

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 920

By: Corn and Barrington of the
Senate

6 And

7 Duncan, Sullivan, Shannon
8 and Martin (Scott) of the
9 House

10 CONFERENCE COMMITTEE SUBSTITUTE

11 An Act relating to the Council on Law Enforcement
12 Education and Training; amending 59 O.S. 2001,
13 Section 1750.2, as amended by Section 1, Chapter 155,
14 O.S.L. 2005 (59 O.S. Supp. 2006, Section 1750.2),
15 which relates to definitions; adding certain
16 exemption for peace officer; amending 59 O.S. 2001,
17 Sections 1750.3 and 1750.5, as amended by Sections 2
18 and 4, Chapter 155, O.S.L. 2005, 1750.6, as last
19 amended by Section 1, Chapter 151, O.S.L. 2004 and
20 1750.10B (59 O.S. Supp. 2006, Sections 1750.3, 1750.5
21 and 1750.6), which relate to the Oklahoma Security
22 Guard and Private Investigator Act; modifying
23 requirements for mandatory continuing education
24 program; authorizing issuance of armed private
investigator license and adding requirements
therefore; providing for refund of portion of license
fee if individual or agency does not qualify for the
license requested; providing for refund of portion of
fee if private school does not qualify for a
certificate of approval to conduct private security
training; amending 70 O.S. 2001, Section 3311, as
last amended by Section 1 of Enrolled House Bill No.
1618 of the 1st Session of the 51st Oklahoma
Legislature, which relates to the Council on Law
Enforcement Education and Training; changing
composition of Council membership and appointing

1 authorities; setting qualifications for Director of
2 CLEET; authorizing appointment of Curriculum Review
3 Board; providing for membership, terms of office,
4 reappointments, travel expense, and duties;
5 increasing basic training hours; requiring mandatory
6 mental health education and training; eliminating
7 certain fee; amending 70 O.S. 2001, Section 3311.4,
8 as amended by Section 2, Chapter 36, O.S.L. 2004 (70
9 O.S. Supp. 2006, Section 3311.4), which relates to
10 continuing law enforcement training; increasing
11 training hours for active and inactive peace
12 officers; amending 70 O.S. 2001, Section 3311.5,
13 which relates to minimum education hours; increasing
14 certain education and training hours; requiring
15 certain training be updated by certain time;
16 authorizing separate training academies; directing
17 promulgation of certain rules; setting criteria for
18 consideration and approval of training academy by
19 Council; prohibiting municipalities or counties from
20 being eligible to receive certain funds; prohibiting
21 Council from providing funding for certain academy;
22 authorizing certain municipalities or counties to
23 continue receiving certain funding; directing certain
24 phase-in implementation plan for increased academy
training hours; setting final phase-in date; making
training implementation subject to availability of
funds; providing for noncodification; and providing
an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1750.2, as
amended by Section 1, Chapter 155, O.S.L. 2005 (59 O.S. Supp. 2006,
Section 1750.2), is amended to read as follows:

Section 1750.2 As used in the Oklahoma Security Guard and
Private Investigator Act:

1 1. "Client" means any person or legal entity having a contract
2 with a person or entity licensed pursuant to the Oklahoma Security
3 Guard and Private Investigator Act, which contract authorizes
4 services to be performed in return for financial or other
5 considerations;

6 2. "Council" means the Council on Law Enforcement Education and
7 Training;

8 3. "License" means authorization issued by the Council pursuant
9 to the Oklahoma Security Guard and Private Investigator Act
10 permitting the holder to perform the functions of a security guard,
11 armed security guard, private investigator, investigative agency, or
12 security agency;

13 4. "Private investigator" means a person who is self-employed,
14 or contracts with, or is employed by an investigative agency for the
15 purpose of conducting a private investigation and reporting the
16 results to the employer or client of the employer relating to:

- 17 a. potential or pending litigation, civil, or criminal,
- 18 b. divorce or other domestic investigations,
- 19 c. missing persons or missing property, or

