

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. _____

By: Herbert

AS INTRODUCED

An Act relating to law enforcement; authorizing an appointing authority to suspend a commissioned law enforcement officer from duty with pay; requiring officer to be available during specified dates and times; providing for notice of suspension with pay; stating period of suspension; providing for suspension period; providing for clearance of charges; requiring an appointing authority to clear certain records; authorizing the appointing authority to take certain disciplinary actions; providing for codification; and declaring an emergency.

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

SECTION 426. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 840-6.10 of Title 74, unless there is created a duplication in numbering, reads as follows:

An appointing authority may suspend a commissioned law enforcement officer from duty with pay upon receiving sworn charges or statements accusing the officer of misconduct, wrongdoing, or criminal activity. The appointing authority may require the suspended officer to remain available during specified dates and hours to meet with investigators or other agency officials as required. A notice of suspension with pay, stating the beginning date and time and specifying any reporting requirements, shall be issued in writing by the appointing authority of the officer. The suspension period may be for any length of time the appointing authority deems necessary; provided, the suspension period shall not extend more than twenty (20) working days beyond the date upon which charges or statements are sustained, in whole or in part, or upon which the officer is cleared of the charges or statements.

If the officer is cleared of all charges or statements, the appointing authority shall fully clear the officer's records in the custody of the agency and shall make every reasonable effort to fully clear any such records which are not in the custody of the agency. If the charges or statements against the officer are sustained, in whole or in part, or cleared, a suspension with pay in accordance with this section shall not preclude the appointing authority from taking additional disciplinary action including, but not limited to suspension without pay, demotion, intra-agency transfer, or termination in accordance with Oklahoma law and the Merit Rules.

SECTION 1. 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.

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