STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 516

By: Branan of the Senate

and

Nance of the House

COMMITTEE SUBSTITUTE

An Act relating to chief of police; amending 11 O.S. 2001, Section 34-102 and 34-103, which relate to municipal police; setting minimal qualifications for chief of police; providing for removal from position for failure to meet certain qualifications; precluding certification by the Council on Law Enforcement Education and Training under certain condition; requiring revocation of CLEET certification under certain condition; directing certain entities to develop Police Chief Administrative School; directing the Council on Law Enforcement Education and Training to establish minimal criteria for certain qualifications; directing the Council on Law Enforcement Education and Training to approve certain training; exempting certain persons from certain qualifications; providing certain procedures for police officers to serve outside of jurisdiction; amending 70 O.S. 2001, Section 3311, as last amended by Section 1, Chapter 428, O.S.L. 2004 (70 O.S. Supp. 2004, Section 3311), which relates to the Council on Law Enforcement Education and Training; expanding duties of Council relating to chiefs of police training; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-102, is amended to read as follows:

Section 34-102. A. The chief of police of a municipality shall be a peace officer and shall enforce the municipal ordinances. ~~He~~ The chief of police of a municipality shall have such other powers, duties and functions as may be prescribed by law or ordinance.

B. Any person elected or appointed to the position of chief of police of a municipality shall meet the following qualifications:

1. Be at least twenty-one (21) years of age;

2. Be a citizen of the United States;

3. Possess at least a high school diploma or General Education Diploma (GED);

4. Be certified as a peace officer in this state by the Council on Law Enforcement Education and Training (CLEET), or meet all requirements necessary for CLEET certification and obtain such certification within six (6) months of assuming the position of chief of police or as otherwise allowed by Section 3311 of Title 70 of the Oklahoma Statutes; and

5. Have successfully completed a course of training meeting at least the minimal criteria established by the Council on Law Enforcement Education and Training (CLEET) for police chief administration, successfully completed an approved police chief administrative school approved by the Council, or successfully complete such course of training or school within twelve (12) months of assuming the position of chief of police.

C. 1. Any person who does not meet the qualifications of paragraph 4 or 5 of subsection B of this section at the time of election or appointment to the position of chief of police and who fails after assuming the position of chief of police to meet such qualifications within the time required shall be removed from the position.

2. Any person assuming the position of chief of police without prior CLEET certification who fails to complete an approved course of training or police chief administration school within the time required shall be precluded from obtaining CLEET certification while in such position.

3. Any person assuming the position of chief of police with prior CLEET certification who fails to complete an approved course of training or police chief administration school within the time

required shall have their CLEET certification revoked by the Council.

D. The Council on Law Enforcement Education and Training (CLEET) shall establish minimal criteria for the qualifications of paragraph 5 of subsection B of this section relating to a course of training and police chief administration schools and approve all training offered in this state relating to police chief administration. The Oklahoma Association of Chiefs of Police in consultation and cooperation with the Council is directed to develop a Police Chief Administrative School consisting of training courses that meet at least the minimal criteria established by the Council.

E. The provisions of this act relating to qualifications for a chief of police shall not apply to any person who has assumed the position of chief of police and is currently serving as the chief of police of a municipality on or before the effective date of this act.

SECTION 2. AMENDATORY 11 O.S. 2001, Section 34-103, is amended to read as follows:

Section 34-103. A. Members of the regular police department of any municipality, upon request of the mayor or a designee, or chief of police or a designee, of any other municipality, may serve as police officers in the municipality requesting their assistance upon approval of the governing body of the municipality where such officers are regularly employed. While so serving in another municipality, such police officers shall have the same powers and duties as though employed by the municipality where such duties are performed; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

B. Members of the regular police department of any municipality, upon request of a county sheriff or a designee, or upon request by a member of the Oklahoma Highway Patrol, may serve

as law enforcement officers for the sheriff's office or the Oklahoma Highway Patrol, respectively, if such service has been authorized by prior resolution by the governing body of the municipality where such officers are regularly employed. While so serving, such police officers shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; except that salaries, insurance and other benefits shall be provided in their regular manner by the municipality in which the police officers are regularly employed.

