

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2640

By: Morrissette

AS INTRODUCED

An Act relating to public safety; creating the Oklahoma Officer Protection Act; defining terms; providing for the installation of certain equipment in law enforcement units; providing guidelines and procedures for use of equipment; providing for development of software and hardware; providing for the funding of guardian system; creating revolving fund; stating uses for fund; requiring certain reports; establishing Guardian System Advisory Panel; stating membership; stating duties; providing for the exemption of certain persons; providing penalties for noncompliance; providing for codification; providing for noncodification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

Sections 1 through 4 of this act shall be known and may be cited as the "Oklahoma Officer Protection Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1611 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. As used in this act:

1. "Peace officer" means 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 within this state; provided, a peace officer does not include persons certified by the Council on Law Enforcement Education and Training who are not

commissioned by any law enforcement agency of this state or any of its municipalities;

2. "Law enforcement unit" means any land or airborne vehicle, including water craft, utilized primarily for the purpose of enforcing the law of the State of Oklahoma and any municipal codes;

3. "Guardian system" means a device permanently installed in a law enforcement unit or water craft that digitally records audio and visual images during the performance of his or her duties as a peace officer. A guardian system shall include, but not be limited to, dash cameras, wireless microphones, and video devices worn by peace officers during the performance of his or her duties, which operate independently on a continuous basis in the law enforcement unit and from the personal body camera of the peace officer;

4. "Performance of his or her duties" means a peace officer, in a law enforcement unit equipped with the guardian system, whose duties are to enforce the laws of the state or any municipal code and shall not include any peace officer who is being compensated for his or her services by a private entity;

5. "Undercover peace officer" means any peace officer who is acting in a covert capacity which requires the peace officer to conceal his or her official status, the exposure of which would place the peace officer at risk of danger or personal jeopardy during the investigation; provided, the undercover status shall be approved by the immediate supervisor of the peace officer; and

6. "Confidential informant" means any person, other than a peace officer, acting under the direction or supervision of a peace officer and who has been officially designated as a confidential informant pursuant to the rules and regulations of the law enforcement agency that he or she is assisting.

B. Every law enforcement unit operated by any state agency, county government or municipality within this state shall be equipped with a guardian system digital, wireless audio and video

recorder. The guardian system shall be installed in such a manner that the system may not be removed from the law enforcement unit, tampered with or molested by any person. The guardian system shall operate continuously and record audio and visual images from the dash camera and the audio and video device worn by the peace officer. Every law enforcement unit operated by any state agency, county government or municipality within this state shall be equipped with a dash camera. Every peace officer shall have a personal body camera for use during the performance of his or her duties. The dash camera and personal body camera shall be paid for by funds from the Officer Protection Revolving Fund, as established in Section 3 of this act. The equipment shall be installed and maintained from funds derived from the Officer Protection Revolving Fund. The digital audio and video images shall be downloaded to the Council on Law Enforcement Education and Training (CLEET) master archives at the end of each twenty-four-hour period by a designated and qualified individual. The information, as downloaded, shall be maintained by the CLEET master archival unit for a period of not less than one (1) year.

C. Every peace officer shall be issued a personal wireless audio and video body camera utilizing microtechnology that does not hinder the peace officer in the performance of his or her duties. The personal body camera shall be continuous in its operation while the peace officer is in the performance of his or her duties and shall be worn in such a manner that all audio and video images of his or her contact with any person is digitally recorded. The peace officer shall at all times attempt to position the law enforcement unit within the allowable range for transmission and receipt of all audio and video images.

D. CLEET and the advisory panel of CLEET shall work with computer software and hardware manufacturers in order to develop a

split-screen digital recording of both audio and visual images from the dash camera and the personal body camera.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1612 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The guardian system shall be funded as follows:

1. Any citation issued by a peace officer for a violation of any state law or municipal ordinance that results in the payment of court costs shall include a fee of One Dollar (\$1.00);

2. Any parking violation issued by any peace officer that results in the payment of court costs shall include a fee of One Dollar (\$1.00);

3. Any misdemeanor conviction that is filed of record in any county within the state that results in the payment of court costs shall include a fee of Five Dollars (\$5.00); and

4. Any felony conviction that is filed of record in any county within the state that results in the payment of court costs shall include a fee of Ten Dollars (\$10.00).

