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THE STATE SENATE
Wednesday, March 1, 2006

Senate Bill No. 1970

SENATE BILL NO. 1970 - By: CORN of the Senate and SULLIVAN of the House.

An Act relating to Council on Law Enforcement Education and Training; amending 70 O.S. 2001, Section 3311, as last amended by Section 1, Chapter 428, O.S.L. 2004 (70 O.S. Supp. 2005, Section 3311), which relates to the Council on Law Enforcement Education and Training; directing the Council to promulgate rules for active peace officer firearms re-qualification standards and to meet certain federal requirements for concealed carry by peace officers; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3311, as last amended by Section 1, Chapter 428, O.S.L. 2004 (70 O.S. Supp. 2005, 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 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,

1 the Commissioner of Public Safety, the Board of Directors of the
2 Oklahoma Sheriffs and Peace Officers Association, the Oklahoma
3 Association of Police Chiefs, the Board of Directors of the Oklahoma
4 Sheriffs' Association, the Board of Directors of the Fraternal Order
5 of Police and the Governor. The Director selected by the Council
6 shall be an ex officio member of the Council and shall act as
7 Secretary. The Council on Law Enforcement Education and Training
8 shall select a chair and vice-chair from among its members. Members
9 of the Council on Law Enforcement Education and Training shall not
10 receive a salary for duties performed as members of the Council, but
11 shall be reimbursed for their actual and necessary expenses incurred
12 in the performance of Council duties pursuant to the provisions of
13 the State Travel Reimbursement Act.

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

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

20 2. Promulgate rules with respect to such matters as
21 certification, revocation, suspension, withdrawal and reinstatement
22 of certification, minimum courses of study, testing and test scores,
23 attendance requirements, equipment and facilities, minimum

1 qualifications for instructors, minimum standards for basic and
2 advanced in-service courses, and seminars for Oklahoma police and
3 peace officers;

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

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

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

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

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

19 8. Enter into contracts and agreements for the payment of
20 classroom space, food, and lodging expenses as may be necessary for
21 law enforcement officers attending any official course of
22 instruction approved or conducted by the Council. Such expenses may
23 be paid directly to the contracting agency or business

1 establishment. The food and lodging expenses for each law
2 enforcement officer shall not exceed the authorized rates as
3 provided for in the State Travel Reimbursement Act;

4 9. a. Certify canine teams, consisting of a dog and a
5 handler working together as a team, trained to detect:
6 (1) controlled dangerous substances, or
7 (2) explosives, explosive materials, explosive
8 devices, or materials which could be used to
9 construct an explosive device;

10 provided, the dog of a certified canine team shall not
11 be certified at any time as both a drug dog and a bomb
12 dog, and any dog of a certified canine team who has
13 been previously certified as either a drug dog or a
14 bomb dog shall not be eligible at any time to be
15 certified in the other category.

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

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

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

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

1 security guards, security guard agencies, private investigators, and
2 private investigative agencies; and

3 13. Promulgate rules to establish a state firearms re-
4 qualification standard for active peace officers and meet any
5 requirements of the federal Law Enforcement Officers Safety Act of
6 2004 for peace officers to carry concealed weapons nationwide.

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

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

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

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

- 13 a. the Oklahoma State Bureau of Investigation and the
14 Federal Bureau of Investigation have reported that
15 such person has no record of a conviction of a felony
16 or crime involving moral turpitude,
- 17 b. such person has undergone psychological evaluation
18 such as the Minnesota Multiphasic Personality
19 Inventory, the California Psychological Inventory
20 (CPI), or other psychological instrument approved by
21 the Council on Law Enforcement Education and Training.
22 The psychological instrument utilized shall be
23 evaluated by a psychologist licensed by the State of

1 Oklahoma, and the employing agency shall certify to
2 the Council that the evaluation was conducted in
3 accordance with this provision and that the
4 employee/applicant is suitable to serve as a peace
5 officer in the State of Oklahoma. Nothing herein
6 shall preclude a psychologist licensed in the state
7 from employing additional psychological techniques to
8 assist the employing agency's determination of the
9 employee/applicant's suitability to serve as a peace
10 officer in the State of Oklahoma. Any person found
11 not to be suitable for employment or certification by
12 the Council shall not be employed, retained in
13 employment as a peace officer, or certified by the
14 Council for at least one (1) year, at which time the
15 employee/applicant may be re-evaluated by a
16 psychologist licensed by the State of Oklahoma. This
17 section shall also be applicable to all reserve peace
18 officers in the State of Oklahoma. Any person who is
19 certified by CLEET and has undergone the psychological
20 evaluation required by this subparagraph and has been
21 found to be suitable as a peace officer shall not be
22 required to be reevaluated for any subsequent

