

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 673

By: Crutchfield

AS INTRODUCED

An Act relating to peace officers; amending 21 O.S. 2001, Section 533, which relates to refusing to receive prisoners; providing penalties for officers and contractors refusing to receive or fingerprint prisoners; amending 21 O.S. 2001, Section 1533, which relates to falsely personating certain officers; providing penalty for display of certain law enforcement items; requiring certain persons to be held in county where arrested by Sheriff or contractor; amending 22 O.S. 2001, Section 221, which relates to authority of officers of another state; providing authority for certain commissioned peace officers employed by another jurisdiction or state; amending 22 O.S. 2001, Section 222, which relates to taking prisoners before magistrate; updating statutory reference; clarifying statutory language; amending 22 O.S. 2001, Section 223, which relates to lawful arrests; updating statutory reference; amending 22 O.S. 2001, Section 224, which relates to the District of Columbia; updating statutory reference; amending 22 O.S. 2001, Section 225, which relates to fresh pursuits; updating statutory reference; including certain driving violations; amending 22 O.S. 2001, Section 227, which relates to invalidity; updating statutory references; amending 22 O.S. 2001, Section 228, which relates to the Uniform Act on Fresh Pursuits; updating statutory reference; amending 22 O.S. 2001, Section 459, which relates to non-bailable offenses; providing for prisoners to be held by certain contractors; providing procedures for delivering and filing certain citations; amending 47 O.S. 2001, Section 2-102, as amended by Section 4, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2002, Section 2-102), which relates to Commissioner of Public Safety; clarifying statutory language; authorizing the Commissioner to participate in certain retirement systems; amending 47 O.S. 2001, Section 2-105.3a, which relates to executive security; authorizing the Commissioner to provide temporary executive security to certain officials; authorizing the Commissioner to provide executive security to certain political candidates and officials upon direction of the Governor; amending 47 O.S. 2001, Section 11-403, as amended by Section 76, Chapter 468, O.S.L. 2002 (47 O.S. Supp. 2002, Section 11-403), which relates to vehicles entering stop or yield intersections; deleting reference to certain "T intersections"; providing for violations in school zone; stating penalty; amending 47 O.S. 2001, Section 12-101, which relates to driving violations; providing for dismissal of

certain charges resulting from certain defective equipment; amending 47 O.S. 2001, Section 13-102, which relates to vehicle inspections; providing for dismissal of certain charges resulting from defective equipment; amending 47 O.S. 2001, Section 14-101, as amended by Section 1, Chapter 201, O.S.L. 2002 (47 O.S. Supp. 2002, Section 14-101), which relates to oversize vehicles; stating exception for oversize vehicles on certain interstate or defense highways; modifying certain date; amending 70 O.S. 2001, Section 3311, as amended by Section 1, Chapter 62, O.S.L. 2002 (70 O.S. Supp. 2002, Section 3311), which relates to the Council on Law Enforcement and Training; requiring certification for certain canine teams; modifying length of certain required basic police course; creating a Drug Dog Advisory Council; stating duties; stating membership; requiring certification for certain canine teams; creating a Bomb Dog Advisory Council; stating duties; providing for certification fees; stating procedures for depositing fees; and amending 74 O.S. 2001, Section 150.12, which relates to fingerprint and criminal history information; requiring certain officers receiving custody of prisoners to take fingerprints; requiring contractors to take fingerprints; modifying certain requirements for fingerprinting persons in custody; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 533, is amended to read as follows:

Section 533. ~~Every~~ A. Any officer or contractor who, in violation of a duty imposed upon him by law as such officer or by contract to receive into ~~his~~ the officer's custody any person as a prisoner, wilfully neglects or refuses so to receive such person into ~~his~~ the officer's custody, is guilty of a misdemeanor.

B. Any officer or contractor who, in violation of a duty imposed upon the officer by laws or by contract to fingerprint any person received into the officer's custody as a prisoner, willfully neglects or refuses so to fingerprint such person is guilty of a misdemeanor.

SECTION 2. AMENDATORY 21 O.S. 2001, Section 1533, is amended to read as follows:

Section 1533. A. Except as provided in subsection B of this section, every person who falsely personates any public officer, civil or military, any fireman, any law enforcement officer, any emergency medical technician or other emergency medical care provider, or any private individual having special authority by law to perform any act affecting the rights or interests of another, or who assumes, without authority, any uniform or badge by which such officers or persons are usually distinguished, and in such assumed character does any act whereby another person is injured, defrauded, harassed, vexed or annoyed, upon conviction, is guilty of a misdemeanor punishable by imprisonment in the county jail not exceeding six (6) months, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

B. Every person who falsely personates any public officer or any law enforcement officer in connection with or relating to any sham legal process shall, upon conviction, be guilty of a felony, punishable by imprisonment for not more than two (2) years, or a fine not exceeding Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

C. Every person who falsely asserts authority of law not provided for by federal or state law in connection with any sham legal process shall, upon conviction, be guilty of a felony, punishable by imprisonment for not more than two (2) years, or a fine not exceeding Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

D. Every person who, while acting falsely in asserting authority of law, attempts to intimidate or hinder a public official or law enforcement officer in the discharge of official duties by means of threats, harassment, physical abuse, or use of sham legal process, shall be guilty of a felony, punishable by imprisonment for not more than two (2) years, or a fine not exceeding Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

E. Any person who, without authority under federal or state law, acts as a supreme court justice, a district court judge, an associate district judge, a special judge, a magistrate, a clerk of the court or deputy, a notary public, a juror or other official holding authority to determine a controversy or adjudicate the rights or interests of others, or signs a document in such capacity, shall be guilty of a felony, punishable by imprisonment for not more than two (2) years, or a fine not exceeding Five Thousand Dollars (\$5,000.00), or both such fine and imprisonment.

F. Every person who uses any motor vehicle or motor-driven cycle usually distinguished as a law enforcement vehicle or equips any motor vehicle or motor-driven cycle with any spot lamps, audible sirens, or flashing lights, in violation of Sections 12-217, 12-218 or 12-227 of Title 47 of the Oklahoma Statutes, or in any other manner uses any motor vehicle or motor-driven cycle for the purpose of falsely personating a law enforcement officer and who in such assumed character commits any act whereby another person is injured, defrauded, harassed, vexed or annoyed shall, upon conviction, be guilty of a felony, punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years, or by a fine not exceeding Ten Thousand Dollars (\$10,000.00), or by both such fine and imprisonment.

