

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 1567

By: Branam of the Senate

and

Joyner of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public safety; amending 11 O.S.
11 2001, Sections 34-102, as amended by Section 1,
12 Chapter 33, O.S.L. 2006 and 34-103, as amended by
13 Section 1, Chapter 62, O.S.L. 2007 (11 O.S. Supp.
14 2007, Sections 34-102 and 34-103), which relate to
15 chiefs of police; requiring police chiefs to complete
16 certain training; requiring police chiefs without
17 certain qualifications to be removed from office;
18 suspending certain prior certification of police
19 chiefs without certain qualifications; providing
20 conditions for suspension to be lifted; directing the
21 Council on Law Enforcement Education and Training to
22 establish criteria for certain training; directing
23 the Oklahoma Association of Chiefs of Police to
24 submit certain school for Council approval; requiring
certain agreement between the Association and the
Council; providing exception from certain
qualification for police chiefs who served on or
before certain date; requiring police chiefs to have
maintained certain full-time employment; allowing
municipalities to permit members of police
departments to exercise certain authority; amending
21 O.S. 2001, Section 99a, which relates to authority
of peace officers; modifying certain circumstances
for a peace officer to enforce criminal laws; and
providing an effective date.

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

2 SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-102, as
3 amended by Section 1, Chapter 33, O.S.L. 2006 (11 O.S. Supp. 2007,
4 Section 34-102), is amended to read as follows:

5 Section 34-102. A. The chief of police of a municipality shall
6 be a peace officer and shall enforce the municipal ordinances. The
7 chief of police of a municipality shall have such other powers,
8 duties and functions as may be prescribed by law or ordinance.

9 B. Any person elected or appointed to the position of chief of
10 police of a municipality shall meet the following qualifications:

11 1. Be at least twenty-one (21) years of age;

12 2. Be a citizen of the United States;

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

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

21 ~~5. Have~~ C. Any person elected or appointed to the position of
22 chief of police must successfully ~~completed~~ complete a course of
23 training meeting at least the minimal criteria established by the
24 Council on Law Enforcement Education and Training (CLEET) for a

1 police chief administration, ~~successfully completed an approved~~
2 ~~police chief administrative school approved by the Council, or~~
3 ~~successfully complete such course of training or school within~~
4 twelve (12) months of assuming the position of chief of police.

5 ~~C.~~ D. 1. Any person who does not meet the qualifications of
6 paragraph 4 ~~or 5~~ of subsection B of this section or of subsection C
7 of this section at the time of election or appointment to the
8 position of chief of police and who fails after assuming the
9 position of chief of police to meet such qualifications within the
10 time required shall be removed from the position.

11 2. Any person assuming the position of chief of police ~~without~~
12 ~~prior~~ who has obtained CLEET certification ~~who fails to complete an~~
13 ~~approved course of training or police chief administration school~~
14 ~~within the time required shall be precluded from obtaining CLEET~~
15 ~~certification while in such position as a peace officer in this~~
16 state at any time prior to meeting the qualifications of subsection
17 C of this section, and who fails to meet such qualifications within
18 the time required, shall be subject to a suspension of CLEET
19 certification as a peace officer until such time as the person is
20 removed from the position of chief of police or the person completes
21 an approved police chief administration school.

22 ~~D.~~ E. The Council on Law Enforcement Education and Training
23 (CLEET) shall establish minimal criteria for the ~~qualifications of~~
24 ~~paragraph 5 of~~ training required by subsection B C of this section

1 relating to ~~a course of training and~~ police chief administration
2 schools and approve all training offered in this state relating to
3 police chief administration. The Oklahoma Association of Chiefs of
4 Police in consultation and cooperation with the Council is directed
5 to develop and submit to the Council for approval a Police Chief
6 Administrative School consisting of training courses that meet at
7 least the minimal criteria ~~established~~ agreed upon by the
8 Association and the Council.

9 ~~E. F.~~ The provisions of ~~this act~~ subsection C of this section
10 relating to qualifications for a chief of police shall not apply to
11 any person who ~~has~~ assumed the position of chief of police ~~and is~~
12 ~~currently serving as the chief of police of a municipality on or~~
13 ~~before the effective date of this act~~ of the police department of
14 any Oklahoma municipality and who served in such capacity on or
15 before November 1, 2006; provided, such person has not had more than
16 five (5) consecutive years since that date during which he or she
17 was not employed as a full-time peace officer in this state.