20 d. other lawful investigations, but shall not include:

- 21 (1) a person authorized or employed by the United
22 States Government, any state government, or any
23 agency, department, or political subdivision

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1 thereof while engaged in the performance of
2 official duties,

3 (2) a person or employee of a firm, corporation or
4 other legal entity engaged exclusively in a
5 profession licensed by any board, commission,
6 department or court of this state, or

7 (3) a bona fide, salaried, full-time employee of a
8 firm, corporation or other legal entity not in
9 the primary business of soliciting and providing
10 private investigations, who conducts
11 investigations that are exclusive to and
12 incidental to the primary business of said firm,
13 corporation or entity, and when the costs of such
14 investigations are not charged directly back to
15 the particular client or customer who directly
16 benefits from the investigation;

17 5. "Armed private investigator" means a private investigator
18 authorized to carry a firearm;

19 6. "Security agency" means a person, firm, corporation, or
20 other private legal entity in the business of security guard
21 services or armed security guards for hire;

22 7. "Security guard" means an individual contracting with or
23 employed by a security agency, private business or person to prevent
24 trespass, theft, misappropriation, wrongful concealment of

1 merchandise, goods, money or other tangible items, or engaged as a
2 bodyguard or as a private watchman to protect persons or property,
3 but shall not include:

4 a. for individuals operating unarmed, any person employed
5 as a private watchman or security guard by one
6 employer only in connection with the affairs of such
7 employer where there exists an employer-employee
8 relationship,

9 b. a full-time certified peace officer of the United
10 States, this state, or any political subdivision of
11 either,

12 (1) while such peace officer is engaged in the
13 performance of his or her official duties within
14 the course and scope of his or her employment
15 with the United States, this state, or any
16 political subdivision of either,

17 (2) while such peace officer is engaged in the
18 performance of his or her duties as a railroad
19 police officer, ~~or~~

20 (3) who receives compensation for private employment
21 on an individual or an individual independent
22 contractual basis as a patrolman, guard, or
23 watchman if such person is employed in an
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1 employer-employee relationship or is employed on
2 an individual contractual basis, or
3 (4) who receives compensation from an employer-
4 employee relationship or an individual
5 independent contractor basis with any licensed
6 security agency as defined in this section or any
7 private business or person to perform security or
8 investigative services,

9 c. any person whose terms of employment as a security
10 guard are governed by a collective bargaining
11 agreement on May 9, 1989, and

12 d. any person who is employed as a full-time security
13 guard by a financial institution on May 9, 1989;

14 8. "Armed security guard" means a security guard authorized to
15 carry a firearm;

16 9. "Investigative agency" means a self-employed private
17 investigator, a firm, a corporation, or other private legal entity
18 in the business of soliciting the business of private investigation
19 and/or providing private investigations and investigators;

20 10. "Special event" means a public activity in the form of an
21 athletic contest, charity event, exposition or similar event that
22 occurs only on an annual or noncontinuing basis; and

23 11. "Special event license" means a temporary license issued
24 pursuant to the Oklahoma Security Guard and Private Investigator Act

1 which restricts the license holder to employment as a security guard
2 only for the duration of a particular event.

3 SECTION 2. AMENDATORY 59 O.S. 2001, Section 1750.3, as
4 amended by Section 2, Chapter 155, O.S.L. 2005 (59 O.S. Supp. 2006,
5 Section 1750.3), is amended to read as follows:

6 Section 1750.3 A. The director of the Council on Law
7 Enforcement Education and Training, and any staff member designated
8 by the director, shall have all the powers and authority of peace
9 officers of this state for the purposes of enforcing the provisions
10 of the Oklahoma Security Guard and Private Investigator Act, and all
11 other duties which are or may be conferred upon the Council by the
12 Oklahoma Security Guard and Private Investigator Act. The powers
13 and duties conferred on the director or any staff member appointed
14 by the director as a peace officer shall not limit the powers and
15 duties of other peace officers of this state or any political
16 subdivision thereof. The director, or any staff member appointed by
17 the director as a peace officer shall, upon request, assist any
18 federal, state, county, or municipal law enforcement agency.

