ENROLLED SENATE
BILL NO. 426

By: Wilkerson of the Senate

and

Paulk and Smithson of the House

An Act relating to public safety and law enforcement; amending 20 O.S. 2001, Section 1313.2, as amended by Section 5, Chapter 22, O.S.L. 2002 (20 O.S. Supp. 2002, Section 1313.2), which relates to AFSIS assessment and fees; modifying definition; providing for certain fees in addition to fines and penalties; requiring monthly deposits to certain agency; stating date to make certain deposits; clarifying terminology; specifying which accounts receive which percentage of funds; requiring certain report be furnished to certain agency; requiring court clerk be accountable for accuracy of certain payments and reports; stating procedure for filing citations other than traffic citations; requiring certain information be forwarded to the Department of Public Safety; prohibiting marks on certain parts of citations; allowing electronic transfer of certain information; providing certified citations constitute information against the person; amending 47 O.S. 2001, Section 2-105, which relates to personnel of the Highway Patrol Division; changing age qualifications; allowing certain military experience as qualification; modifying language; transferring classification of employees to the Capitol Patrol Section of the Highway Patrol; providing salaries and step upon certain transfer; providing certain increase in salary and step with certain limitation; construing provision; authorizing position of chaplain; providing unclassified position and salary within certain limitation; stating duties; defining term; amending 47 O.S. 2001, Section 2-112, which relates to authority to grant applications; directing confiscation of certain false documents until certain time; amending 47 O.S. 2001, Section 2-143, which relates to Vehicle Revolving Fund; authorizing purchase of aircraft and equipment; amending 47 O.S. 2001, Section 11-702, which relates to stopping at railroad crossings; including commercial vehicles; abolishing the Alcohol Drug Countermeasures Unit and transferring employees, property and funds to the Board of Tests for Alcohol and Drug Influence on certain date; providing for retention of salary, tenure and benefits for transferred employees;

setting full-time equivalent employee limitations; setting maximum appropriation amount for certain agency following transfer of certain employees; amending 47 O.S. 2001, Section 759, which relates to the Board of Tests for Alcohol and Drug Influence; authorizing certain employees subject to funding and certain limitations; directing appropriation to the Department of Public Safety for support of the Board of Tests for Alcohol and Drug Influence; providing for transfer of certain appropriated funds to certain agency upon transfer of certain employees; amending 47 O.S. 2001, Section 1132.4, as amended by Section 30, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2002, Section 1132.4), which relates to apportionment of revenue; increasing the amount of revenues deposited in the Public Safety Patrol Vehicle Revolving Fund for purchase of vehicles and aircraft; amending 47 O.S. 2001, Section 11-1402, which relates to enforcement of turnpike laws; authorizing the Oklahoma State Bureau of Investigation to investigate and enforce certain laws on turnpikes; amending 74 O.S. 2001, Section 150.2, as last amended by Section 1, Chapter 351, O.S.L. 2002 (74 O.S. Supp. 2002, Section 150.2), which relates to duties of the Oklahoma State Bureau of Investigation; authorizing investigation and enforcement of certain laws on turnpikes; authorizing the Oklahoma Highway Safety Office to provide incentives for certain purpose subject to federal funding; authorizing the Department of Public Safety to purchase certain land and improvements in certain county; prohibiting appropriated funds for certain property; stating amount of acquisition cost; exempting certain procedures for acquisition of certain property; amending 82 O.S. 2001, Section 862.1, which relates to the Grand River Dam Authority; removing authority for the Grand River Dam Authority to receive portion of federal funds for certain purpose; amending Section 7 of Enrolled House Bill No. 2573 of the 2nd Session of the 48th Oklahoma Legislature, which relates to lease-purchase agreements for certain purposes; authorizing CLEET to enter into certain agreement for statewide training facility; providing for funding; repealing 47 O.S. 2001, Section 2-105.6A, which relates to federal funds for boat safety and the Grand River Dam Authority; providing for codification; providing for noncodification; providing effective dates; and declaring an emergency.