G. 1. Any person who displays or causes to be displayed the words "State Police" alone or in conjunction with any other word or words on any motor vehicle, badge, clothing, identification card, or any other object or document shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not exceeding One Thousand Dollars (\$1,000.00).

2. Any person who displays or causes to display such words as provided in this subsection for the purpose of falsely personating a law enforcement officer and as such commits any act whereby another person is injured, defrauded, harassed, vexed or annoyed shall, upon

conviction, be guilty of a felony punishable by imprisonment in the custody of the Department of Corrections not exceeding ten (10) years, or by a fine not exceeding Ten Thousand dollars (\$10,000.00), or by both such fine and imprisonment.

H. As used in this section:

1. "Sham legal process" means the issuance, display, delivery, distribution, reliance on as lawful authority, or other use of an instrument that is not lawfully issued, whether or not the instrument is produced for inspection or actually exists, and purports to do any of the following:

- a. to be a summons, subpoena, judgment, arrest warrant, search warrant, or other order of a court recognized by the laws of this state, a law enforcement officer commissioned pursuant to state or federal law or the law of a federally recognized Indian tribe, or a legislative, executive, or administrative agency established by state or federal law or the law of a federally recognized Indian tribe,
- b. to assert jurisdiction or authority over or determine or adjudicate the legal or equitable status, rights, duties, powers, or privileges of any person or property, or
- c. to require or authorize the search, seizure, indictment, arrest, trial, or sentencing of any person or property; and

2. "Lawfully issued" means adopted, issued, or rendered in accordance with the applicable statutes, rules, regulations, and ordinances of the United States, a state, or a political subdivision of a state.

~~H.~~ I. It shall not be a defense to a prosecution under subsection B, C, D or E of this section that:

1. The recipient of the sham legal process did not accept or believe in the authority falsely asserted in the sham legal process;

2. The person violating subsection B, C, D or E of this section does not believe in the jurisdiction or authority of this state or of the United States government; or

3. The office the person violating subsection B, C, D or E of this section purports to hold does not exist or is not an official office recognized by state or federal law.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 190.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

The person, when arrested without warrant for an offense not bailable, shall be held in custody by the sheriff of the county in which the arrest was made. If the sheriff has contracted for the custody of prisoners in the county, the contractor shall be required to hold in custody any prisoner delivered to the contractor pursuant to this section.

SECTION 4. AMENDATORY 22 O.S. 2001, Section 221, is amended to read as follows:

Section 221. ~~Any member of~~ If any commissioned peace officer, who is employed by a duly organized state, county, or municipal ~~peace unit~~ law enforcement agency of another state of the United States and who is authorized by that state to make arrests for any crime in such other state, enters this state in fresh pursuit, and continues within this state in such fresh pursuit, of a person in order to arrest ~~him~~ that person on the ground that ~~he~~ such person is believed to have committed a ~~felony~~ crime in such other state, such officer shall have the same authority to arrest and hold such person in custody, as has any ~~member~~ commissioned peace officer of any duly organized state, county or municipal ~~peace unit~~ law enforcement agency of this state, to arrest and hold in custody a person on the

ground that ~~he~~ the person is believed to have committed a felony in this state.

SECTION 5. AMENDATORY 22 O.S. 2001, Section 222, is amended to read as follows:

Section 222. A. If an arrest is made in this state by an officer of another state in accordance with the provisions of Section ~~±~~ 221 of this ~~act~~ title, the officer shall without unnecessary delay take the person arrested before a magistrate of the county in which the arrest was made, ~~who~~.

B. 1. The magistrate shall conduct a hearing for the purpose of determining the lawfulness of the arrest.

2. If the magistrate determines that the arrest was lawful ~~he~~ the magistrate, shall commit the person arrested to await for a reasonable time the issuance of an extradition warrant by the Governor of this state or admit ~~him~~ the person to bail for such purpose.

3. If the magistrate determines that the arrest was unlawful ~~he~~ the magistrate shall discharge the person arrested.

SECTION 6. AMENDATORY 22 O.S. 2001, Section 223, is amended to read as follows:

Section 223. Section ~~±~~ 221 of this ~~act~~ title shall not be construed so as to make unlawful any arrest in this state which would otherwise be lawful.

SECTION 7. AMENDATORY 22 O.S. 2001, Section 224, is amended to read as follows:

Section 224. For the purpose of Sections 221 through 228 of this ~~act~~ title the word "state" shall include the District of Columbia.

SECTION 8. AMENDATORY 22 O.S. 2001, Section 225, is amended to read as follows:

Section 225. The term "fresh pursuit", as used in Sections 221 through 228 of this ~~act~~ title, shall include:

1. ~~fresh~~ Fresh pursuit as defined by the common law, ~~and also~~
~~the;~~

2. The pursuit of a person who has committed a felony or the
crime of driving under the influence, of driving while intoxicated,
or of driving with excessive blood alcohol content;

3. The pursuit of a person who is reasonably suspected of
having committed a felony. ~~It shall also include the~~ or the crime
of driving under the influence, of driving while intoxicated, or of
driving with excessive blood alcohol content; or

4. The pursuit of a person suspected of having committed a
supposed felony, though no felony has actually been committed, if
there is a reasonable ground for believing that felony has been
committed.

B. Fresh pursuit as used ~~herein~~ in Sections 221 through 228 of
this title shall not necessarily imply instant pursuit, but pursuit
without unreasonable delay.

SECTION 9. AMENDATORY 22 O.S. 2001, Section 227, is
amended to read as follows:

Section 227. If any part of Sections 221 through 228 of this
~~act title~~ is for any reason declared void, it is declared ~~to be the~~
~~intent of this act~~ that such invalidity shall not affect the
validity of the remaining portions of Sections 221 through 228 of
this ~~act~~ title.

SECTION 10. AMENDATORY 22 O.S. 2001, Section 228, is
amended to read as follows:

Section 228. ~~This act~~ Sections 221 through 228 of this title
may be cited as the Uniform Act on Fresh Pursuit.