C. Members of the regular police department of any municipality may be deputized by the county sheriff or a designee subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

D. The governing body of a municipality may, by resolution, authorize the chief executive officer of the municipality to respond to any request from any other jurisdiction within the state for law enforcement assistance in cases of emergency. The police officers of the municipality serving in response to the emergency request shall have the same powers and duties as though employed by the requesting law enforcement agency and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency; provided, however, that salaries, insurance and other benefits shall be provided in the regular manner by the municipality in which the police officers are regularly employed.

As used in this section, "emergency" means a sudden and unforeseeable occurrence or condition either as to its onset or its extent of such severity or magnitude that immediate response or

action is necessary to assist law enforcement agencies having jurisdiction at the scene of the emergency to carry out their functions.

E. If no resolution is in place authorizing a police officer to serve outside of the employing jurisdiction, the police officer, prior to taking any action authorized by this section shall notify and receive approval of the local law enforcement authority, or if the prior contact is not reasonably possible, notify the local law enforcement authority as soon as reasonably possible.

SECTION 3. AMENDATORY 70 O.S. 2001, Section 3311, as last amended by Section 1, Chapter 428, O.S.L. 2004 (70 O.S. Supp. 2004, 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 Sections 3311 through ~~3311.7~~ 3311.9 of this title. The Council shall be composed of nine (9) members, the Director of the Oklahoma State Bureau of Investigation, one member appointed by the Governor who may be a lay person, and seven 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. a. Certify canine teams, consisting of a dog and a handler working together as a team, trained to detect:

(1) controlled dangerous substances, or

(2) 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 at any time as both a drug dog and a bomb dog, and any dog of a certified canine team who has been previously certified as either a drug dog or a bomb dog shall not be eligible at any time to be certified in the other category.

b. Upon retiring the dog from the service it was certified to perform, the law enforcement department that handled the dog shall retain possession of the dog. The handler shall have first option of adopting the dog. If that option is not exercised, the law enforcement department shall provide for its adoption. Once adopted the dog shall not be placed back into active service;

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; and

13. Set minimal criteria relating to qualifications for chief of police administrative training pursuant to Section 34-102 of Title 11 of the Oklahoma Statutes, assist in developing a course of training for a Police Chief Administrative School, and approve all police chief administrative training offered in this state.

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 and that the applicant is not currently undergoing treatment for a mental illness, condition, or disorder. For purposes of this subsection, "currently undergoing treatment for mental illness, condition, or disorder" means the person has been diagnosed by a licensed physician or psychologist as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist.

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 Psychological Inventory (CPI), 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~~ reevaluated 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. Any person who is certified by CLEET and has undergone the psychological evaluation required by this subparagraph and has been found to be suitable as a peace officer shall not be required to be reevaluated for any subsequent employment as a peace officer following retirement or any break in service as a peace officer,

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,

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

g. the name, gender, date of birth, and address of such person have been presented to the Department of Mental Health and Substance Abuse Services by the Council. The Department of Mental Health and Substance Abuse Services shall respond to the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution. In the event that the Department of Mental Health and Substance Abuse Services reports to the Council that the applicant has been involuntarily committed, the Council shall immediately inform the employing agency,

and the Council has determined that such person has satisfactorily completed a basic police course of not less than 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. Subject to the availability of money, beginning July 1, 2005, the basic police course for full-time-salaried police or peace officers shall be increased to not less than three hundred eighty (380) 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; provided, however, effective November 1, 2004, 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 six (6) months from the date of appointment or taking office, qualify as required in this subsection or forfeit such position. In computing the time for qualification, 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 who 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 fingerprint 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.

3. As used in this subsection, "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.

H. 1. 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.

2. A tribal law enforcement agency that has peace officers commissioned by an Oklahoma law enforcement agency pursuant to 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 report the commissioning, resignation, or termination of commission for any reason of a cross-deputized tribal police or peace officer to CLEET within ten (10) days of the commissioning, resignation, or termination. Failure to comply with the provisions of this subsection may disqualify a tribal law enforcement agency from participating in training programs sponsored by the Council.