1 employment as a peace officer following retirement or
2 any break in service as a peace officer,
3 c. such person possesses a high school diploma or a GED
4 equivalency certificate, provided this requirement
5 shall not affect those persons who are already
6 employed as a police or peace officer prior to
7 November 1, 1985,
8 d. such person is not participating in a deferred
9 sentence agreement for a felony or a crime involving
10 moral turpitude,
11 e. such person has attained twenty-one (21) years of age
12 prior to certification as a peace officer,
13 f. such person has provided proof of United States
14 citizenship or resident alien status, pursuant to an
15 employment eligibility verification form from the
16 United States Immigration and Naturalization Service,
17 and
18 g. the name, gender, date of birth, and address of such
19 person have been presented to the Department of Mental
20 Health and Substance Abuse Services by the Council.
21 The Department of Mental Health and Substance Abuse
22 Services shall respond to the Council within ten (10)
23 days whether the computerized records of the

1 Department indicate the applicant has ever been
2 involuntarily committed to an Oklahoma state mental
3 institution. In the event that the Department of
4 Mental Health and Substance Abuse Services reports to
5 the Council that the applicant has been involuntarily
6 committed, the Council shall immediately inform the
7 employing agency,
8 and the Council has determined that such person has satisfactorily
9 completed a basic police course of not less than one hundred sixty
10 (160) hours of accredited instruction for reserve police officers
11 and reserve deputies and not less than three hundred (300) hours for
12 full-time salaried police or peace officers from the Council or
13 curriculum or course of study approved by the Council; provided, the
14 Council may increase the number of hours for the completion of a
15 basic police course by requiring independent study. Beginning
16 January 1, 2003, the basic police course for full-time-salaried
17 police or peace officers shall be increased to not less than three
18 hundred two (302) hours. Subject to the availability of money,
19 beginning July 1, 2005, the basic police course for full-time-
20 salaried police or peace officers shall be increased to not less
21 than three hundred eighty (380) hours. Said training shall include
22 training in crime and drug prevention, crisis intervention, and
23 youth and family intervention techniques and recognizing,

1 investigating and preventing abuse and exploitation of elderly
2 persons.

3 3. Every person who has not been certified as a police or peace
4 officer and is duly appointed or elected as a police or peace
5 officer shall hold such position on a temporary basis only, and
6 shall, within one (1) year from the date of appointment or taking
7 office, qualify as required in this subsection or forfeit such
8 position; provided, however, effective November 1, 2004, every
9 person who has not been certified as a police or peace officer and
10 is duly appointed or elected as a police or peace officer shall hold
11 such position on a temporary basis only, and shall, within six (6)
12 months from the date of appointment or taking office, qualify as
13 required in this subsection or forfeit such position. In computing
14 the time for qualification, all service shall be cumulative from
15 date of first appointment or taking office as a police or peace
16 officer with any department in this state. The Council may extend
17 the time requirement specified in this paragraph for good cause as
18 determined by the Council. An elected police or peace officer shall
19 be eligible to enroll in a basic police course in accordance with
20 this subsection upon being elected. A duty is hereby imposed upon
21 the employing agency to withhold payment of the compensation or wage
22 of said unqualified officer. If the police or peace officer fails
23 to forfeit the position or the employing agency fails to require the

1 officer to forfeit the position, the district attorney shall file
2 the proper action to cause the forfeiting of such position. The
3 district court of the county where the officer is employed shall
4 have jurisdiction to hear the case.

5 4. The Council may certify officers who have completed a course
6 of study in another state deemed by the Council to meet standards
7 for Oklahoma peace officers providing the officer's certification in
8 the other state has not been revoked or voluntarily surrendered and
9 is not currently under suspension.

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

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

13 F. Every person employed as a police or peace officer in this
14 state shall be fingerprinted by the employing law enforcement
15 agency. One set of fingerprint impressions shall be mailed to the
16 Oklahoma State Bureau of Investigation and one set to the Federal
17 Bureau of Investigation, Washington, D.C. within ten (10) days from
18 the initial date of employment.