SECTION 11. AMENDATORY 22 O.S. 2001, Section 459, is
amended to read as follows:

Section 459. The defendant, when arrested under a warrant for
an offense not bailable, ~~must~~ shall be held in custody by the
sheriff of the county in which the indictment or information is

filed. If the sheriff has contracted for the custody of prisoners in the county, such contractor shall be required to hold in custody any prisoner delivered to the contractor pursuant to this section.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1113.3A 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, required to be filed in district court, the arresting highway patrolman or the Department of Public Safety shall deliver the "Complaint Information" and "Abstract of Court Record" parts of the citation:

1. To 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. If the Patrolman has written a citation which could result in the district attorney filing an information, to the district attorney who 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" copy of the citation shall not be obscured by any official stamp of the district court of the district court clerk's office.

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

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

SECTION 13. AMENDATORY 47 O.S. 2001, Section 2-102, as amended by Section 4, Chapter 397, O.S.L. 2002 (47 O.S. Supp. 2002, Section 2-102), is amended to read as follows:

Section 2-102. A. 1. The Department shall be under the control of an executive officer to be known as the "Commissioner of Public Safety", who shall be appointed by the Governor with the advice and consent of the Senate.

2. The Commissioner of Public Safety shall be a professional law enforcement officer with ten (10) years' experience in the field of law enforcement or with five (5) years' experience in the field of law enforcement and a graduate of a four-year college with a degree in law enforcement administration, law, criminology or a related science.

3. Any vacancy in the office of the Commissioner ~~of Public Safety~~ shall be filled in the same manner as the original appointment is made.

~~Said~~ 4. The Commissioner ~~of Public Safety~~ shall be allowed the actual and necessary communication expenses incurred in the performance of ~~his~~ official duties of the Commissioner while away from ~~his~~ the office.

B. The Commissioner of Public Safety, after appointment and before entering upon the discharge of duties, shall take and subscribe to the oath of office required by the Constitution. Bonding of the Commissioner of Public Safety and other employees of the Department will be provided under the provisions of Section 85.26 of Title 74 of the Oklahoma Statutes.

C. The Commissioner of Public Safety shall be eligible to participate in either the Oklahoma Public Employees Retirement System or in the Oklahoma Law Enforcement Retirement System and shall make an irrevocable election in writing to participate in one of the two retirement systems.

SECTION 14. AMENDATORY 47 O.S. 2001, Section 2-105.3a, is amended to read as follows:

Section 2-105.3a A. Upon receipt from the Oklahoma State Bureau of Investigation of an investigative report pursuant to paragraph 9 of Section 150.2 of Title 74 of the Oklahoma Statutes, the Commissioner of Public Safety or a designee shall determine what, if any, executive security will be provided to the official by the Department of Public Safety. Nothing in this subsection shall preclude the Commissioner from providing temporary executive security to an official of this state or of any political subdivision of the state, if essential, prior to the receipt of the investigative report from the Oklahoma State Bureau of Investigation.

B. The Commissioner of Public Safety may, upon the request of a state agency head, appoint and commission qualified individuals to provide executive security for that agency. The Commissioner shall determine the qualifications of the individuals, the authority level and the time period for the appointment and commission. ~~Nothing in this section shall preclude the Department of Public Safety from providing temporary executive security to a state official, if~~

~~essential, prior to the receipt of the investigative report from the Oklahoma State Bureau of Investigation.~~

C. The Commissioner of Public Safety shall, at the direction of the Governor, provide executive security for political candidates, foreign elected or appointed officials, visiting public officials, or any other person for whom executive security is deemed necessary by the Governor.

SECTION 15. AMENDATORY 47 O.S. 2001, Section 11-403, as amended by Section 76, Chapter 468, O.S.L. 2002 (47 O.S. Supp. 2002, Section 11-403), is amended to read as follows:

Section 11-403. A. Preferential right-of-way at an intersection may be indicated by stop signs or yield signs as authorized in Section 15-108 of this title.

B. Except when directed to proceed by a police officer or traffic control signal, every driver of a vehicle approaching a stop intersection indicated by a stop sign shall stop as required by subsection (d) of Section 11-703 of this title and after having stopped shall yield the right-of-way to any vehicle which has entered the intersection from another highway or which is approaching so closely on said highway as to constitute an immediate hazard, but said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall yield the right-of-way to the vehicle so proceeding.

C. The driver of a vehicle approaching a yield sign shall in obedience to such sign slow down to a speed reasonable for the existing conditions, or shall stop if necessary as provided in subsection (e) of Section 11-703 of this title, and shall yield the right-of-way to any pedestrian legally crossing the roadway on which the driver is driving, and to any vehicle in the intersection or approaching on another highway so closely as to constitute an immediate hazard. Said driver having so yielded may proceed and the drivers of all other vehicles approaching the intersection shall

yield to the vehicle so proceeding, provided, however, that if such driver is involved in a collision with a pedestrian in a crosswalk or vehicle in the intersection after driving past a yield sign without stopping, such collision shall be deemed prima facie evidence of his failure to yield right-of-way.

D. Where two or more vehicles face stop, slow, warning or caution signs or signals on two or more intersecting cross streets, and are approaching so as to enter the intersection at the same time, where each vehicle is required to stop, the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to slow the vehicle coming from the right shall have the right-of-way. Where each vehicle is required to take caution, the vehicle coming from the right shall have the right-of-way. Where one vehicle is required to stop and the other to slow or take caution, the one slowing or taking caution shall have the right-of-way. Where one vehicle is required to slow and the other to take caution, the one required to take caution shall have the right-of-way. In any event, a vehicle which has already entered the intersection shall have the right-of-way over one which has not so entered the intersection.