19 B. The Council on Law Enforcement Education and Training shall
20 have the following powers and duties:

21 1. To promulgate rules to carry out the purposes of the
22 Oklahoma Security Guard and Private Investigator Act;

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1 2. To establish and enforce standards governing the training of
2 persons required to be licensed pursuant to the Oklahoma Security
3 Guard and Private Investigator Act with respect to:

- 4 a. issuing, denying, or revoking certificates of approval
5 to security training schools, and programs
6 administered by the state, a county, a municipality, a
7 private corporation, or an individual,
- 8 b. certifying instructors at approved security training
9 schools,
- 10 c. establishing minimum requirements for security
11 training schools and periodically reviewing these
12 standards, and
- 13 d. providing for periodic inspection of all security
14 training schools or programs;

15 3. To establish minimum curriculum requirements for training as
16 the Council may require for security guards, armed security guards,
17 and private investigators. Training requirements for unarmed
18 security guards shall not exceed forty (40) hours of instruction;

19 4. To establish minimum requirements for a mandatory continuing
20 education program for all licensed private investigators and
21 security guards which shall include, but not be limited to:

- 22 a. establishing a designated minimum number of clock
23 hours of required attendance, not to exceed ~~eight (8)~~

1 sixteen (16) clock hours yearly during the licensing
2 period, at accredited educational functions,

3 b. establishing the penalties to be imposed upon a
4 licensee for failure to comply with the continuing
5 education requirements,

6 c. ~~establishing a nonpaid advisory board of licensed~~
7 ~~private investigators~~ designating the Private Security
8 Advisory Committee to assist the Council in
9 establishing the criteria for determining the
10 qualifications of proposed continuing education
11 programs that would be submitted to the Council for
12 accreditation to meet this requirement, and

13 d. providing that the expense of such continuing
14 education shall be paid by the ~~private investigators~~
15 licensee participating therein;

16 5. To grant a waiver of any training requirement, except
17 firearms training which shall be required for an armed security
18 guard license, if the applicant has completed not less than one (1)
19 year of full-time employment as a security guard, armed security
20 guard, private investigator, or law enforcement officer within a
21 three-year period immediately preceding the date of application and
22 the applicant provides sufficient documentation thereof as may be
23 required by the Council;

1 6. To grant an applicant credit for fulfilling any prescribed
2 course or courses of training, including firearms training, upon
3 submission of acceptable documentation of comparable training. The
4 Council may grant or refuse any such credit at its discretion;

5 7. To issue the licenses and identification cards provided for
6 in the Oklahoma Security Guard and Private Investigator Act;

7 8. To investigate alleged violations of the Oklahoma Security
8 Guard and Private Investigator Act or rules relating thereto and to
9 deny, suspend, or revoke licenses and identification cards if
10 necessary, or to issue notices of reprimand to licensees with or
11 without probation under rules to be prescribed by the Council;

12 9. To investigate alleged violations of the Oklahoma Security
13 Guard and Private Investigator Act by persons not licensed pursuant
14 to such act and to impose administrative sanctions pursuant to rules
15 or to seek an injunction pursuant to Section 1750.2A of this title;

16 10. To provide all forms for applications, identification
17 cards, and licenses required by the Oklahoma Security Guard and
18 Private Investigator Act;

19 11. To enter into reciprocal agreements with officials of other
20 states;

21 12. To immediately suspend a license if a licensee's actions
22 present a danger to the licensee or to the public; and

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1 13. To require additional testing for continuation or
2 reinstatement of a license if a licensee exhibits an inability to
3 exercise reasonable judgment, skill, or safety.

