STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 748 By: Shurden

AS INTRODUCED

An Act relating to the Department of Public Safety; amending 47 O.S. 1991, Section 2-105, as last amended by Section 3, Chapter 245, O.S.L. 1998 (47 O.S. Supp. 1998, Section 2-105), which relates to Department of Public Safety Personnel; modifying references; deleting reference to Capital Patrol Commander and Sergeants; changing references to Oklahoma Capitol Patrol Division; providing education requirements for certain Capitol Patrol Section Officers; deleting certain requirements; amending Section 7, Chapter 245, O.S.L. 1998 (47 O.S. Supp. 1998, Section 2-105.7), which relates to Oklahoma Capitol Patrol Division; abolishing Oklahoma Capitol Patrol Division; establishing Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety; providing enforcement authority; providing for reclassification; allowing request for lateral reclassification; stating conditions for lateral reclassification; providing secondary duties; changing references to Oklahoma Capitol Patrol Division; deleting redundant language; deleting reference to peace officer powers; renumbering paragraphs; modifying titles; modifying salary schedule; deleting references to probationary and trainee Capital Patrolmen; changing duties for assignment and salary adjustment; deleting obsolete language; 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 Capitol Patrol members; changing reference to Oklahoma Capitol Patrol Division; allowing receipt of certain items upon death; 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 2-105, as last amended by Section 3, Chapter 245, O.S.L. 1998 (47 O.S. Supp. 1998, Section 2-105), is amended to read as follows:

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

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

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

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

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

B. 1. The Commissioner, when appointing commissioned officers and employees to the positions set out in subsection A of this section, shall determine, in consultation with the Administrator of the Office of Personnel Management, minimum qualifications and shall select such officers and employees only after examinations to determine their physical and mental qualifications for such positions. The content of the examinations shall be prescribed by the Commissioner, and all such appointees shall satisfactorily

complete a course of training in operations and procedures as prescribed by the Commissioner.

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

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

(1) for any person appointed to the Oklahoma Highway Patrol Division on or before December 31, 1998, shall possess 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 Registrars and Admissions Officers and whose hours are transferable between such recognized institutions, or

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

~~(3) for any person appointed to the Oklahoma Capitol Patrol Division, a high school diploma or General Educational Development equivalency certificate; shall possess either six (6) months of previous experience in law enforcement or security work or~~

~~fifteen (15) successfully completed semester hours from a college or university which is recognized and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferrable between such recognized institutions, or~~

b. for any such position in the Communications Division, a person shall be at least twenty (20) years of age and shall possess a high school diploma or General Educational Development equivalency certificate; shall possess either six (6) months of previous experience as a dispatcher or fifteen (15) successfully completed semester hours from a college or university which is recognized by and accepted by the American Association of Collegiate Registrars and Admissions Officers and whose hours are transferable between such recognized institutions.

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

4. The Commissioner or any employee of the Department shall not be a candidate for any political office, or in any way be active or participate in any political contest of any Primary, General, or Special Election, except to cast a ballot. No commissioned officer of the Department, while in the performance of the officer's assigned duty of providing security and protection, shall be considered as participating in a political campaign. The provisions

of this paragraph shall not be construed to preclude a commissioned officer who is a member of the Oklahoma Highway Patrol Division of the Department of Public Safety from being a candidate for a position on a local board of education.

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

C. 1. Upon initial appointment to the position of Patrolman or Communications Dispatcher, the appointed employee shall be required to serve an initial 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, the employee may be terminated at any time and for any reason at the discretion of the Commissioner. Retention in the service after expiration of the initial probationary period shall entitle such employee to be classified as a permanent employee and the employee shall be so classified. No permanent employee may be discharged or removed except as provided for in this section.

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

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

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

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

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

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

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

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

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

H. Any former commissioned officer of the Department whose separation from the Department was at such officer's own request and not a result of such officer's own actions contrary to the policy of the Department may make application for reinstatement as a commissioned officer of the division or section of the Department in which such officer was previously employed, provided such reinstated officer will be able to complete twenty (20) years of credited service by the time the reinstated officer reaches fifty-five (55) years of age. The Commissioner may waive the requirements of possessing the number of semester hours as required in subsection B of this section for any former commissioned officer making application for reinstatement as a commissioned officer of the Department. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner. 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 service

served by a commissioned officer of the Department shall be considered as continued service with such Department, provided such commissioned officer returns to duty within sixty (60) days after release from military service.

