

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 3073

By: Lamons

AS INTRODUCED

An Act relating to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control and the Oklahoma State Bureau of Investigation; abolishing the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission and transferring duties to the Oklahoma State Bureau of Investigation Commission; amending 74 O.S. 2001, Section 150.3, as last amended by Section 7, Chapter 229, O.S.L. 2003 (74 O.S. Supp. 2005, Section 150.3), which relates to the Oklahoma State Bureau of Investigation Commission; expanding duties; repealing 63 O.S. 2001, Section 2-104.1, as last amended by Section 4, Chapter 229, O.S.L. 2003 (63 O.S. Supp. 2005, Section 2-104.1), which relates to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission; providing for codification; 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 to be codified in the Oklahoma Statutes as Section 2-104.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission is hereby abolished. All duties and powers of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission shall be assumed and be performed by the Oklahoma State Bureau of Investigation Commission.

B. Any reference in the Oklahoma Statutes to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control Commission shall be deemed to be a reference to the Oklahoma State Bureau of Investigation Commission.

SECTION 2. AMENDATORY 74 O.S. 2001, Section 150.3, as last amended by Section 7, Chapter 229, O.S.L. 2003 (74 O.S. Supp. 2005, Section 150.3), is amended to read as follows:

Section 150.3 A. There is hereby created an Oklahoma State Bureau of Investigation Commission which shall consist of seven (7) members, not more than two of whom shall be from the same congressional district. When congressional districts are redrawn, each member appointed prior to July 1 of the year in which such modification becomes effective shall complete the current term of office and appointments made after July 1 of the year in which such modification becomes effective shall be based on the redrawn districts. No appointments may be made after July 1 of the year in which such modification becomes effective if such appointment would result in more than two members serving from the same modified district. The members shall be appointed by the Governor and confirmed by the Senate and shall be removable only for cause, as provided by law for the removal of officers not subject to impeachment. The term of office of each member shall be seven (7) years. The first appointments shall be for the following terms as designated by the Governor: one member for a term of one (1) year; one member for a term of two (2) years; one member for a term of three (3) years; one member for a term of four (4) years; one member for a term of five (5) years; one member for a term of six (6) years; and one member for a term of seven (7) years. A member may serve more than one term on the Commission. Each member shall continue to serve so long as the member is qualified until a successor has been appointed and confirmed by the Senate. Vacancies occurring during a term shall be filled for the unexpired portion of the term by the same procedure used to make the regular appointments.

B. Four of the members shall represent the lay citizenry, one member shall be a district attorney while serving in that capacity,

one member shall be a sheriff while serving in that capacity, and one member shall be a chief of police while serving in that capacity; provided that the sheriff and police chief members shall have successfully completed an approved course of instruction for peace officers as required by law.

C. Annually the Commission shall select one of the Commission members to serve as chair and one member to serve as vice-chair. The Commission shall meet at least quarterly. The chair shall preside at all meetings of the Commission and shall have the power to call meetings of the Commission. In addition, meetings of the Commission may be called by a majority of the members. The vice-chair shall perform these functions in the absence or incapacity of the chair. A quorum of four members of the Commission shall be necessary to conduct any official business. All actions taken by the Commission shall be by a simple majority vote of a quorum. In the event of a tie vote, the measure being voted upon shall be deemed to have failed.

The Commission shall adopt rules of procedure for the orderly performance of its functions.

D. In addition to other duties provided by law the Commission shall have the following powers, duties and responsibilities relating to the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control:

1. To appoint the Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, whose compensation shall be determined by the Legislature;

2. To hear any complaint against the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control or any of its employees according to the following procedure:

a. only those complaints which have been submitted in writing and are signed will be acted upon by the Commission,

- b. all hearings on complaints shall be conducted in executive sessions, and shall not be open to the public, and
- c. the Commission shall have limited access to pertinent investigative files when investigating a complaint. The Director of the Bureau of Narcotics and Dangerous Drugs Control shall provide a procedure whereby the identification of all persons named in any investigative file except the subject of the complaint and the complaining witness shall not be revealed to the members of the Commission. Any consideration of files shall be in executive session not open to the public. No information or evidence received in connection with the hearings shall be revealed to any person or agency. Any violation hereof shall be grounds for removal from the Commission, and shall constitute a misdemeanor;

3. To make recommendations to the Director of the Bureau of Narcotics and Dangerous Drugs Control of any needed disciplinary action necessary as a result of an investigation conducted upon a complaint received;

4. To establish general procedures with regard to assisting law enforcement officers and district attorneys; and

5. To establish a program of training for agents utilizing such courses as the National Police Academy conducted by the Federal Bureau of Investigation.

E. Members of the Commission shall serve without salary but may be reimbursed for travel and other expenses in attending meetings and performing their duties in the manner provided for other state officers and employees under the State Travel Reimbursement Act. The lay-citizen members shall be paid Thirty Dollars (\$30.00) per diem for attendance at meetings of the Commission. No other

provisions of law shall be construed as prohibiting public officers from also serving as members of the Commission, nor shall any other provisions of law be construed as prohibiting public officers or public employees from performing services for the Commission without compensation. It is further provided that no town, city, county or other subdivision or other agency of state government shall be prohibited from receiving a grant or from benefiting from grants or expenditures of the Commission for the reason that an officer or employee of such town, city, county or other subdivision or agency of state government is a Commission member or employee.

SECTION 3. REPEALER 63 O.S. 2001, Section 2-104.1, as last amended by Section 4, Chapter 229, O.S.L. 2003 (63 O.S. Supp. 2005, Section 2-104.1), is hereby repealed.

SECTION 4. This act shall become effective January 1, 2007.

50-2-8089 SD 01/19/06