~~E. A "T intersection" is hereby defined as a publicly maintained road which terminates directly upon another publicly maintained road. Termination of the road means that it is not possible to continue in the same direction across the nonterminating publicly maintained roadway. If continuous travel is possible without regard to whether said travel would continue on a public or private way, said nonterminating travel lane or road shall not be considered a T intersection. If said road terminates at a T intersection, where two or more vehicles approach said T intersection, the vehicle or vehicles approaching on the terminating branch of the T intersection, regardless of direction of travel of any approaching vehicle or vehicles on the nonterminating branch of~~

~~through road, shall yield to said approaching vehicle or vehicles unless traffic control devices are posted to the contrary. However, if there is a contiguous travel lane through the intersection, public or private way, the intersection shall not be defined as a T intersection, and the rules as set forth in subsections A and D of this section shall apply.~~

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11-806.1 of Title 47, unless there is created a duplication in numbering, reads as follows:

Where any portion of a road, street, or highway is a properly marked school zone, as indicated with appropriate warning signs placed in accordance with the latest edition of the Manual on Uniform Traffic Control Devices, and a reduced speed limit as properly posted, shall be in effect during certain times due to the presence or potential presence of school children, no person shall drive any vehicle upon that portion of the highway which is the school zone in excess of the reduced speed limit so posted when the reduced speed limit is in effect. Violation of the posted reduced speed limit in the school zone shall result in the doubling of the appropriate fine.

SECTION 17. AMENDATORY 47 O.S. 2001, Section 12-101, is amended to read as follows:

Section 12-101. A. Except as otherwise provided, it shall be a misdemeanor, upon conviction, punishable by fine of not more than Ten Dollars (\$10.00), for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or combination of vehicles which is in such unsafe condition as to endanger any person, or which does not contain those parts or is not at all times equipped with such lamps and other equipment in proper condition and adjustment as required in this chapter, or which is equipped in any manner in violation of

this chapter, or for any person to do any act forbidden or fail to perform any act required under this chapter.

B. Nothing contained in this chapter shall be construed to prohibit the use of additional parts and accessories on any vehicle not inconsistent with provisions of this chapter, and compliance with regulations of the Interstate Commerce Commission governing motor carriers operating in interstate commerce shall be deemed to be a compliance with all provisions of this chapter.

C. The provisions of this article with respect to equipment on vehicles shall not apply to implements of husbandry, road machinery, road rollers or farm tractors except as herein made applicable.

D. A low-speed electrical vehicle which is in compliance with the equipment requirements in 49 C.F.R. 571.500 shall be deemed to be in compliance with the provisions of Chapter 12 of this title.

E. Any person producing proof in court that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charge upon payment of court costs.

SECTION 18. AMENDATORY 47 O.S. 2001, Section 13-102, is amended to read as follows:

Section 13-102. ~~(a)~~ A. Members of the State Highway Patrol and other employees of the Department of Public Safety as designated by the Commissioner, may at any time upon reasonable cause to believe that a vehicle is unsafe or not equipped as required by law, or that its equipment is not in proper adjustment or repair or the operator is not properly licensed, require the driver of such vehicle to stop and submit such vehicle to an inspection and such test with reference thereto as may be appropriate.

~~(b)~~ B. In the event such vehicle or combination of vehicles is found to be in an unsafe mechanical condition or is not equipped as required by this act, the officer making the inspection may give the

driver a notice of arrest or written warning. Any person producing proof in court that a condition or equipment for which the person was cited as defective, missing, prohibited, improper, unauthorized or otherwise in violation of this chapter has been remedied by the person shall be entitled to dismissal of such charges upon payment of court costs.

~~(e)~~ C. No person shall operate or cause to be operated any vehicle or combination of vehicles after notice of arrest or written warning has been issued of such unsafe condition or that the vehicle is not equipped as required by this act, except as may be necessary to return such vehicle or combination of vehicles to the residence or place of business of the owner or driver if within a distance of twenty (20) miles or to a garage, until said vehicle and its equipment has been made to conform with the requirements of this act.

~~(d)~~ D. Any vehicle or combination of vehicles found to have major mechanical defects which would be hazardous to other users of the highways if it were driven from the place of inspection as provided for in subsection ~~(e)~~ C of this section shall be towed to a garage for repairs, and any repair charge, tow charge or storage charge for the repair, removal and storing of the vehicle shall be the obligation of the owner or operator.

SECTION 19. AMENDATORY 47 O.S. 2001, Section 14-101, as amended by Section 1, Chapter 201, O.S.L. 2002 (47 O.S. Supp. 2002, Section 14-101), is amended to read as follows:

Section 14-101. A. It is a misdemeanor for any person to drive or move or for the owner to cause or knowingly permit to be driven or moved on any highway any vehicle or vehicles of a size or weight exceeding the limitations stated in this chapter or otherwise in violation of this chapter, and the maximum size and weight of vehicles herein specified shall be lawful throughout this state and local authorities shall have no power or authority to alter said

limitations except as express authority may be granted in this chapter.

B. The provisions of this chapter governing size, weight and load shall not apply to fire apparatus, vehicles transporting heavy equipment on any highway other than an interstate and defense highway to and from areas during emergencies for the purpose of fighting fires, Department of Transportation research testing equipment, vehicles used by retail implement dealers while hauling implements of husbandry or to implements of husbandry, including farm tractors, temporarily moved upon a highway, or to a vehicle operated under the terms of a special permit issued as herein provided.

C. All size, weight and load provisions covered by this chapter shall be subject to the limitations imposed by Title 23, United States Code, Section 127, and such other rules and regulations developed herein. Provided further that any size and weight provision authorized by the United States Congress for use on the National System of Interstate and Defense Highways, including but not limited to height, axle weight, gross weight, combinations of vehicles or load thereon shall be authorized for immediate use on such segments of the National System of Interstate and Defense Highways and any other highways or portions thereof as designated by the Transportation Commission or their duly authorized representative.

D. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title, other than a vehicle permitted solely for overweight movement, shall be moved only during daylight hours. As used in Section 14-101 et seq. of this title, "daylight hours" shall mean one-half (1/2) hour before sunrise to one-half (1/2) hour after sunset.

E. 1. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall not be moved at any time on the following holidays:

- a. New Year's Day (January 1),
- b. Memorial Day (the last Monday in May),
- c. The Fourth of July (Independence Day),
- d. Labor Day (the first Monday in September),
- e. Thanksgiving Day (the fourth Thursday in November),
- f. The day following Thanksgiving Day (the fourth Friday in November),
- g. Christmas Eve (December 24), and
- h. Christmas Day (December 25), ~~and~~
- ~~i. New Year's Eve (December 31).~~

For the purposes of the prohibition of movement on holidays as prescribed in this paragraph, the holidays listed above shall be deemed to begin at twelve o'clock noon on the day preceding the holiday and continue through the holiday named above.