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 1313.2, as amended by Section 5, Chapter 22, O.S.L. 2002 (20 O.S. Supp. 2002, Section 1313.2), is amended to read as follows:

Section 1313.2 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;

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty; and

3. "DNA" means Deoxyribonucleic acid.

B. Any person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of Ten Dollars ($10.00) or more or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay Seven Dollars ($7.00) as a separate ~~penalty assessment and One Hundred Fifty Dollars ($150.00) as a Laboratory Analysis Fee if applicable pursuant to subsection C of this section, and One Hundred Fifty Dollars ($150.00) as a DNA fee if applicable pursuant to subsection G of this section~~ fee, which ~~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. 1. Any person convicted of any misdemeanor or felony offense shall pay a Laboratory Analysis Fee in the amount of One Hundred Fifty Dollars ($150.00) for each offense if forensic science or laboratory services are rendered or administered by the Oklahoma State Bureau of Investigation, by the Toxicology Laboratory of the Office of the Chief Medical Examiner or by any municipality or county in connection with the case. This fee shall be in addition to and not a substitution for any and all fines and penalties otherwise provided for by law for this offense.

2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars ($150.00) as collected, for every conviction as described in this subsection. The court clerk shall remit the monies in the fund on a monthly basis directly either to:

a. the Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation,

b. the Office of the Chief Medical Examiner who shall deposit the monies into the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund provided for in Section 954 of Title 63 of the Oklahoma Statutes for services rendered or administered by the Toxicology Laboratory of the Office of the Chief Medical Examiner, or

c. the appropriate municipality or county for services rendered or administered by a municipality or county.

3. The monies from the Laboratory Analysis Fee Fund deposited into the OSBI Revolving Fund shall be used for the following:

a. providing criminalistic laboratory services,

b. the purchase and maintenance of equipment for use by the laboratory in performing analysis,

c. education, training, and scientific development of Oklahoma State Bureau of Investigation personnel, and

d. the destruction of seized property and chemicals as prescribed in Sections 2-505 and 2-508 of Title 63 of the Oklahoma Statutes.

D. Upon conviction or bond forfeiture, the court shall collect the ~~penalty assessment~~ fee provided for in subsection B of this section and deposit it in an account created for that purpose. Except as otherwise provided in subsection E of this section, monies shall be forwarded ~~quarterly~~ monthly by the court clerk to the ~~State Treasury~~ Council on Law Enforcement Education and Training. ~~Deposits~~ Beginning July 1, 2003, deposits shall be due ~~July 15~~ on the fifteenth day of each month for the preceding ~~quarter ending June 30, October 15 for the preceding quarter ending September 30, January 15 for the preceding quarter ending December 31, and April 15 for the preceding quarter ending March 31~~ calendar month. There shall be a ~~penalty~~ late fee imposed for failure to make timely deposits; provided, the Council on Law Enforcement ~~and~~ Education and Training, in its discretion, may waive all or part of the ~~penalty~~ late fee. ~~Such penalty~~ The late fee shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the ~~penalty~~ late fee reaches one hundred percent (100%) of the principal amount due. Beginning on July 1, 1987, ninety percent (90%) of the monies received by the ~~State Treasurer~~ Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the C.L.E.E.T. Fund and ten percent (10%) shall be deposited in the General Revenue Fund. Beginning January 1, 2001, fifty-two and ninety-two one hundredths percent (52.92%) of the monies received by the ~~State Treasurer~~ Council on Law Enforcement Education and Training from the court clerks pursuant to this section shall be deposited in the C.L.E.E.T. Fund created pursuant to subsection F of this section, five and eighty-five one hundredths percent (5.85%) shall be deposited in the General Revenue Fund, and forty-one and twenty-three one hundredths percent (41.23%) shall be deposited in the C.L.E.E.T. Training Center Revolving Fund created pursuant to ~~subsection F of this section~~ Section 3311.6 of Title 70 of the Oklahoma Statutes. Along with the deposits required by this subsection each court shall also submit a report stating the total amount of funds collected and the total number of ~~penalty assessments~~ fees imposed during the preceding quarter. The report may be made on computerized or manual disposition reports.