4 SECTION 3. AMENDATORY 59 O.S. 2001, Section 1750.5, as
5 amended by Section 4, Chapter 155, O.S.L. 2005 (59 O.S. Supp. 2006,
6 Section 1750.5), is amended to read as follows:

7 Section 1750.5 A. Licenses authorized to be issued by the
8 Council on Law Enforcement Education and Training (CLEET) shall be
9 as follows:

- 10 1. Security Agency License;
- 11 2. Investigative Agency License;
- 12 3. Private Investigator License (unarmed);
- 13 4. Security Guard License (unarmed);
- 14 5. Armed Security Guard License;
- 15 6. Special Event License (unarmed); and
- 16 7. Armed Private Investigator License.

17 B. Any qualified applicant meeting the requirements for more
18 than one of the positions of private investigator, security guard,
19 or armed security guard may be issued a separate license for each
20 position for which qualified, or in the discretion of the Council, a
21 combination license provided the required license fees are paid.

22 C. 1. A private investigator may carry a firearm, if the
23 private investigator also performs the functions of an armed
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1 security guard, under the authority of the armed security guard
2 license.

3 2. If the private investigator performs no functions of an
4 armed security guard, the Council may ~~add an endorsement to the~~
5 ~~license of the private investigator that states "Firearms~~
6 ~~Authorized", in lieu of the armed security guard license, if the~~
7 ~~private investigator completes the same training and testing~~
8 ~~requirements of the armed security guard~~ issue an armed private
9 investigator license. The applicant for an armed private
10 investigator license must complete Phase I, III and IV training and
11 pass the psychological examination and state test; provided however,
12 active certified peace officers and retired certified peace officers
13 shall be exempt from the psychological examination as provided in
14 Section 1750.3A of this title, and active certified peace officers
15 of any state, county or municipal law enforcement agency in this
16 state shall be exempt from the Phase I, III and IV training and
17 state test for an armed private investigator. The Council will
18 charge the same fee for the ~~"Firearms Authorized" endorsement on the~~
19 armed private investigators license as the cost of the armed
20 security guard license; provided however, an active certified peace
21 officer who is an applicant for a armed private investigator or
22 armed security guard shall be charged only twenty percent (20%) of
23 the required fee.

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1 3. Any person issued a an armed private investigator license
2 ~~with a firearms authorized endorsement~~ may carry a concealed firearm
3 when on and off duty, provided the person keeps the firearm
4 concealed from view and is in possession of a valid driver license
5 and a valid armed private investigator license ~~with a firearms~~
6 ~~authorization endorsement~~.

7 D. Any identification card issued to a person meeting the
8 license requirements for an armed security guard or an armed private
9 investigator shall be distinct and shall explicitly state that the
10 person is authorized to carry a firearm pursuant to the provisions
11 of the Oklahoma Security Guard and Private Investigator Act. Upon
12 receipt of the license and identification card, the armed security
13 guard or armed private investigator is authorized to carry a firearm
14 in the performance of his or her duties subject to the provisions of
15 the Oklahoma Security Guard and Private Investigator Act and the
16 rules promulgated by the Council.

17 E. The Council may issue a conditional license to a person
18 employed by a security or investigative agency as a trainee for a
19 security guard, armed security guard, or private investigator
20 position, when the person has submitted a properly completed
21 application, made under oath, subject to the following conditions:

22 1. A conditional license shall authorize employees to perform
23 the same functions that regular licensees perform, but subject to
24 supervision by the employing agency as the Council may prescribe;

1 2. The holder of a conditional license shall complete the
2 necessary training requirements within one hundred eighty (180) days
3 from the effective date of the conditional license, after which the
4 conditional license shall expire;

5 3. The holder of a conditional license as an armed security
6 guard shall not carry a firearm in the performance of duties until
7 after completing a course of firearms training as prescribed by the
8 Council, and having been issued a regular license by the Council;

9 4. A conditional license may be renewed at the discretion of
10 the Council, if necessary to allow an applicant to complete any
11 training required for a regular license; and

12 5. When the Council finds that a conditional license holder has
13 completed the required training and is otherwise qualified for a
14 license pursuant to the provisions of the Oklahoma Security Guard
15 and Private Investigator Act, the Council shall issue a regular
16 license.