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

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

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

18 3. As used in this subsection, "employing agency" means a
19 political subdivision or law enforcement agency which either has
20 employed or received an employment application from a person who, if
21 employed, would be subject to this section.

22 H. 1. A law enforcement agency employing police or peace
23 officers in this state shall report the hiring, resignation, or

1 termination for any reason of a police or peace officer to the
2 Council at a time established by the Council. Failure to comply
3 with the provisions of this subsection may disqualify a law
4 enforcement agency from participating in training programs sponsored
5 by the Council.

6 2. A tribal law enforcement agency that has peace officers
7 commissioned by an Oklahoma law enforcement agency pursuant to a
8 cross-deputization agreement with the State of Oklahoma or any
9 political subdivision of the State of Oklahoma pursuant to the
10 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
11 shall report the commissioning, resignation, or termination of
12 commission for any reason of a cross-deputized tribal police or
13 peace officer to CLEET within ten (10) days of the commissioning,
14 resignation, or termination. Failure to comply with the provisions
15 of this subsection may disqualify a tribal law enforcement agency
16 from participating in training programs sponsored by the Council.

17 I. It is unlawful for any person to willfully make any
18 statement in an application to CLEET knowing the statement is false
19 or intentionally commit fraud in any application to the Council for
20 attendance in any CLEET-conducted or CLEET-approved peace officer
21 academy or Collegiate Officer Program or for the purpose of
22 obtaining peace officer certification or reinstatement. It is
23 unlawful for any person to willfully submit false or fraudulent

1 documents relating to continuing education rosters, transcripts or
2 certificates, or any canine license application. Any person
3 convicted of a violation of this subsection shall be guilty of a
4 felony punishable by imprisonment in the Department of Corrections
5 for a term of not less than two (2) years nor more than five (5)
6 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
7 or by both such fine and imprisonment.

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

- 12 a. conviction of a felony or a crime of domestic
13 violence,
14 b. conviction of a misdemeanor involving moral turpitude;
15 provided, if the conviction is a single isolated
16 incident that occurred more than five (5) years ago
17 and the Council is satisfied that the person has been
18 sufficiently rehabilitated, the Council may certify
19 such person providing that all other statutory
20 requirements have been met,
21 c. a verdict of guilt or entry of a plea of guilty or
22 nolo contendere for a deferred sentence for a felony

1 offense, a crime of moral turpitude, or a crime of
2 domestic violence,
3 d. falsification or a willful misrepresentation of
4 information in an employment application or
5 application to the Council on Law Enforcement
6 Education and Training, records of evidence, or in
7 testimony under oath,
8 e. revocation or voluntary surrender of police or peace
9 officer certification in another state for a violation
10 of any law or rule or in settlement of any
11 disciplinary action in such state, or
12 f. involuntary commitment of a police or peace officer in
13 a mental institution or licensed private mental health
14 facility for any mental illness, condition or disorder
15 that is diagnosed by a licensed physician or
16 psychologist as a substantial disorder of thought,
17 mood, perception, psychological orientation, or memory
18 that significantly impairs judgment, behavior,
19 capacity to recognize reality, or ability to meet the
20 ordinary demands of life. Provided, the peace officer
21 certification may be reinstated upon the Council
22 receiving notification of a psychological evaluation
23 conducted by a licensed physician or psychologist

1 which attests and states by affidavit that the officer
2 and the evaluation test data of the officer have been
3 examined and that, in the professional opinion of the
4 physician or psychologist, the officer is
5 psychologically suitable to return to duty as a peace
6 officer.

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

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

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

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

22 4. When the investigation of a complaint does not find the
23 person has violated any of the provisions of this subsection, or

1 finds that the person is sufficiently rehabilitated as provided in
2 subparagraph b or f of paragraph 1 of this subsection, no
3 disciplinary action shall be required and the person shall remain
4 certified as a police or peace officer. When the investigation of a
5 complaint finds that the person has violated any of the provisions
6 of this subsection, the matter shall be referred for disciplinary
7 proceedings. The disciplinary proceedings shall be in accordance
8 with Articles I and II of the Administrative Procedures Act.