E. Any municipality or county having a basic law enforcement academy approved by the Council on Law Enforcement Education and Training pursuant to the criteria developed by the Council for training law enforcement officers shall retain from monies collected pursuant to this section, Two Dollars ($2.00) from each ~~penalty assessment~~ fee. These monies shall be deposited into an account for the sole use of the municipality or county in implementing its law enforcement training functions. Not more than seven percent (7%) of ~~such~~ the monies shall be used for court and prosecution training. The court clerk of any such municipality or county shall furnish to the ~~State Treasury~~ Council on Law Enforcement Education and Training the report required by subsection D of this section.

F. There is hereby created in the State Treasury a fund for the Council on Law Enforcement Education and Training to be designated the "C.L.E.E.T. Fund". The fund shall be subject to legislative appropriation and shall consist of any monies received from fees and receipts collected pursuant to the Oklahoma Open Records Act, reimbursements for parts used in the repair of weapons of law enforcement officers attending the basic academies, gifts, bequests, contributions, tuition, fees, devises, and ~~the~~ other assessments levied pursuant to the fund pursuant to law.

G. 1. Any person convicted of violating Section 7115 of Title 10 of the Oklahoma Statutes or Section 645, subsection B of Section 649, Section 650, 650.2, 650.4, 650.5, 650.6, 650.7, 650.8, 651, 652, 701.7, 701.8, 711, 716, 741, 759, 798, 799, 800, 801, 832, 885, 888, 891, subsection B of Section 1021, Section 1021.2, 1021.3, 1087, 1088, 1114, 1115, 1116, 1123, 1173, 1192, 1192.1, 1431 or 1435 of Title 21 of the Oklahoma Statutes shall pay a DNA fee of One Hundred Fifty Dollars ($150.00). This fee shall not be collected if the person has a valid DNA sample in the OSBI DNA Offender Database at the time of sentencing.

2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars ($150.00) as collected, for every conviction as described in this subsection. The court clerk shall remit the monies in said fund on a monthly basis directly to the Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation.

3. The monies from the DNA sample fee deposited into the OSBI Revolving Fund shall be used for creating, staffing, and maintaining the OSBI DNA Laboratory and OSBI DNA Offender Database.

H. It shall be the responsibility of the court clerk to account for and ensure the correctness and accuracy of payments made to the state agencies identified in Sections 1313.2 through 1313.4 of this title. Payments made directly to an agency by the court clerk as a result of different types of fees pursuant to Sections 1313.2 through 1313.4 of this title shall be made monthly and shall be in a lump sum in one check or draft to each state agency, but amounts associated with each fee collected and paid pursuant to these sections shall be accounted for and reported separately.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1114.3A of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Upon issuing a citation other than a traffic citation as provided for in Section 1114.3 of Title 22 of the Oklahoma Statutes, that is required to be filed in district court, the arresting Highway Patrolmen or the Department of Public Safety shall deliver the "Complaint Information" or "Abstract of Court Record" of the citation to:

1. The district court clerk without the endorsement of the district attorney or an assistant district attorney. It shall be the duty of the district court clerk to deliver the "Complaint Information" to the district attorney who shall endorse or decline and file the "Complaint Information" with the district court clerk; or

2. The district attorney, if the Patrolman has written a citation which could result in the district attorney filing an information. The district attorney shall endorse or decline and file both parts of the citation with the district court clerk.

B. Upon receipt of a citation by the district court clerk, the district court clerk shall deliver the original "Complaint Information" to the district attorney. The district court clerk's office shall maintain the "Abstract of Court Record" part of the citation until the final disposition of the case.

C. After final disposition of the case by the district attorney, including a case which is declined, the district court clerk shall clearly mark the "Abstract of Court Record" part of the citation with the disposition information of the case and forward the "Abstract of Court Record" to the Department of Public Safety, in the same manner as for a traffic citation as prescribed in Section 18-101 of Title 47 of the Oklahoma Statutes. The "Abstract of Court Record" part of the citation shall not be obscured by any official stamp of the district court or the district court clerk's office.