2. Any vehicle permitted for movement on the highways of this state as provided in Section 14-101 et seq. of this title shall be allowed to move on the following holidays:

- a. Martin Luther King, Jr.'s Birthday (the third Monday in January),
- b. President's Day, also known as Washington's Birthday (the third Monday in February), and
- c. Veteran's Day (November 11).

SECTION 20. AMENDATORY 70 O.S. 2001, Section 3311, as amended by Section 1, Chapter 62, O.S.L. 2002 (70 O.S. Supp. 2002, Section 3311), is amended to read as follows:

Section 3311. A. There is hereby re-created a Council on Law Enforcement Education and Training which shall be, and is hereby declared to be, a governmental agency of the State of Oklahoma, body politic and corporate, with powers of government and with the

authority to exercise the rights, privileges and functions specified by this act and as hereinafter specified. The Council shall be composed of seven (7) police or peace officers, one selected by each of the following: the Court of Criminal Appeals, the Commissioner of Public Safety, the Board of Directors of the Oklahoma Sheriffs and Peace Officers Association, the Oklahoma Association of Police Chiefs, the Board of Directors of the Oklahoma Sheriffs' Association, the Board of Directors of the Fraternal Order of Police and the Governor. The Director selected by the Council shall be an ex officio member of the Council and shall act as Secretary. The Council on Law Enforcement Education and Training shall select a chair and vice-chair from among its members. Members of the Council on Law Enforcement Education and Training shall not receive a salary for duties performed as members of the Council, but shall be reimbursed for their actual and necessary expenses incurred in the performance of Council duties pursuant to the provisions of the State Travel Reimbursement Act.

B. The Council on Law Enforcement Education and Training is hereby authorized and directed to:

1. Appoint a larger Advisory Council to discuss problems and hear recommendations concerning necessary research, minimum standards, educational needs, and other matters imperative to upgrading Oklahoma law enforcement to professional status;

2. Promulgate rules with respect to such matters as certification, revocation, suspension, withdrawal and reinstatement of certification, minimum courses of study, testing and test scores, attendance requirements, equipment and facilities, minimum qualifications for instructors, minimum standards for basic and advanced in-service courses, and seminars for Oklahoma police and peace officers;

3. Authorize research, basic and advanced courses, and seminars to assist in program planning directly and through subcommittees;

4. Authorize additional staff and services necessary for program expansion;

5. Recommend legislation necessary to upgrade Oklahoma law enforcement to professional status;

6. Establish policies and regulations concerning the number, geographic and police unit distribution, and admission requirements of those receiving tuition or scholarship aid available through the Council. Such waiver of costs shall be limited to duly appointed members of legally constituted local, county, and state law enforcement agencies on the basis of educational and financial need;

7. Appoint a Director and an Assistant Director to direct the staff, inform the Council of compliance with the provisions of this section and perform such other duties imposed on the Council by law;

8. Enter into contracts and agreements for the payment of classroom space, food, and lodging expenses as may be necessary for law enforcement officers attending any official course of instruction approved or conducted by the Council. Such expenses may be paid directly to the contracting agency or business establishment. The food and lodging expenses for each law enforcement officer shall not exceed the authorized rates as provided for in the State Travel Reimbursement Act;

9. Certify canine teams, consisting of a dog and a handler working together as a team, trained to detect:

a. controlled dangerous substances,

b. explosives, explosive materials, explosive devices, or materials which could be used to construct an explosive device;

provided, the dog of a certified canine team shall not be certified under both subparagraphs a and b of this paragraph, and any dog of a certified canine team who is or has been previously certified under either subparagraph a or b of this paragraph shall

not be eligible at any time to be certified under the other subparagraph of this paragraph;

10. Enter into a lease, loan or other agreement with the Oklahoma Development Finance Authority or a local public trust for the purpose of facilitating the financing of a new facility for its operations and use and pledge, to the extent authorized by law, all or a portion of its receipts of the assessment penalty herein referenced for the payment of its obligations under such lease, loan or other agreement. It is the intent of the Legislature to increase the assessment penalty to such a level or appropriate sufficient monies to the Council on Law Enforcement Education and Training to make payments on the lease, loan or other agreement for the purpose of retiring the bonds to be issued by the Oklahoma Development Finance Authority or local public trust. Such lease, loan or other agreement and the bonds issued to finance such facilities shall not constitute an indebtedness of the State of Oklahoma or be backed by the full faith and credit of the State of Oklahoma, and the lease, loan or other agreement and the bonds shall contain a statement to such effect;

11. Accept gifts, bequests, devises, contributions and grants, public or private, of real or personal property; and

12. Appoint an advisory committee composed of representatives from security guard and private investigative agencies to advise the Council concerning necessary research, minimum standards for licensure, education, and other matters related to licensure of security guards, security guard agencies, private investigators, and private investigative agencies.

C. Failure of the Legislature to appropriate necessary funds to provide for expenses and operations of the Council on Law Enforcement Education and Training shall not invalidate other provisions of this section relating to the creation and duties of the Council.

D. 1. No person shall be eligible to complete a basic police course approved by the Council until the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation have reported to the submitting agency that such person has no felony record, and the employing agency has reported to the Council that such person has undergone psychological testing as provided for in paragraph 2 of this subsection, and the applicant has certified the completion of a high school diploma or a GED equivalency certificate and that the applicant is not participating in a deferred sentence agreement for a felony or a crime involving moral turpitude or is not currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification.