B. Each governmental entity that collects the fee, as provided for in subsection A of this section, shall forward said funds to the State Treasurer of the State of Oklahoma for the Officer Protection Revolving Fund no later than the last day of each month. The governmental entity shall forward a copy of said check or voucher along with a list of the citations or criminal case numbers to the State Auditor and Inspector and administrator of the Council on Law Enforcement Education and Training.

C. There is hereby created in the State Treasury a revolving fund for the Council on Law Enforcement Education and Training to be designated the "Officer Protection Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of monies received pursuant to the provisions of this act. All monies accruing to the credit of the fund are hereby

appropriated and may be budgeted and expended by the Council on Law Enforcement Education and Training for implementing, financing, upgrading, and maintaining the guardian system, as well as training peace officers on the use of the guardian system. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1613 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, the Council on Law Enforcement Education and Training (CLEET) shall be responsible for drafting and executing a plan of implementation for the guardian system, as well as the training, financing, staffing, contracting, and maintaining the guardian system.

B. Within ninety (90) days from the effective date of this act, CLEET shall establish a Guardian System Advisory Panel. Panel members shall serve without compensation but shall be entitled to travel expenses according to the provisions of the State Travel Reimbursement Act. The panel shall consist of eleven (11) members as follows:

1. One member shall be the Attorney General, or a designee;
2. One member shall be the Commissioner of Public Safety, or a designee;
3. One member shall be the Director of the Oklahoma State Bureau of Investigation, or a designee;
4. One member shall be Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, or a designee;
5. One member shall be a representative of the Fraternal Order of Police;
6. One member shall be the Director of the Oklahoma Association of Chiefs of Police, or a designee;

7. One member shall be the Director of the Oklahoma Sheriffs' Association, or a designee;

8. One member shall be the State Treasurer of the Office of the State Treasurer, or a designee;

9. One member shall be the Administrator of the Oklahoma Tax Commission, or a designee;

10. One member shall be a representative of the Oklahoma Municipal League; and

11. One member shall be the Administrative Director of the Courts, or a designee.

C. Each member of the Guardian System Advisory Panel shall be appointed for a term of five (5) years. The terms of all members shall continue until their successors shall have been duly appointed. If a vacancy occurs, the designated appointing official shall name a replacement for the remaining portion of the unexpired term created by the vacancy.

D. The Guardian System Advisory Panel shall have the authority and the duty to provide recommendations of policies and procedures to implement the guardian system including, but not limited to:

1. The scope of the program;
2. Implementation of the program;
3. Rules and regulations concerning the program;
4. Financing, payment, and maintenance of the program;
5. Technology, software, hardware, storage of digital information;

6. Maintenance and time limitations on the storage of digital information; and

7. Training of peace officers and other law enforcement support personnel on the utilization, operation, and maintenance of equipment related to the program.

E. The provisions of this act shall not apply to the following:

1. Peace officers acting in an undercover capacity;

2. Confidential informants; and

3. Management or supervisory personnel of peace officers who are not in a law enforcement unit and not engaged in the performance of his or her official duties as a peace officer.

F. Any peace officer, while in a law enforcement unit and in the performance of his or her duties, who does not adhere to the policies, procedures, rules or regulations as provided by CLEET shall be disciplined by his or her employer as follows:

1. For the first act of noncompliance, a letter of reprimand and warning of sanctions of future violations shall be placed in the personnel file of the peace officer;

2. For a second act of noncompliance, a ten-day suspension without pay;

3. For a third act of noncompliance, a thirty-day suspension without pay; and

4. For a fourth act of noncompliance, the revocation of the certification of the peace officer for a period of not less than one (1) year.

G. Any state, county, or municipality that is responsible for the operation of law enforcement within its jurisdiction and that has oversight of the guardian system, who fails to enforce or report any violations as provided in subsection F of this section, shall be assessed an administrative fine of Five Thousand Dollars (\$5,000.00) payable to the Officer Protection Revolving Fund. All rights of notice, hearing, and appeals shall comply with the provisions of the Oklahoma Administrative Procedures Act.

SECTION 5. This act shall become effective November 1, 2006.

50-2-8593 GRS 01/17/05