D. Forwarding of the "Abstract of Court Record" part of a citation by electronic means to the Department of Public Safety shall be allowable in a manner and format approved by the Department.

E. A citation that is certified by the arresting Patrolman, the district attorney or an assistant district attorney shall constitute an information against the person arrested and served with a citation.

SECTION 3. AMENDATORY 47 O.S. 2001, 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 Oklahoma Highway Patrol Division with the rank of Colonel, Assistant Chief of the Oklahoma Highway Patrol Division with the rank of Lieutenant Colonel, and subordinate officers and employees of the Oklahoma Highway Patrol Division, including Colonels, Majors, Captains, First Lieutenants, Supervisors with the rank of Second Lieutenant, Sergeants, and Highway Patrolmen with the rank of Trooper, 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, Sergeants, and Patrolmen who shall comprise the Lake Patrol Section of the Oklahoma Highway Patrol Division of the Department of Public Safety;

3. A First Lieutenant, Supervisors with the rank of Second Lieutenant, Sergeants, and Patrolmen, who shall comprise the Capitol Patrol 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~~ at least twenty-one (21) years of age ~~nor more~~ but less than ~~thirty-seven (37)~~ forty-three (43) years of age, and shall possess:

(1) an associate's 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, and

(2) for any person appointed to the Oklahoma Highway Patrol Division on or after July 1, 2004:

~~i.~~ (a) a bachelor's degree 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

~~ii.~~ (b) an associate's 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, and:

i. at least two (2) years' experience as a Council on Law Enforcement Education and Training (C.L.E.E.T.) certified law enforcement officer, or

ii. at least two (2) years of military service in combat arms, military security or military rescue.

Provided, such years of experience or service shall have been consecutive and shall have been completed no more than two (2) years prior to application for appointment, 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 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 substances 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 Highway Patrolman, 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~~ intra-agency 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 Highway Patrol Division 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 commissioned officer of the Highway Patrol Division of the Department of Public Safety shall be entitled to reimbursement of expenses pursuant to the State Travel Reimbursement Act while away from the assigned area of the officer as designated by the Chief of the Oklahoma Highway Patrol Division, when such expense is incurred in the 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 Division and the Department of Public Safety.

H. 1. 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 or was not as a result of the retirement of that officer from 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-seven (57) years of age. The Commissioner may waive the requirements of possessing the number of semester hours or degree 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.

2. 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 with the Department within sixty (60) days after release from military service.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-105A of Title 47, unless there is created a duplication in numbering, reads as follows:

A. On July 1, 2003, each employee of the Department of Public Safety who is classified as a Training Specialist III, who is certified as a full-time law enforcement officer by the Council on Law Enforcement Education and Training, and who is commissioned by the Commissioner of Public Safety as a police officer of the Department shall be transferred to the Capitol Patrol Section of the Highway Patrol Division of the Department as provided in this section.

B. On July 1, 2003, each employee described in subsection A of this section shall be assigned to the salary schedule provided in paragraph 1 of subsection F of Section 2-105.7 of Title 47 of the Oklahoma Statutes to the step which is nearest, but not more than, the salary the employee was earning on June 30, 2003. The sole purpose of this subsection is to assign each of the employees specified in subsection A of this section to a step in conformity with the salary schedule. It is not the intent of this subsection to modify in any way the salary that the employee was earning on June 30, 2003. Therefore, the annual salary of the employee shall not be changed as a result of being assigned to said salary schedule, and if the salary of the employee as of June 30, 2003, does not correspond to one of the steps, then the salary shall remain off step until the provisions of subsection C of this section are applicable.