2. No person shall be certified as a police or peace officer in this state unless the employing agency has reported to the Council that:

- a. the Oklahoma State Bureau of Investigation and the Federal Bureau of Investigation have reported that such person has no record of a conviction of a felony or crime involving moral turpitude,
- b. such person has undergone psychological evaluation such as the Minnesota Multiphasic Personality Inventory, the California Personality Inventory, or other psychological instrument approved by the Council on Law Enforcement Education and Training. The psychological instrument utilized shall be evaluated by a psychologist licensed by the State of Oklahoma, and the employing agency shall certify to the Council that the evaluation was conducted in accordance with this provision and that the employee/applicant is suitable to serve as a peace officer in the State of Oklahoma. Nothing herein shall preclude a psychologist licensed in the state from employing

additional psychological techniques to assist the employing agency's determination of the employee/applicant's suitability to serve as a peace officer in the State of Oklahoma. Any person found not to be suitable for employment or certification by the Council shall not be employed, retained in employment as a peace officer, or certified by the Council for at least one (1) year, at which time the employee/applicant may be re-evaluated by a psychologist licensed by the State of Oklahoma. This section shall also be applicable to all reserve peace officers in the State of Oklahoma,

- c. such person possesses a high school diploma or a GED equivalency certificate, provided this requirement shall not affect those persons who are already employed as a police or peace officer prior to November 1, 1985,
- d. such person is not participating in a deferred sentence agreement for a felony or a crime involving moral turpitude,
- e. such person has attained twenty-one (21) years of age prior to certification as a peace officer, and
- f. such person has provided proof of United States citizenship or resident alien status, pursuant to an employment eligibility verification form from the United States Immigration and Naturalization Service,

and the Council has determined that such person has satisfactorily completed a basic police course of not less than ~~one hundred twenty~~ one hundred sixty (160) hours of accredited instruction for reserve police officers and reserve deputies and not less than three hundred (300) hours for full-time salaried police or peace officers from the Council or curriculum or course of study approved by the

Council, provided the Council may increase the number of hours for the completion of a basic police course by requiring independent study. Beginning January 1, 2003, the basic police course for full-time-salaried police or peace officers shall be increased to not less than three hundred two (302) hours. Said training shall include training in crime and drug prevention, crisis intervention, and youth and family intervention techniques and recognizing, investigating and preventing abuse and exploitation of elderly persons.

3. Every person who has not been certified as a police or peace officer and is duly appointed or elected as a police or peace officer shall hold such position on a temporary basis only, and shall, within one (1) year from the date of appointment or taking office, qualify as required in this subsection or forfeit such position. In computing the one (1) year, all service shall be cumulative from date of first appointment or taking office as a police or peace officer with any department in this state. The Council may extend the time requirement specified in this paragraph for good cause as determined by the Council. An elected police or peace officer shall be eligible to enroll in a basic police course in accordance with this subsection upon being elected. A duty is hereby imposed upon the employing agency to withhold payment of the compensation or wage of said unqualified officer. If the police or peace officer fails to forfeit the position or the employing agency fails to require the officer to forfeit the position, the district attorney shall file the proper action to cause the forfeiting of such position. The district court of the county where the officer is employed shall have jurisdiction to hear the case.

4. The Council may certify officers who have completed a course of study in another state deemed by the Council to meet standards for Oklahoma peace officers providing the officer's certification in

the other state has not been revoked or voluntarily surrendered and is not currently under suspension.

5. For purposes of this section, a police or peace officer is defined as a full-time duly appointed or elected officer who is paid for working more than twenty-five (25) hours per week and whose duties are to preserve the public peace, protect life and property, prevent crime, serve warrants, and enforce laws and ordinances of this state, or any political subdivision thereof; provided, elected sheriffs and their deputies and elected, appointed, or acting chiefs of police shall meet the requirements of this subsection within the first six (6) months after assuming the duties of the office to which they are elected or appointed or for which they are an acting chief; provided further, that this section shall not apply to persons designated by the Director of the Department of Corrections as peace officers pursuant to Section 510 of Title 57 of the Oklahoma Statutes.

E. No person shall be certified as a police or peace officer by the Council or be employed by the state, a county, a city, or any political subdivision thereof, who is currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification or has been convicted of a felony or a crime involving moral turpitude unless a full pardon has been granted by the proper agency; however, any person who has been trained and certified by the Council on Law Enforcement Education and Training and is actively employed as a full-time peace officer as of November 1, 1985, shall not be subject to the provisions of this subsection for convictions occurring prior to November 1, 1985.

F. Every person employed as a police or peace officer in this state shall be fingerprinted by the employing law enforcement agency. One set of said impressions shall be mailed to the Oklahoma State Bureau of Investigation and one set to the Federal Bureau of

Investigation, Washington, D.C. within ten (10) days from the initial date of employment.

G. 1. The Council is hereby authorized to provide to any employing agency the following information regarding a person who is or has applied for employment as a police or peace officer of such employing agency:

- a. Oklahoma State Bureau of Investigation and Federal Bureau of Investigation reports,
- b. administration of the psychological tests provided for herein,
- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

2. An employing agency shall not be liable in any action arising out of the release of contents of personnel information relevant to the qualifications or ability of a person to perform the duties of a police or peace officer when such information is released pursuant to written authorization for release of information signed by such person and is provided to another employing agency which has employed or has received an application for employment from such person.

H. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the Council at a time established by the Council. Failure to comply with the provisions of this subsection may disqualify a law enforcement agency from participating in training programs sponsored by the Council.

I. As used in this section, "employing agency" means a political subdivision or law enforcement agency which either has

employed or received an employment application from a person who, if employed, would be subject to this section.

J. 1. The Council may take disciplinary action against a police or peace officer to include a denial, suspension or revocation of peace officer certification on a showing of clear and convincing evidence for the following:

- a. the Council shall deny, revoke or accept voluntary surrender of peace officer certification for conviction of a felony or a crime of domestic violence,
- b. the Council shall deny, revoke or accept voluntary surrender of peace officer certification for conviction of a misdemeanor involving moral turpitude; provided, if the conviction is a single isolated incident that occurred more than five (5) years ago and the Council is satisfied that the person has been sufficiently rehabilitated, the Council may certify such person providing that all other statutory requirements have been met,
- c. the Council shall revoke or accept a voluntary surrender of peace officer certification upon a verdict of guilt or entry of a plea of guilty or nolo contendere for a deferred sentence for a felony offense, a crime of moral turpitude, or a crime of domestic violence,
- d. falsification or a willful misrepresentation of information in an employment application, or records of evidence, or in testimony under oath, or
- e. revocation or voluntary surrender of police or peace officer certification in another state.