I. It is unlawful for any person to willfully make any statement in an application to CLEET knowing the statement is false or intentionally commit fraud in any application to the Council for attendance in any CLEET-conducted or CLEET-approved peace officer academy or Collegiate Officer Program or for the purpose of obtaining peace officer certification or reinstatement. It is unlawful for any person to willfully submit false or fraudulent documents relating to continuing education rosters, transcripts or certificates, or any canine license application. Any person convicted of a violation of this subsection shall be guilty of a felony punishable by imprisonment in the Department of Corrections for a term of not less than two (2) years nor more than five (5)

years, or by a fine not exceeding Two Thousand Dollars ($2,000.00), or by both such fine and imprisonment.

J. 1. A police or peace officer shall be subject to disciplinary action to include a denial, suspension, revocation or acceptance of voluntary surrender of peace officer certification upon a showing of clear and convincing evidence for the following:

a. conviction of a felony or a crime of domestic violence,

b. 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. 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 application to the Council on Law Enforcement Education and Training, records of evidence, or in testimony under oath,

e. revocation or voluntary surrender of police or peace officer certification in another state for a violation of any law or rule or in settlement of any disciplinary action in such state, or

f. involuntary commitment of a police or peace officer in a mental institution or licensed private mental health facility for any mental illness, condition or disorder that is diagnosed by a licensed physician or

psychologist as a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. Provided, the peace officer certification may be reinstated upon the Council receiving notification of a psychological evaluation conducted by a licensed physician or psychologist which attests and states by affidavit that the officer and the evaluation test data of the officer have been examined and that, in the professional opinion of the physician or psychologist, the officer is psychologically suitable to return to duty as a peace officer.

2. Disciplinary proceedings shall be commenced by filing a complaint with the Council on a form approved by the Council and verified by the complainant. Any employing agency or other person having information may submit such information to the Council for consideration as provided in this subsection.

3. Upon the filing of the verified complaint, a preliminary investigation shall be conducted to determine whether:

a. there is reason to believe the person has violated any provision of this subsection or any other provision of law or rule, or

b. there is reason to believe the person has been convicted of a felony, a crime involving moral turpitude or a domestic violence offense or is currently participating in a deferred sentence for such offenses.

4. When the investigation of a complaint does not find the person has violated any of the provisions of this subsection, or finds that the person is sufficiently rehabilitated as provided in

subparagraph b or f of paragraph 1 of this subsection, no disciplinary action shall be required and the person shall remain certified as a police or peace officer. When the investigation of a complaint finds that the person has violated any of 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 or a crime involving moral turpitude or a domestic violence offense; 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, a crime involving moral turpitude or a domestic violence offense.

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. The Council may suspend the certification of any person upon a determination that such person has been involuntarily committed to a mental institution or mental health facility for a mental illness, condition or disorder as provided in subparagraph f of paragraph 1 of this subsection.

8. For all other violations of this subsection, the hearing examiner shall take into consideration the severity of the violation, 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.

9. a. A police or peace officer may voluntarily surrender and relinquish the 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, unless otherwise provided by law for reinstatement.

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.

10. 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 or domestic violence 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.

11. 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 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 Control,

b. the Department of Public Safety,

c. a police department,

d. a sheriff's office, and

e. a university or college campus police department.

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

a. the Department of Public Safety,

b. a police department,

c. a sheriff’s office, and

d. a university or college campus police department.

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 who have been commissioned by an Oklahoma law enforcement agency pursuant to 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 for peace officer certification under the same terms and conditions required of 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 basic police course 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. CLEET shall issue peace officer certification to tribal police officers who, as of July 1, 2003, are commissioned by an Oklahoma law enforcement agency pursuant to 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 and have met the training and qualification requirements of this section.

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 4. This act shall become effective November 1, 2005.

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