C. After July 1, 2003, each employee described in subsection A of this section shall receive upon the anniversary date of the employee, an annual salary increase to the next step of the salary schedule provided for in paragraph 1 of subsection F of Section 2-105.7 of Title 47 of the Oklahoma Statutes, and shall for each fiscal year thereafter receive an annual salary increase to the subsequent step of the salary schedule until that employee reaches Step 14 of the schedule.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-105B of Title 47, unless there is created a duplication in numbering, reads as follows:

Subject to the availability of funds, the Commissioner of Public Safety or the Chief of the Highway Patrol Division is authorized to employ a Chaplain within the Department of Public Safety for the purpose of providing counseling services to employees or immediate family members thereof when such counseling services are needed as a direct result of such employee’s performance of official duties and to carry out any other duties and responsibilities assigned by the Commissioner or the Chief of the Oklahoma Highway Patrol. The position of Chaplain shall be an unclassified position with salary and benefits set by the Commissioner not to exceed the salary of a Highway Patrolmen at the rank of Trooper with fifteen (15) years of

service to the Department of Public Safety. "Chaplain" means an ordained or authorized pastor, minister, priest or other ecclesiastical dignitary of any denomination who has been duly ordained or authorized by the church to which such person belongs.

SECTION 6. AMENDATORY 47 O.S. 2001, Section 2-112, is amended to read as follows:

Section 2-112. The Department shall examine and determine the genuineness, regularity and legality of every application, driver license and any other application lawfully made to the Department, and may in all cases make investigation as may be deemed necessary or require additional information, and shall reject any such application if not satisfied of the genuineness, regularity or legality thereof or the truth of any statement contained therein, or for any other reason, when authorized by law. If a person making application to the Department presents any document to the Department which the Department has reason to believe is false, fraudulent, or being used by a person not authorized to use such document, the Department shall confiscate the document until such time it is determined by the Department whether the document is false, fraudulent, or being used by a person not authorized to use such document.

SECTION 7. AMENDATORY 47 O.S. 2001, Section 2-143, is amended to read as follows:

Section 2-143. There is hereby created in the State Treasury a revolving fund for the Oklahoma Department of Public Safety, to be designated the "Department of Public Safety Patrol Vehicle Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations. All monies accruing to the credit of said fund are hereby appropriated and shall be budgeted and expended by the Department for the exclusive purpose of the purchase of patrol vehicles, patrol aircraft, and the ~~equipment necessary to equip~~ equipping of those vehicles. No monies shall be expended from this fund without expressed authorization by the Legislature. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 8. AMENDATORY 47 O.S. 2001, Section 11-702, is amended to read as follows:

Section 11-702. A. The driver of any:

1. ~~Motor~~ Commercial motor vehicle carrying passengers ~~for hire~~;

2. Bus, as that term is defined in Section 1-105 of this title, owned or operated by a licensed child care facility while carrying children;

3. School bus carrying any school child;

4. Motor vehicle carrying explosive substances or flammable liquids as a cargo or part of a cargo; or

5. Commercial motor vehicle required to be placarded for hazardous materials,

before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty (50) feet but not less than fifteen (15) feet from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train, except as hereinafter provided, and shall not proceed until he can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for changing gears while traversing such crossing and the driver shall not shift gears while crossing the track or tracks.

B. No stop need be made at any such crossing where a police officer or a traffic-control signal directs traffic to proceed.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 759.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Notwithstanding any other provision of law, effective July 1, 2003, the Alcohol Drug Countermeasures Unit of the Department of Public Safety is hereby abolished. The powers, duties, and responsibilities exercised by the Unit listed in this section pursuant to law shall be transferred to the Board of Tests for Alcohol and Drug Influence. All records, property, matters pending, obligations and funds of the Unit shall be transferred to the Board of Tests for Alcohol and Drug Influence pursuant to the provisions of this section.

B. The employees of the Alcohol Drug Countermeasures Unit of the Department of Public Safety whose duties are transferred pursuant to this section shall be transferred to the Board of Tests for Alcohol and Drug Influence or may accept another position with the Department of Public Safety. Employees transferred pursuant to this section shall not be required to accept a lesser grade or salary than entitled to on the effective date of the transfer. No entrance exam shall be required for any employee transferred pursuant to this section. All employees transferred shall retain sick and annual time accrued and any retirement benefits which have accrued during their tenure with the Department of Public Safety. The transfer of employees pursuant to this section between agencies shall be coordinated with the Office of Personnel Management.

