

3 Senate Bill No. 1045

4 As Amended

5 SENATE BILL NO. 1045 - By: SHURDEN, CRUTCHFIELD and RABON of the  
6 Senate and SMITHSON of the House.

7 [ law enforcement - appeal process - disciplinary employment  
8 actions - codification - effective date ]

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

10 SECTION 1. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 2.5 of Title 74, unless there is  
12 created a duplication in numbering, reads as follows:

13 A. Any law enforcement officer aggrieved by disciplinary action  
14 resulting from a complaint from a member of the public may file an  
15 appeal with the Oklahoma Merit Protection Commission within sixty  
16 (60) days of the alleged disciplinary action. The Oklahoma Merit  
17 Protection Commission shall promulgate rules in compliance with the  
18 Administrative Procedures Act for the conduct of investigations of  
19 such complaints. If, after investigation, the Executive Director  
20 determines that the complaint is without merit, the Executive  
21 Director shall appoint a hearing examiner to hear the case as  
22 provided for in Sections 840-6.6 through 840-6.9 of Title 74 of the  
23 Oklahoma Statutes.

24 B. As used in this section:

1        1. "Disciplinary action" means any direct or indirect form of  
2 discipline, any dismissal, demotion, transfer, reassignment,  
3 suspension, reprimand, admonishment, warning of possible dismissal,  
4 reduction in force, reduction in rank, reduction in status, or  
5 withholding of work; and

6        2. "Law enforcement officer" means a police or peace officer as  
7 defined in paragraph 5 of subsection D of Section 3311 of Title 70  
8 of the Oklahoma Statutes.

9        C. If, after the hearing, it is determined that the  
10 disciplinary action is warranted, the Commission or hearing examiner  
11 shall advise the law enforcement officer of the same and pursue no  
12 further action in the matter.

13        D. No employer shall take or fail to take any disciplinary  
14 action against a law enforcement officer for filing an appeal with  
15 the Oklahoma Merit Protection Commission pursuant to the provisions  
16 of this section.

17        SECTION 2. This act shall become effective November 1, 2006.

18        COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-15-06 - DO  
19        PASS, As Amended and Coauthored.