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

21 Section 34-103. A. Commissioned police officers of the regular
22 police department of any municipality, upon request of the mayor or
23 a designee, or chief of police or a designee, of any other
24 municipality, may serve as police officers in the municipality

1 requesting their assistance upon approval of the governing body of
2 the municipality where such officers are regularly employed. While
3 so serving in another municipality, such police officers shall have
4 the same powers and duties as though employed by the municipality
5 where such duties are performed; except that salaries, insurance and
6 other benefits shall be provided in their regular manner by the
7 municipality in which the police officers are regularly employed.

8 B. Commissioned police officers of the regular police
9 department of any municipality, upon request of a county sheriff or
10 a designee, or upon request by a commissioned law enforcement
11 officer of the Oklahoma Highway Patrol, may serve as law enforcement
12 officers for the sheriff's office or the Oklahoma Highway Patrol,
13 respectively, if such service has been authorized by prior
14 resolution by the governing body of the municipality where such
15 officers are regularly employed. While so serving, such police
16 officers shall have the same powers and duties as though employed by
17 the requesting law enforcement agency and when so acting they shall
18 be deemed to be acting within the scope of employment of the
19 requesting law enforcement agency; except that salaries, insurance
20 and other benefits shall be provided in their regular manner by the
21 municipality in which the police officers are regularly employed.

22 C. Commissioned police officers of the regular police
23 department of any municipality may be deputized by the county
24 sheriff or a designee subject to an interlocal governmental

1 agreement to combine city and county law enforcement efforts and to
2 encourage cooperation between city and county law enforcement
3 officials. Liability for the conduct of any municipal police
4 officers deputized under the terms and conditions of an interlocal
5 governmental agreement shall remain the responsibility of their
6 municipal employer.

7 D. The governing body of a municipality may, by resolution,
8 authorize the chief executive officer of the municipality to respond
9 to any request from any other jurisdiction within the state for law
10 enforcement assistance in cases of emergency. The police officers
11 of the municipality serving in response to the emergency request
12 shall have the same powers and duties as though employed by the
13 requesting law enforcement agency and when so acting they shall be
14 deemed to be acting within the scope of employment of the requesting
15 law enforcement agency; provided, however, that salaries, insurance
16 and other benefits shall be provided in the regular manner by the
17 municipality in which the police officers are regularly employed.

18 As used in this section, "emergency" means a sudden and
19 unforeseeable occurrence or condition either as to its onset or its
20 extent of such severity or magnitude that immediate response or
21 action is necessary to assist law enforcement agencies having
22 jurisdiction at the scene of the emergency to carry out their
23 functions.

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

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

7 Section 99a. Subject to ~~subparagraph~~ subsection C of this
8 section in addition to any other powers vested by law, a peace
9 officer of the State of Oklahoma as used in this section may enforce
10 the criminal laws of this state throughout the territorial bounds of
11 this state, under the following circumstances:

12 1. In response to an emergency involving an immediate threat to
13 human life or property;

14 2. Upon the prior consent of the head of a state law
15 enforcement agency, the sheriff or the chief of police in whose
16 investigatory or territorial jurisdiction the exercise of the powers
17 occurs;

18 3. In response to a request for assistance pursuant to a mutual
19 law enforcement assistance agreement with the agency of
20 investigatory or territorial jurisdiction;

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

23 5. While the officer is transporting a prisoner; or
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1 6. When participating in an investigation of criminal activity
2 which originated within the jurisdiction of the employing agency of
3 the peace officer. Prior to taking action in a jurisdiction outside
4 of the jurisdiction of the employing agency of the peace officer,
5 the peace officer shall notify and receive approval from the local
6 law enforcement authority for the other jurisdiction.

7 B. While serving as peace officers of the State of Oklahoma and
8 rendering assistance under the circumstances enumerated above, peace
9 officers shall have the same powers and duties as though employed by
10 and shall be deemed to be acting within the scope of authority of
11 the law enforcement agency in whose or under whose investigatory or
12 territorial jurisdiction they are serving. Salaries, insurance and
13 other benefits shall not be the responsibility of a law enforcement
14 agency that is not the employing agency for the officer.

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

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

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