SECTION 10. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Pursuant to the transfer of employees from the Alcohol Drug Countermeasures Unit of the Department of Public Safety to the Board of Tests for Alcohol and Drug Influence, the duties and compensation of employees, not otherwise prescribed by law, necessary to perform the duties imposed upon the Board of Tests for Alcohol and Drug Influence shall be set by the Board. The Board of Tests for Alcohol and Drug Influence for the fiscal year ending June 30, 2004, shall

be subject to the following budgetary limitations on full-time-equivalent employees and expenditures, excluding expenditures for capital and special projects, except as may be authorized pursuant to the provisions of Section 3603 of Title 74 of the Oklahoma Statutes:

Budgetary Limitation	Amount
Full-time-equivalent Employees	5.0
Lease-Purchase Agreements	$0.00

SECTION 11. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Pursuant to the transfer of employees from the Alcohol Drug Countermeasures Unit of the Department of Public Safety to the Board of Tests For Alcohol and Drug Influence, of the monies available to the Department of Public Safety, not more than Three Hundred Sixty Thousand Dollars ($360,000.00) shall be used to support the Board of Tests for Alcohol and Drug Influence for the fiscal year ending June 30, 2004.

SECTION 12. AMENDATORY 47 O.S. 2001, Section 759, is amended to read as follows:

Section 759. A. There is hereby re-created, to continue until July 1, 2006, in accordance with the provisions of the Oklahoma Sunset Law, Section 3901 et seq. of Title 74 of the Oklahoma Statutes, the Board of Tests for Alcohol and Drug Influence to be composed of the Dean of the University of Oklahoma College of Medicine, or the Dean's designee who shall receive an appointment in writing, as Chairman, and the Commissioner of Public Safety or a designee, the Director of the Oklahoma State Bureau of Investigation or a designee, the State Commissioner of Health or a designee, the Director of the Council on Law Enforcement Education and Training or a designee, one certified peace officer who is a member of a local law enforcement agency selected by the Oklahoma Sheriffs and Peace Officers Association and one person selected by the Oklahoma Association of Chiefs of Police, as members, to serve without pay other than reimbursement of necessary and actual expenses as provided in the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes. Each ~~such~~ designee shall receive an appointment in writing which shall become a permanent part of the records of the Board. The Board is authorized to appoint a State Director of Tests for Alcohol and Drug Influence, ~~and~~ an Administrative Assistant to the Board, and other employees, including but not limited to persons to conduct training and provide administrative assistance as necessary for the performance of its functions, subject to available funding and authorized full-time equivalent employee limitations. The Board may expend appropriated funds for purposes consistent with Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes. The Legislature shall appropriate funds to the Department of Public Safety for the support of the Board of Tests For Alcohol and Drug Influence and its employees, if any. Upon the transfer of any employees from the Alcohol Drug Countermeasures Unit of the

Department of Public Safety to the Board of Tests For Alcohol and Drug Influence on the effective date of this act all funds of the Unit appropriated and budgeted shall be transferred to the Board, and may be budgeted and expended to support the functions and personnel of the Board.

B. Collection and analysis of a person's blood, breath, saliva or urine, to be considered valid and admissible in evidence, whether performed by or at the direction of a law enforcement officer or at the request of the tested person, shall have been performed in compliance with the rules ~~and regulations~~ adopted by the Board of Tests for Alcohol and Drug Influence and by an individual possessing a valid permit issued by the Board for this purpose.

