

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1567 By: Branam of the Senate
3 and
4 Joyner of the House
5
6

7 An Act relating to public safety; amending 11 O.S.
2001, Section 34-102, as amended by Section 1,
8 Chapter 33, O.S.L. 2006 (11 O.S. Supp. 2007, Section
34-102), which relates to chiefs of police; requiring
9 police chiefs to complete certain training; requiring
police chiefs without certain qualifications to be
10 removed from office; suspending certain prior
certification of police chiefs without certain
11 qualifications; providing conditions for suspension
to be lifted; directing the Council on Law
12 Enforcement Education and Training to establish
criteria for certain training; directing the Oklahoma
13 Association of Chiefs of Police to submit certain
school for Council approval; requiring certain
14 agreement between the Association and the Council;
providing exception from certain qualification for
15 police chiefs who served on or before certain date;
requiring police chiefs to have maintained certain
16 full-time employment; and providing an effective
date.

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19 AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert
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21 "An Act relating to public safety; amending 11 O.S.
2001, Sections 34-102, as amended by Section 1,
22 Chapter 33, O.S.L. 2006 and 34-103, as amended by
Section 1, Chapter 62, O.S.L. 2007 (11 O.S. Supp.
23 2007, Sections 34-102 and 34-103), which relate to
chiefs of police; requiring police chiefs to
24 complete certain training; requiring police chiefs

1 without certain qualifications to be removed from
2 office; suspending certain prior certification of
3 police chiefs without certain qualifications;
4 providing conditions for suspension to be lifted;
5 directing the Council on Law Enforcement Education
6 and Training to establish criteria for certain
7 training; directing the Oklahoma Association of
8 Chiefs of Police to submit certain school for
9 Council approval; requiring certain agreement
10 between the Association and the Council; providing
11 exception from certain qualification for police
12 chiefs who served on or before certain date;
13 requiring police chiefs to have maintained certain
14 full-time employment; allowing municipalities to
15 permit members of police departments to exercise
16 certain authority; amending 21 O.S. 2001, Section
17 99a, which relates to authority of peace officers;
18 modifying certain circumstances for a peace officer
19 to enforce criminal laws; and providing an effective
20 date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-102, as amended by Section 1, Chapter 33, O.S.L. 2006 (11 O.S. Supp. 2007, 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. 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;

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

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

9 ~~5. Have~~ C. Any person appointed to the position of chief of
10 police must successfully ~~completed~~ complete a course of training
11 meeting at least the minimal criteria established by the Council on
12 Law Enforcement Education and Training (CLEET) for a police chief
13 administration, ~~successfully completed an approved police chief~~
14 ~~administrative school approved by the Council, or successfully~~
15 ~~complete such course of training or school~~ within twelve (12) months
16 of assuming the position of chief of police.

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

23 2. Any person assuming the position of chief of police ~~without~~
24 ~~prior~~ who has obtained CLEET certification ~~who fails to complete an~~

1 ~~approved course of training or police chief administration school~~
2 ~~within the time required shall be precluded from obtaining CLEET~~
3 ~~certification while in such position~~ as a peace officer in this
4 state at any time prior to meeting the qualifications of subsection
5 C of this section, and who fails to meet such qualifications within
6 the time required, shall be subject to a suspension of CLEET
7 certification as a peace officer until such time as the person is
8 removed from the position of chief of police or the person completes
9 an approved police chief administration school.

10 ~~D.~~ E. The Council on Law Enforcement Education and Training
11 (CLEET) shall establish minimal criteria for the ~~qualifications of~~
12 ~~paragraph 5 of~~ training required by subsection B C of this section
13 relating to ~~a course of training and~~ police chief administration
14 schools and approve all training offered in this state relating to
15 police chief administration. The Oklahoma Association of Chiefs of
16 Police in consultation and cooperation with the Council is directed
17 to develop and submit to the Council for approval a Police Chief
18 Administrative School consisting of training courses that meet at
19 least the minimal criteria ~~established~~ agreed upon by the
20 Association and the Council.

21 ~~E.~~ F. The provisions of ~~this act~~ subsection C of this section
22 relating to qualifications for a chief of police shall not apply to
23 any person who ~~has~~ assumed the position of chief of police ~~and is~~
24 ~~currently serving as the chief of police of a municipality on or~~

1 ~~before the effective date of this act~~ of the police department of
2 any Oklahoma municipality and who served in such capacity on or
3 before November 1, 2006; provided, such person has not had more than
4 five (5) consecutive years since that date during which he or she
5 was not employed as a full-time peace officer in this state.

