Supp. 1998, Section 150.23), is amended to read as follows:

Section 150.23 A. An officer or agent of the Oklahoma State Bureau of Investigation, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Department of Wildlife Conservation, or the Oklahoma Tourism and Recreation Department shall be entitled to receive, upon retirement by reason of length of service, the continued custody and possession of the sidearm and badge carried by such officer or agent immediately prior to retirement.

B. An officer or agent of either Department may be entitled to receive, upon retirement by reason of disability, the continued custody and possession of the sidearm and badge carried by such officer or agent immediately prior to retirement upon written approval of the applicable Director of the appropriate Bureau or Department.

C. Custody and possession of the sidearm and badge of an officer or agent ~~killed in the line of duty who dies while~~ employed by either the Department or the Bureau may be awarded by the applicable Director of the appropriate Bureau or the Department to the spouse or next-of-kin of the deceased officer or agent.

SECTION 5. This act shall become effective November 1, 1999.