C. The Board of Tests for Alcohol and Drug Influence is authorized to approve laboratories for the analysis, provided by the provisions of this title, of specimens of blood, breath, saliva and urine, and to administer a program for regular monitoring of such laboratories. The Board is authorized to prescribe uniform standards and conditions for, and to approve satisfactory methods, procedures, techniques, devices, equipment and records for tests and analyses and to prescribe and approve the requisite education and training for the performance of such tests and analyses. The Board shall establish standards for and ascertain the qualifications and competence of individuals to administer and conduct such tests and analyses, and to issue permits to laboratories and to individuals which shall be subject to suspension or revocation at the discretion of the Board. The Board is authorized to prescribe uniform standards, conditions, methods, procedures, techniques, devices, equipment and records for the collection, handling, retention, storage, preservation and delivery of specimens of blood, breath, saliva and urine obtained for the purpose of determining the alcohol concentration thereof or the presence and concentration of any other intoxicating substance therein. The Board may take such other actions as may be reasonably necessary or appropriate to effectuate the purposes of Sections 751 through 761 of this title and Sections 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt, amend and repeal such other rules ~~and regulations~~ consistent with this chapter as the Board shall determine proper.

SECTION 13. AMENDATORY 47 O.S. 2001, Section 1132.4, as amended by Section 30, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2002, Section 1132.4), is amended to read as follows:

Section 1132.4 A. In addition to other vehicle registration fees specified by law, there is levied and there shall be paid to the Oklahoma Tax Commission a fee of One Dollar ($1.00) upon every vehicle to be registered. The fee shall accrue and shall be collectible upon each vehicle under the same circumstances and shall be payable in the same manner and times as apply to vehicle registrations under the provisions of the Oklahoma Vehicle License and Registration Act; provided, the fee shall be paid in full for the then current year at the time any vehicle is first registered in a calendar year.

B. Revenue from the fee levied in subsection A of this section shall be apportioned as follows:

1. Fifty percent (50%) of the revenues shall be credited to the General Revenue Fund in the State Treasury; and

2. Fifty percent (50%) of the revenues shall be deposited to the Oklahoma Law Enforcement Retirement Fund; provided, the first ~~Five Hundred Thousand Dollars ($500,000.00)~~ Eight Hundred Fifty Thousand Dollars ($850,000.00) of the revenues apportioned pursuant to the provisions of this paragraph each fiscal year shall be deposited to the Department of Public Safety Patrol Vehicle Revolving Fund created in Section 2-143 of this title for the purpose of purchasing patrol vehicles and aircraft.

C. The collection and payment of the fees specified in this section shall be a prerequisite to license or registration of any vehicles.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 11-1402, is amended to read as follows:

Section 11-1402. ~~Enforcement~~ A. Except as otherwise provided herein, enforcement of both traffic laws and the general laws of the State of Oklahoma on the turnpikes shall be the ~~exclusive~~ responsibility of the Department of Public Safety, and the cost thereof shall be borne by the ~~Turnpike~~ Oklahoma Transportation Authority. Provided that the Authority shall be liable only for such costs as may be agreed to by it under contract or agreement with the Commissioner of Public Safety.

B. On the turnpikes, the Oklahoma State Bureau of Investigation shall have the authority to investigate and enforce all laws relating to any crime listed as an exception to the definition of "nonviolent offense" as set forth in section 571 of Title 57 of the Oklahoma Statutes.

SECTION 15. AMENDATORY 74 O.S. 2001, Section 150.2, as last amended by Section 1, Chapter 351, O.S.L. 2002 (74 O.S. Supp. 2002, Section 150.2), is amended to read as follows:

Section 150.2. The Oklahoma State Bureau of Investigation shall have the power and duty to:

1. Maintain a nationally accredited scientific laboratory to assist all law enforcement agencies in the discovery and detection of criminal activity;

2. Maintain fingerprint and other identification files including criminal history records, juvenile identification files, and DNA profiles;

3. Establish, coordinate and maintain the automated fingerprinting identification system (AFIS) and the deoxyribonucleic acid (DNA) laboratory;

4. Operate teletype, mobile and fixed radio or other communications systems;

5. Conduct schools and training programs for the agents, peace officers, and technicians of this state charged with the enforcement of law and order and the investigation and detection of crime;

6. Assist the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Chief Medical Examiner, and all law enforcement officers and district attorneys when such assistance is requested, in accordance with the policy determined by the Oklahoma State Bureau of Investigation Commission established in Section 150.3 of this title;