17 F. A Security Agency License may be issued to an individual,
18 corporation, or other legal entity meeting the following
19 qualifications:

20 1. If the license is to be issued in the name of a legal entity
21 other than a natural person, the applicant must furnish proof that
22 the entity is legally recognized, such as the issuance of a
23 corporate charter; and

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1 2. The executive officer, manager, or other person in charge of
2 supervising security guards in the performance of their duties shall
3 be a licensed security guard.

4 G. An Investigative Agency License may be issued to an
5 individual, corporation, or other legal entity meeting the following
6 qualifications:

7 1. If the license is to be issued in the name of a legal entity
8 other than a natural person, the applicant must furnish proof that
9 the entity is legally recognized, such as the issuance of a
10 corporate charter;

11 2. Any person, otherwise qualified, may own a private
12 investigation agency; and

13 3. A self-employed private investigator who employs no other
14 investigators shall also be licensed as an investigative agency, but
15 shall only be required to be insured or bonded as a self-employed
16 private investigator.

17 H. A Security Guard License, Armed Security Guard License,
18 Private Investigator License, Armed Private Investigator License, or
19 combination thereof may be issued to an applicant meeting the
20 following qualifications. The applicant shall:

21 1. Be a citizen of the United States or an alien legally
22 residing in the United States;

1 2. Be at least eighteen (18) years of age, except that an
2 applicant for an Armed Security Guard License shall be at least
3 twenty-one (21) years of age;

4 3. Have successfully completed training requirements for the
5 license applied for, as prescribed by the Council;

6 4. Be of good moral character;

7 5. Not have a record of a felony conviction;

8 6. Not have a record of conviction for larceny, theft, false
9 pretense, fraud, embezzlement, false personation of an officer, any
10 offense involving moral turpitude, any offense involving a minor as
11 a victim, any nonconsensual sex offense, any offense involving the
12 possession, use, distribution, or sale of a controlled dangerous
13 substance, any offense involving a firearm, or any other offense as
14 prescribed by the Council, as provided herein.

15 a. If any conviction which disqualifies an applicant
16 occurred more than five (5) years prior to the
17 application date and the Council is convinced the
18 offense constituted an isolated incident and the
19 applicant has been rehabilitated, the Council may, in
20 its discretion, waive the conviction disqualification
21 as provided for in this paragraph and issue an unarmed
22 security guard license or a private ~~investigator's~~
23 investigator license, but shall not issue an armed
24 guard license, to the applicant if the applicant is

1 otherwise qualified, unless the felony involved the
2 use of a firearm or was violent in nature.

3 b. If an Oklahoma State Bureau of Investigation records
4 check and a local records check reveal that there are
5 no felony convictions, criminal convictions involving
6 moral turpitude, or any other disqualifying
7 convictions as specified in the Oklahoma Security
8 Guard and Private Investigator Act or prescribed by
9 the Council, then the Council may conditionally issue
10 an armed security guard license pending completion of
11 the criminal history and background check.

12 c. Under oath, the applicant shall certify that he or she
13 has no disqualifying convictions as specified in the
14 Oklahoma Security Guard and Private Investigator Act
15 or by the Council.

16 d. The applicant shall further meet all other
17 qualifications.

18 e. If upon completion of the required background
19 investigation it is discovered that a disqualifying
20 conviction exists, the Council shall immediately
21 revoke the armed guard license of the applicant;

22 7. Make a statement that the applicant is not currently
23 undergoing treatment for mental illness, condition, or disorder,
24 make a statement whether the applicant has ever been adjudicated