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

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

B. ~~The Oklahoma Capitol Patrol Division shall have the authority to provide law enforcement services to all state buildings and properties, including grounds appurtenant thereto, within Oklahoma and Tulsa Counties and to enforce all parking, traffic, and criminal laws within Oklahoma and Tulsa Counties, and shall have the authority to perform other law enforcement duties within the state as prescribed by the Commissioner of Public Safety~~ There is hereby created within the Oklahoma Highway Patrol Division of the Department of Public Safety a Capitol Patrol Section which shall consist of such employees as may be necessary to provide law enforcement services to all state buildings and properties, including grounds appurtenant thereto, within Oklahoma County and Tulsa County. All commissioned officers of the Capitol Patrol Section as designated by the Commissioner shall have the authority to enforce all parking, traffic, and criminal laws within Oklahoma County and Tulsa County. Any statutory references to the Oklahoma Capitol Patrol Division shall mean the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

C. ~~Law enforcement personnel in the 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 in all courts having jurisdiction of offenses against the laws~~

~~of this state~~ Effective July 1, 1999, all commissioned officers in the Oklahoma Capitol Patrol Division of the Department of Public Safety and the powers, duties, responsibilities and authority of such Division are hereby transferred to the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety as established in subsection B of this section. Each officer classified as a Capitol Patrol Officer on June 30, 1999, shall be reclassified as a Patrolman, each officer classified as a Capitol Patrol Sergeant or a Capitol Patrol Supervisor on June 30, 1999, shall be reclassified as a Patrol Supervisor, with the rank of Second Lieutenant, and each officer classified as a Capitol Patrol Commander on June 30, 1999, shall be reclassified as a Patrol First Lieutenant as established in subsection G of this section.

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

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

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

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

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

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

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

~~Capitol~~ Patrol ~~Commander~~ First Lieutenant	~~$38,266.00~~
	$53,143.00
~~Capitol~~ Patrol Supervisor	~~$34,276.00~~
	$49,206.00
~~Capitol Patrol Sergeant~~	~~$32,624.00~~
~~Capitol~~ Patrolman	
Step 1	~~$22,922.00~~
	$25,000.00
Step 2	~~$23,284.00~~
	$26,200.00
Step 3	~~$23,854.00~~
	$27,458.00
Step 4	~~$24,442.00~~
	$28,776.00
Step 5	~~$25,044.00~~
	$30,157.00
Step 6	~~$25,642.00~~
	$31,604.00
Step 7	~~$26,278.00~~
	$33,121.00

Step 8	~~$26,916.00~~
	$34,711.00
Step 9	~~$27,578.00~~
	$36,377.00
Step 10	~~$28,254.00~~
	$38,123.00
Step 11	~~$28,944.00~~
	$39,953.00
Step 12	~~$29,634.00~~
	$41,871.00
Step 13	~~$30,344.00~~
	$43,881.00
Step 14	~~$31,030.00~~
	$45,987.00
~~Probationary Capitol Patrolman~~	~~$21,179.00~~
~~Capitol Patrol Trainee~~	~~$19,070.00~~

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

3. After ~~January~~ July 1, 1999, each Capitol Patrolman shall receive upon the anniversary date of the Patrolman an annual salary increase to the next higher step of the salary schedule provided for

in paragraph 1 of this subsection if such Patrolman, within the preceding twelve-month period:

a. has achieved a satisfactory Performance Rating Score,

b. has not received any disciplinary action which has resulted in any suspension from the Department for a period of ten (10) or more days, and

c. has not received any disciplinary action which has resulted in demotion.

4. Notwithstanding the provisions of paragraphs 2 and 3 of this subsection, in any twelve-month period no Capitol Patrolman shall receive:

a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraph 1 of this subsection, or

b. more than one such salary increase to the step of the salary schedule provided for in paragraph 1 of this subsection, unless salary increases are authorized by the Legislature.

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

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

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

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

SECTION 3. 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~~ Section or the Lake Patrol ~~Division~~ Section of the Oklahoma Highway 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~~ Section or the Lake Patrol ~~Division~~ Section of the Oklahoma Highway 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 during his or her appointment 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~~ died on or after ~~April 1, 1993~~ July 1, 1999.

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

SECTION 5. 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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