ENROLLED SENATE
BILL NO. 1299

By: Shurden of the Senate

and

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An Act relating to motor vehicles; amending 47 O.S. 2001, Section 2-105.7, as amended by Section 3 of Enrolled Senate Bill No. 1137 of the 2nd Session of the 49th Oklahoma Legislature, which relates to the Capitol Patrol and salaries; providing for certain training; requiring completion of training by certain date; amending 20 O.S. 2001, Sections 1313.5 and 1313.6, which relate to penalty assessments; modifying penalty for court fee; clarifying language; modifying penalty for forfeiting bond; 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. 2001, Section 2-105.7, as amended by Section 3 of Enrolled Senate Bill No. 1137 of the 2nd Session of the 49th Oklahoma Legislature, is amended to read as follows:

Section 2-105.7 A. 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, and shall have the authority to perform other law enforcement duties within the state as prescribed by the Commissioner of Public Safety.

B. A Patrolman shall not be promoted to the position of Capitol Patrol Sergeant.

C. Any officer of the Capitol Patrol Section of the Oklahoma Highway Patrol Division may request reclassification to the equivalent lateral position, rank, and salary within the Oklahoma Highway Patrol Division and shall be reclassified to the position if the officer:

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

2. Satisfactorily completes a ~~Patrol Academy of the Department of Public Safety~~ course of training as prescribed by the Commissioner. Provided, the course of training shall be comparable to the course of training conducted pursuant to paragraph 2 of subsection B of Section 2-105.6 of this title and shall be conducted and completed within six (6) months of the effective date of this act; and

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

Such reclassified officer shall be subject to reassignment as determined by the Chief of the Oklahoma Highway Patrol Division.

D. 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 A 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 in accordance with Section 2-117 of this title.

E. The Department of Central Services and the Oklahoma Capitol Improvement Authority shall provide office and operations space for the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

F. 1. a. Effective January 1, 2005, the annual salaries for the commissioned officers within the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be in accordance and conformity with the following salary schedule, 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, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Patrol First Lieutenant	$56,543.00
Patrol Supervisor	$52,606.00
Capitol Patrol Sergeant	$50,946.00
Patrolman	
Step 4	$41,953.00
Step 5	$43,871.00
Step 6	$45,881.00

Step 7 $49,387.00

b. On January 1, 2005, each Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in subparagraph a of this paragraph. Such initial adjustment of salaries shall be to the step whose number corresponds to the number of completed years of service the Patrolman has in the Highway Patrol Division, including service in the former 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, 2004. If the number of completed years of service of such Patrolman exceeds seven (7) years on January 1, 2005, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.

c. Beginning January 2, 2005, through June 30, 2005, inclusive, each 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 subparagraph a of this paragraph if such Patrolman, within the preceding twelve-month period:

(1) has achieved a satisfactory Performance Rating Score,

(2) 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

(3) has not received any disciplinary action which has resulted in demotion.

If the number of completed years of service on the anniversary date of the Patrolman is or exceeds seven (7) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 7 of the salary schedule.

2. a. Effective July 1, 2005, the annual salaries for the commissioned officers within the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety shall be in accordance and conformity with the following salary schedule, 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, and irregular shift pay, as authorized by Section 2-130.1 of this title:

Patrol First Lieutenant $57,243.00

Patrol Supervisor $53,306.00

Capitol Patrol Sergeant	$51,646.00
Patrolman	
Step 4	$41,953.00
Step 5	$43,871.00
Step 6	$45,881.00
Step 7	$50,087.00

b. On July 1, 2005, each Patrolman shall be assigned and the salary of such Patrolman shall be adjusted to the salary schedule provided for in subparagraph a of this paragraph. Such initial adjustment of salaries shall be to the step whose number corresponds to the number of completed years of service the Patrolman has accumulated in the Highway Patrol Division, including service in the former 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 June 30, 2005. If the number of completed years of service of such Patrolman exceeds seven (7) years on July 1, 2005, the Patrolman shall be assigned to and the Patrolman's salary adjusted to Step 7 of the salary schedule.

c. After July 1, 2005, each 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 subparagraph a of this paragraph if the Patrolman, within the preceding twelve-month period:

(1) has achieved a satisfactory Performance Rating Score,

(2) 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

(3) has not received any disciplinary action which has resulted in demotion.