6 SECTION 2. AMENDATORY 11 O.S. 2001, Section 34-103, as
7 amended by Section 1, Chapter 62, O.S.L. 2007 (11 O.S. Supp. 2007,
8 Section 34-103), is amended to read as follows:

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

20 B. Commissioned police officers of the regular police
21 department of any municipality, upon request of a county sheriff or
22 a designee, or upon request by a commissioned law enforcement
23 officer of the Oklahoma Highway Patrol, may serve as law enforcement
24 officers for the sheriff's office or the Oklahoma Highway Patrol,

1 respectively, if such service has been authorized by prior
2 resolution by the governing body of the municipality where such
3 officers are regularly employed. While so serving, such police
4 officers shall have the same powers and duties as though employed by
5 the requesting law enforcement agency and when so acting they shall
6 be deemed to be acting within the scope of employment of the
7 requesting law enforcement agency; except that salaries, insurance
8 and other benefits shall be provided in their regular manner by the
9 municipality in which the police officers are regularly employed.

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

19 D. The governing body of a municipality may, by resolution,
20 authorize the chief executive officer of the municipality to respond
21 to any request from any other jurisdiction within the state for law
22 enforcement assistance in cases of emergency. The police officers
23 of the municipality serving in response to the emergency request
24 shall have the same powers and duties as though employed by the

1 requesting law enforcement agency and when so acting they shall be
2 deemed to be acting within the scope of employment of the requesting
3 law enforcement agency; provided, however, that salaries, insurance
4 and other benefits shall be provided in the regular manner by the
5 municipality in which the police officers are regularly employed.

6 As used in this section, "emergency" means a sudden and
7 unforeseeable occurrence or condition either as to its onset or its
8 extent of such severity or magnitude that immediate response or
9 action is necessary to assist law enforcement agencies having
10 jurisdiction at the scene of the emergency to carry out their
11 functions.

12 E. The governing body of a municipality may, by resolution,
13 authorize members of its regular police department to exercise the
14 authority provided by Section 99a of Title 21 of the Oklahoma
15 Statutes and may adopt policies and procedures for such exercise.

16 SECTION 3. AMENDATORY 21 O.S. 2001, Section 99a, is
17 amended to read as follows:

18 Section 99a. A. Subject to ~~subparagraph~~ subsection C of this
19 section in addition to any other powers vested by law, a peace
20 officer of the State of Oklahoma as used in this section may enforce
21 the criminal laws of this state throughout the territorial bounds of
22 this state, under the following circumstances:

23 1. In response to an emergency involving an immediate threat to
24 human life or property;

1 2. Upon the prior consent of the head of a state law
2 enforcement agency, the sheriff or the chief of police in whose
3 investigatory or territorial jurisdiction the exercise of the powers
4 occurs;

5 3. In response to a request for assistance pursuant to a mutual
6 law enforcement assistance agreement with the agency of
7 investigatory or territorial jurisdiction;

8 4. In response to the request for assistance by a peace officer
9 with investigatory or territorial jurisdiction; ~~or~~

10 5. While the officer is transporting a prisoner; or

11 6. When participating in an investigation of criminal activity
12 which originated within the jurisdiction of the employing agency of
13 the peace officer. Prior to taking action in a jurisdiction outside
14 of the jurisdiction of the employing agency of the peace officer,
15 the peace officer shall notify and receive approval from the local
16 law enforcement authority for the other jurisdiction.

17 B. While serving as peace officers of the State of Oklahoma and
18 rendering assistance under the circumstances enumerated above, peace
19 officers shall have the same powers and duties as though employed by
20 and shall be deemed to be acting within the scope of authority of
21 the law enforcement agency in whose or under whose investigatory or
22 territorial jurisdiction they are serving. Salaries, insurance and
23 other benefits shall not be the responsibility of a law enforcement
24 agency that is not the employing agency for the officer.

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C. A municipal peace officer may exercise authority provided by this section only if the officer acts pursuant to policies and procedures adopted by the municipal governing body.

SECTION 4. This act shall become effective November 1, 2008."

Passed the House of Representatives the 14th day of April, 2008.

Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2008.

Presiding Officer of the Senate