2. Disciplinary proceedings shall be commenced by filing with the Council a complaint, on a form approved by the Council, verified by the complainant.

3. Upon the filing of the verified complaint, the Council's Executive Director shall conduct a preliminary investigation to determine whether:

- a. there is reason to believe the person has violated any provision of this subsection, or
- b. there is reason to believe the person has been convicted of or is currently participating in a deferred sentence for a felony, a crime involving moral turpitude or a domestic violence offense.

4. If the Executive Director does not find there is reason to believe the person has violated any of the provisions of this subsection, or the Executive Director is satisfied the person is sufficiently rehabilitated as provided in subparagraph b of paragraph 1 of this subsection, the person shall remain certified. If the Executive Director finds that there is reason to believe the person has violated the provisions of this subsection, the matter shall be referred for disciplinary proceedings. The disciplinary proceedings shall be in accordance with Articles I and II of the Administrative Procedures Act.

5. The Council shall revoke the certification of any person upon determining that such person has been convicted of a felony, crime involving moral turpitude or domestic violence; provided, that if the conviction has been reversed, vacated or otherwise invalidated by an appellate court, such conviction shall not be the basis for revocation of certification; provided further, that any person who has been trained and certified by the Council on Law Enforcement Education and Training and is actively employed as a full-time peace officer as of November 1, 1985, shall not be subject to the provisions of this subsection for convictions occurring prior

to November 1, 1985. The sole issue to be determined at the hearing shall be whether the person has been convicted of a felony or crime involving moral turpitude.

6. The Council shall revoke the certification of any person upon determining that such person has received a deferred sentence for a felony, a crime involving moral turpitude or a domestic violence offense.

7. For all other violations of this subsection, the hearing examiner shall take into consideration the severity of the violation, and any mitigating circumstances offered by the person subject to disciplinary action, and any other evidence relevant to the person's character to determine the appropriate disciplinary action.

8. a. A police or peace officer may voluntarily surrender and relinquish his peace officer certification to CLEET. Pursuant to such surrender or relinquishment, the person surrendering the certification shall be prohibited from applying to CLEET for reinstatement within five (5) years of the date of the surrender or relinquishment.
- b. No person who has had a police or peace officer certification from another state revoked or voluntarily surrendered shall be considered for certification by CLEET within five (5) years of the effective date of any such revocation or voluntary surrender of certification.
- c. Any person seeking reinstatement of police or peace officer certification which has been suspended, revoked, or voluntarily surrendered, may apply for reinstatement pursuant to promulgated CLEET rules governing reinstatement.

9. A duty is hereby imposed upon the district attorney who, on behalf of the State of Oklahoma, prosecutes a person holding police or peace officer certification for a felony or crime involving moral turpitude in which a plea of guilty, nolo contendere, or other finding of guilt is entered by, against or on behalf of a certified police or peace officer to report such plea, agreement, or other finding of guilt to the Council on Law Enforcement Education and Training within ten (10) days of such plea agreement or the finding of guilt.

10. Any person or agency required or authorized to submit information pursuant to this section to the Council shall be immune from liability arising from the submission of the information as long as the information was submitted in good faith and without malice.

K. 1. Every canine team in the state trained to detect controlled dangerous substances shall be certified, by test, in the detection of such controlled dangerous substances and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency ~~and that~~ if such canines are certified and annually recertified in the detection of controlled dangerous substances by the United States Customs Service.

2. The Council shall appoint a Drug Dog Advisory council to make recommendations concerning minimum standards, educational needs, and other matters imperative to the certification of canines and canine teams trained to detect controlled dangerous substances. The Council shall promulgate rules based upon the recommendations of the Advisory Council. Members of the Advisory Council shall include, but need not be limited to, a commissioned officer with

practical knowledge of such canines and canine teams from each of the following:

- a. the Oklahoma State Bureau of Narcotics and Dangerous Drugs,
- b. the Department of Public Safety, and
- c. a police department or sheriff's office.

3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team. A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee shall be charged to any local, state or federal government agency. The fees provided for in this paragraph shall be deposited to the credit of the C.L.E.E.T. Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

L. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense.

2. The council shall appoint a Bomb Dog Advisory Council to make recommendations concerning minimum standards, educational needs, and other matters imperative to the certification of canines and canine teams trained to detect explosives, explosive materials, devices and materials which could be used to construct an explosive device. The Council shall promulgate rules based upon the recommendations of the Advisory Council. Members of the Advisory

Council shall include, but need not be limited to, a commissioned officer familiar with practical knowledge of such canines and canine teams from each of the following:

- a. the Department of Public Safety, and
- b. a police department or sheriff's office.

3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team. A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee shall be charged to any local, state or federal government agency. The fees provided for in this paragraph shall be deposited to the credit of the C.L.E.E.T. Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

M. All tribal police officers of any Indian tribe or nation which has entered into a cross-deputization agreement with the State of Oklahoma or any political subdivision of the State of Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma Statutes shall be eligible to enroll in and receive the training provided for in this section under the same terms and conditions that such training is made available to members of the law enforcement agencies of the State of Oklahoma and its political subdivisions, except that a fee of Three Dollars and sixteen cents (\$3.16) per hour of training shall be charged for all training provided pursuant to this subsection. Such fees shall be deposited to the credit of the C.L.E.E.T. Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

~~M.~~ N. If an employing law enforcement agency in this state has paid the salary of a person while that person is completing in this state a basic police course approved by the Council and if within one (1) year after certification that person resigns and is hired by another law enforcement agency in this state, the second agency or the person receiving the training shall reimburse the original

employing agency for the salary paid to the person while completing the basic police course by the original employing agency.

SECTION 21. AMENDATORY 74 O.S. 2001, Section 150.12, is amended to read as follows:

Section 150.12 A. 1. It is hereby the duty of any sheriff, chief of police, city marshal, constable and any other law enforcement officer, ~~immediately upon the arrest of any person who~~ takes custody of a person who has been arrested and who, in the best judgment of the arresting officer, is believed to have committed any offense, except an offense exempted by the rules promulgated by the Oklahoma State Bureau of Investigation pursuant to the provisions of Section 150.1 et seq. of this title, to take or cause to be taken the fingerprint impressions of such person or persons in triplicate and to forward two copies of such fingerprint impressions together with identification information to the Oklahoma State Bureau of Investigation, at its Oklahoma City office. If the sheriff, chief of police, city marshal, or constable has contracted for the custody of prisoners, such contractor shall be required to take the fingerprint impressions of such person.