7. Investigate and detect criminal activity when directed to do so by the Governor;

8. Investigate, detect, institute and maintain actions involving vehicle theft pursuant to Section 150.7 of this title or oil, gas or oil field equipment theft pursuant to Sections 152.2 through 152.9 of this title;

9. Investigate any criminal threat made to the physical safety of elected or appointed officials of this state or any political subdivision of the state and forward the results of that investigation to the Department of Public Safety, and provide security to foreign elected or appointed officials while they are in this state on official business; ~~and~~

10. Investigate and detect violations of the Oklahoma Computer Crimes Act; and

11. Investigate and enforce all laws relating to any crime listed as an exception to the definition of "nonviolent offense" as set forth in section 571 of Title 57 of the Oklahoma Statutes that occur on the turnpikes.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 4009.2 of Title 69, unless there is created a duplication in numbering, reads as follows:

Notwithstanding any other provision of law, the Oklahoma Highway Safety Office of the Department of Public Safety may provide incentives, as permitted by federal regulations, to the public and any law enforcement agencies of the state for the purpose of promoting increased participation in traffic safety-related projects. The incentives shall be purchased only with federal funds, if available.

SECTION 17. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. The Department of Public Safety is authorized to acquire real property located in Pawnee, Pawnee County, Oklahoma, together with improvements located thereon and appurtenances thereunto, known as: A tract of land in the Southeast Quarter (SE/4) of Section 19 and in the Northeast Quarter (NE/4) of Section 30, Township 22 North, Range 5 East of the Indian Meridian, Pawnee County, Oklahoma.

B. The costs for acquisition of such real property and improvements authorized in subsection A of this section shall not exceed Two Thousand Five Hundred Dollars ($2,500.00).

C. The acquisition of such real property authorized in subsection A of this section shall be exempt from the Department of Central Services procedures.

SECTION 18. AMENDATORY 82 O.S. 2001, Section 862.1, is amended to read as follows:

Section 862.1 ~~A.~~ In addition to the powers, rights and privileges enumerated in Section 862 of Title 82 of the Oklahoma Statutes, the Grand River Dam Authority shall be exempt from the provisions of the:

1. Oklahoma Open Records Act, exclusively limited to customer proprietary information the Authority is contractually obligated to keep confidential; and

2. Oklahoma Open Meeting Act, exclusively limited to authorizing the Grand River Dam Authority Board of Directors to confer on matters pertaining to:

a. coal or gas supply contracts, and

b. rail or truck transportation contracts.

~~B. The Grand River Dam Authority is hereby authorized to accept its portion of any federal funds distributed by the Department of Public Safety for the purpose of providing boat safety functions. Such funds will be made available by the Department of Public Safety using a formula based on the number of permanently moored boats located on each of the eligible waters of this state pursuant to the provisions of Section 8 of this act.~~

SECTION 19. AMENDATORY Section 7 of Enrolled House Bill No. 2573 of the 2nd Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 7. The Council on Law Enforcement Education and Training is authorized to enter into a lease-purchase agreement ~~and any other agreements~~ for the acquisition of a statewide training facility that is consistent with the proposal presented to the Oklahoma State Facility Capital Needs Committee on November 12, 1997, as adjusted for inflation~~, and for enhancement of other facilities for the education and training of officers consistent with the mission of the Council~~. Funding for such ~~agreements~~ agreement shall be provided by assessments deposited in the C.L.E.E.T. Training Center Revolving Fund pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes. The Council on Law Enforcement Education and Training is authorized to pledge such revenues to the payments required by the lease-purchase ~~or other~~ agreement.

SECTION 20. REPEALER 47 O.S. 2001, Section 2-105.6A, is hereby repealed.

SECTION 21. Sections 1 through 16 and 18 through 20 of this act shall become effective July 1, 2003.

SECTION 22. Section 17 of this act shall become effective September 1, 2003.

SECTION 23. 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 29th day of May, 2003.

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Presiding Officer of the Senate

Passed the House of Representatives the 29th day of May, 2003.

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Presiding Officer of the House
of Representatives