If the number of completed years of service on the anniversary date of the Patrolman is or exceeds seven (7) years, the Patrolman shall be assigned to, and the salary of the Patrolman adjusted to, Step 7 of the salary schedule.

3. Except as provided in paragraphs 1 and 2 of this subsection, in any twelve-month period no Patrolman shall receive:

a. a salary increase which exceeds an increase to the next higher step of the salary schedule provided for in paragraphs 1 and 2 of this subsection, or

b. more than one such salary increase to the step of the salary schedule provided for in paragraphs 1 and 2 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 Capitol Patrol Section.

4. The steps prescribed for the position of Patrolman in the salary schedule provided for in paragraphs 1 and 2 of this subsection are for salary and compensation purposes only. No 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 increases provided for in paragraphs 1 and 2 of this subsection.

G. The provisions of this section shall supersede all existing laws covering the salaries for the commissioned officers in the Capitol Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety.

SECTION 2. AMENDATORY 20 O.S. 2001, Section 1313.5, is amended to read as follows:

Section 1313.5 A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment; and

2. "Court" means any district court having jurisdiction to impose a criminal fine or penalty.

B. In addition to any other penalty assessment imposed by law, any person convicted of any traffic offense punishable pursuant to Title 47 of the Oklahoma Statutes, but excluding a conviction for a violation of Section 11-901, 11-902, 11-1112, 11-1114 or 12-417 of Title 47 of the Oklahoma Statutes and excluding parking and standing violations, or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay a fee of ~~Fifteen Dollars ($15.00)~~ Twenty Dollars ($20.00) as a separate penalty assessment. The assessment and fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

C. The fee shall be collected at the same time and in the same manner as the penalty assessments provided for in Sections 1313.2 and 1313.3 of ~~Title 20 of the Oklahoma Statutes~~ this title. Each court clerk is authorized to retain all interest accrued thereon prior to the due date for deposits as provided in this subsection. The court clerk shall deposit the fee collected pursuant to this section in the account provided for in subsection D of Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title, and the amounts imposed by this section shall be forwarded monthly in one

check or draft to the Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund.

D. The deposits required by this section shall be included in the report required by Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title and shall be listed as a separate item.

SECTION 3. AMENDATORY 20 O.S. 2001, Section 1313.6, is amended to read as follows:

Section 1313.6 A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment; and

2. "Court" means any district court having jurisdiction to impose a criminal fine or penalty.

B. In addition to any other penalty assessment imposed by law, any person convicted of any offense punishable pursuant to Section 11-901 or 11-902 of Title 47 of the Oklahoma Statutes, or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay a fee of ~~One Hundred Fifty Dollars ($150.00)~~ One Hundred Fifty-five Dollars ($155.00) as a separate penalty assessment. The assessment and fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

C. The fee shall be collected at the same time and in the same manner as the penalty assessments provided for in Sections 1313.2 and 1313.3 of ~~Title 20 of the Oklahoma Statutes~~ this title. As an administrative fee for handling funds collected as a penalty assessment, each court clerk is authorized to retain all interest accrued thereon prior to the due date for deposits as provided in this subsection. The court clerk shall deposit the fee collected pursuant to this section in the account provided for in subsection D of Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title, and the amounts imposed by this section shall be forwarded monthly in one check or draft to the Department of Public Safety to be deposited in the Department of Public Safety Patrol Vehicle Revolving Fund.

D. The deposits required by this section shall be included in the report required by Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title and shall be listed as a separate item.

SECTION 4. This act shall become effective July 1, 2004.

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.

Passed the Senate the 11th day of May, 2004.

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Presiding Officer of the Senate

Passed the House of Representatives the 19th day of May, 2004.

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Presiding Officer of the House
of Representatives