9 5. The Council shall revoke the certification of any person
10 upon determining that such person has been convicted of a felony or
11 a crime involving moral turpitude or a domestic violence offense;
12 provided, that if the conviction has been reversed, vacated or
13 otherwise invalidated by an appellate court, such conviction shall
14 not be the basis for revocation of certification; provided further,
15 that any person who has been trained and certified by the Council on
16 Law Enforcement Education and Training and is actively employed as a
17 full-time peace officer as of November 1, 1985, shall not be subject
18 to the provisions of this subsection for convictions occurring prior
19 to November 1, 1985. The sole issue to be determined at the hearing
20 shall be whether the person has been convicted of a felony, a crime
21 involving moral turpitude or a domestic violence offense.

22 6. The Council shall revoke the certification of any person
23 upon determining that such person has received a deferred sentence

1 for a felony, a crime involving moral turpitude or a domestic
2 violence offense.

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

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

14 9. a. A police or peace officer may voluntarily surrender
15 and relinquish the peace officer certification to
16 CLEET. Pursuant to such surrender or relinquishment,
17 the person surrendering the certification shall be
18 prohibited from applying to CLEET for reinstatement
19 within five (5) years of the date of the surrender or
20 relinquishment, unless otherwise provided by law for
21 reinstatement.

22 b. No person who has had a police or peace officer
23 certification from another state revoked or

1 voluntarily surrendered shall be considered for
2 certification by CLEET within five (5) years of the
3 effective date of any such revocation or voluntary
4 surrender of certification.

5 c. Any person seeking reinstatement of police or peace
6 officer certification which has been suspended,
7 revoked, or voluntarily surrendered may apply for
8 reinstatement pursuant to promulgated CLEET rules
9 governing reinstatement.

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

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

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

11 2. The Council shall appoint a Drug Dog Advisory Council to
12 make recommendations concerning minimum standards, educational
13 needs, and other matters imperative to the certification of canines
14 and canine teams trained to detect controlled dangerous substances.
15 The Council shall promulgate rules based upon the recommendations of
16 the Advisory Council. Members of the Advisory Council shall
17 include, but need not be limited to, a commissioned officer with
18 practical knowledge of such canines and canine teams from each of
19 the following:

- 20 a. the Oklahoma State Bureau of Narcotics and Dangerous
21 Drugs Control,
- 22 b. the Department of Public Safety,
- 23 c. a police department,

1 d. a sheriff's office, and
2 e. a university or college campus police department.

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

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

22 2. The Council shall appoint a Bomb Dog Advisory Council to
23 make recommendations concerning minimum standards, educational

1 needs, and other matters imperative to the certification of canines
2 and canine teams trained to detect explosives, explosive materials,
3 explosive devices and materials which could be used to construct an
4 explosive device. The Council shall promulgate rules based upon the
5 recommendations of the Advisory Council. Members of the Advisory
6 Council shall include, but need not be limited to, a commissioned
7 officer with practical knowledge of such canines and canine teams
8 from each of the following:

- 9 a. the Department of Public Safety,
- 10 b. a police department,
- 11 c. a sheriff's office, and
- 12 d. a university or college campus police department.

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

21 M. All tribal police officers of any Indian tribe or nation who
22 have been commissioned by an Oklahoma law enforcement agency
23 pursuant to a cross-deputization agreement with the State of

1 Oklahoma or any political subdivision of the State of Oklahoma
2 pursuant to the provisions of Section 1221 of Title 74 of the
3 Oklahoma Statutes shall be eligible for peace officer certification
4 under the same terms and conditions required of members of the law
5 enforcement agencies of the State of Oklahoma and its political
6 subdivisions, except that a fee of Three Dollars and sixteen cents
7 (\$3.16) per hour of training shall be charged for all basic police
8 course training provided pursuant to this subsection. Such fees
9 shall be deposited to the credit of the C.L.E.E.T. Fund created
10 pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.
11 CLEET shall issue peace officer certification to tribal police
12 officers who, as of July 1, 2003, are commissioned by an Oklahoma
13 law enforcement agency pursuant to a cross-deputization agreement
14 with the State of Oklahoma or any political subdivision of the State
15 of Oklahoma pursuant to the provisions of Section 1221 of Title 74
16 of the Oklahoma Statutes and have met the training and qualification
17 requirements of this section.

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

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

3 SECTION 2. This act shall become effective July 1, 2006.

4 SECTION 3. It being immediately necessary for the preservation
5 of the public peace, health and safety, an emergency is hereby
6 declared to exist, by reason whereof this act shall take effect and
7 be in full force from and after its passage and approval.

8 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY AND HOMELAND
9 SECURITY, dated 2-27-06 - DO PASS, As Coauthored.