2. ~~It shall not be the responsibility of, nor shall the sheriff, chief of police, city marshal, constable, other law enforcement officer, or contractor receiving custody of an arrested person as a prisoner require the arresting officer to take the fingerprint impressions of the arrested person; provided, if the arresting officer is employed by the same law enforcement agency as the sheriff, chief of police, city marshal, or constable receiving custody of such person, the arresting officer may be required to take such impressions.~~

3. The law enforcement officers shall also forward the prosecution filing report and the disposition report forms to the appropriate prosecuting authority within seventy-two (72) hours. If fingerprint impressions have not been taken at the time of an

arrest, the court shall order the fingerprints to be taken by the sheriff at the arraignment, first appearance, or at the time of final adjudication of a defendant whose court attendance has been secured by a summons or citation for any offense, except an offense exempted by the rules promulgated by the Bureau. If a person is in the custody of a law enforcement or correctional agency and a warrant issues or an information is filed alleging the person to have committed an offense other than the offense for which the person is in custody, the custodial law enforcement or correctional agency shall take the fingerprints of such person in connection with the new offense, provided the offense is not exempted by the rules of the Bureau. Any fingerprint impressions and identification information required by this subsection shall be sent to the Bureau within seventy-two (72) hours after taking such fingerprints.

B. In order to maintain a complete criminal history record, the court shall inquire at the time of sentencing whether or not the person has been fingerprinted for the offense upon which the sentence is based and, if not, shall order the fingerprints be taken immediately of such person and those fingerprints shall be sent by the law enforcement agency taking the fingerprint impressions to the Bureau within seventy-two (72) hours after taking the fingerprint impressions.

C. In addition to any other fingerprints which may have been taken of a person in a criminal matter, the Department of Corrections shall take the fingerprints of all prisoners received at the Lexington Reception and Assessment Center or otherwise received into the custody of the Department and shall send copies of such fingerprints together with identification information to the Bureau within seventy-two (72) hours of taking such fingerprints.

D. The Bureau shall, upon receipt of fingerprint impressions and identification information for offenses not exempt by rule of the Bureau, send one copy of the fingerprint impressions to the

Federal Bureau of Investigation, at its Washington, D.C., office, and the other copy shall be filed in the Oklahoma State Bureau of Investigation's office. The rules promulgated by the Bureau pursuant to the provision of this act exempting certain offenses from mandatory reporting shall be based upon recommended Federal Bureau of Investigation standards for reporting criminal history information and are not intended to include violators of city or town ordinances and great care shall be exercised to exclude the reporting of criminal history information for such offenses, except when recommended by the Federal Bureau of Investigation standards.

E. The reporting to the Oklahoma State Bureau of Investigation of criminal history information on each person subject to the mandatory reporting requirements of Section 150.1 et seq. of this title shall be mandatory for all law enforcement agencies, courts, judicial officials, district attorneys and correctional administrators participating in criminal matters, whether reported directly or indirectly, manually or by automated system as may be provided by the rules promulgated by the Bureau.

F. Except for offenses exempted by the rules promulgated by the Bureau, the following events shall be reported to the Bureau within seventy-two (72) hours and the Bureau shall have seventy-two (72) hours after receipt of the report to enter such information into a criminal record data base:

1. An arrest;
2. The release of a person after arrest without the filing of any charge; and
3. A decision of a prosecutor not to commence criminal proceedings or to defer or postpone prosecution.

G. Except for offenses exempted by the rules promulgated by the Bureau, the following events shall be reported to the Bureau within thirty (30) days and the Bureau shall have thirty (30) days after

receipt of the report to enter such information into a criminal record data base:

1. A decision by a prosecutor to modify or amend initial charges upon which the arrest was made, including deletions or additions of charges or counts;

2. The presentment of an indictment or the filing of a criminal information or other statement of charges;

3. The dismissal of an indictment or criminal information or any charge specified in such indictment or criminal information;

4. An acquittal, conviction or other court disposition at trial or before, during or following trial, including dispositions resulting from pleas or other agreements;

5. The imposition of a sentence;

6. The commitment to or release from the custody of the Department of Corrections or incarceration in any jail or other correctional facility;

7. The escape from custody of any correctional facility, jail or authority;

8. The commitment to or release from probation or parole;

9. An order of any appellate court;

10. A pardon, reprieve, commutation of sentence or other change in sentence, including a change ordered by the court;

11. A revocation of probation or parole or other change in probation or parole status; and

12. Any other event arising out of or occurring during the course of criminal proceedings or terms of the sentence deemed necessary as provided by the rules established by the Bureau.

The Bureau shall have authority to withhold any entry on a criminal history record when there is reason to believe the entry is based on error or an unlawful order. The Bureau shall in such case take immediate action to clarify or correct the entry.

H. Information reportable under the provisions of this section shall be reportable by the law enforcement officer or person directly responsible for the action, event or decision, unless otherwise provided by rule or agreement. The form and content of information to be reported and methods for reporting information, including fingerprint impressions and other identification information, shall be established by the rules promulgated by the Bureau. The Bureau is hereby directed to establish rules to implement the provisions of Section 150.1 et seq. of this title, provided any rule relating to reporting by courts or judicial officials shall be issued jointly by the Bureau and the Oklahoma Supreme Court.

I. Any person or agency subject to the mandatory reporting of criminal history information or fingerprints as required by the provisions of this act shall take appropriate steps to ensure that appropriate agency officials and employees understand such requirements. Each agency shall establish, and in appropriate cases impose, administrative sanctions for failure of an official or employee to report as provided by law. Refusal or persistent failure of a person or agency to comply with the mandatory reporting requirements of this act may result in the discontinued access to Bureau information or assistance until such agency complies with the law.

SECTION 22. This act shall become effective November 1, 2003.

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