1 incompetent or committed to a mental institution, and make a
2 statement regarding any history of illegal drug use or alcohol
3 abuse. Upon presentation by the Council on Law Enforcement
4 Education and Training of the name, gender, date of birth, and
5 address of the applicant to the Department of Mental Health and
6 Substance Abuse Services, the Department of Mental Health and
7 Substance Abuse Services shall notify the Council within ten (10)
8 days whether the computerized records of the Department indicate the
9 applicant has ever been involuntarily committed to an Oklahoma state
10 mental institution. For purposes of this subsection, "currently
11 undergoing treatment for a mental illness, condition, or disorder"
12 means the person has been diagnosed by a licensed physician or
13 psychologist, as being afflicted with a substantial disorder of
14 thought, mood, perception, psychological orientation, or memory that
15 significantly impairs judgment, behavior, capacity to recognize
16 reality, or ability to meet the ordinary demands of life and such
17 condition continues to exist; and

18 8. Make a statement regarding misdemeanor domestic violence
19 charges.

20 I. A special event license may be issued to an employee of a
21 security agency who is hired on a temporary basis as an unarmed
22 security guard for a particular event. An application for a special
23 event license shall be made by the agency employing the applicant.
24 The agency shall certify to the Council that the applicant meets the

1 qualifications for security guards, pursuant to subsection H of this
2 section.

3 J. 1. All persons and agencies shall obtain and maintain
4 liability coverage in accordance with the following minimum
5 standards:

6 a. general liability insurance coverage for bodily
7 injury, personal injury, and property damage, with
8 endorsements for personal injury including false
9 arrest, libel, slander, and invasion of privacy, or

10 b. a surety bond that allows persons to recover for
11 actionable injuries, loss, or damage as a result of
12 the willful, or wrongful acts or omissions of the
13 principal and protects this state, its agents,
14 officers and employees from judgments against the
15 principal or insured licensee, and is further
16 conditioned upon the faithful and honest conduct of
17 the principal's business.

18 2. Liability coverages and bonds outlined in this section shall
19 be in the minimum amounts of One Hundred Thousand Dollars
20 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
21 armed security guards and armed private investigators ~~with the~~
22 ~~firearms authorization~~, or combination armed license; and Five
23 Thousand Dollars (\$5,000.00) for unarmed security guards and self-

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1 employed unarmed private investigators who employ no other
2 investigators.

3 3. Security agencies and investigative agencies shall ensure
4 that all employees of these agencies have met the minimum liability
5 coverages as prescribed in this section.

6 4. Insurance policies and bonds issued pursuant to this section
7 shall not be modified or canceled unless ten (10) days' prior
8 written notice is given to the Council. All persons and agencies
9 insured or bonded pursuant to this section shall be insured or
10 bonded by an insurance carrier or a surety company licensed in the
11 state in which the insurance or bond was purchased, or in this
12 state.

13 5. In lieu of the requirements of this subsection, the Council
14 may accept a written statement from a corporation which is
15 registered with the Oklahoma Secretary of State attesting that the
16 corporation self-insures the general operation of business for the
17 types of liability set out in paragraphs 1 and 2 of this subsection.

18 K. Upon written notice, any license may be placed on inactive
19 status.

20 L. Similar or duplicate agency names will not be issued. Each
21 agency name must be distinguishably different.

22 SECTION 4. AMENDATORY O.S. 2001, Section 1750.6, as
23 last amended by Section 1, Chapter 151, O.S.L. 2004(59 O.S. Supp.
24 2006, Section 1750.6), is amended to read as follows:

1 Section 1750.6 A. 1. Application for a license shall be made
2 on forms provided by the Council on Law Enforcement Education and
3 Training and shall be submitted in writing by the applicant under
4 oath. The application shall require the applicant to furnish
5 information reasonably required by the Council to implement the
6 provisions of the Oklahoma Security Guard and Private Investigator
7 Act, including classifiable fingerprints to enable the search of
8 criminal indices for evidence of a prior criminal record, including,
9 but not limited to, a national criminal history record check as
10 defined by Section 150.9 of Title 74 of the Oklahoma Statutes.

11 2. Upon request of the Council, the Oklahoma State Bureau of
12 Investigation and other state and local law enforcement agencies
13 shall furnish a copy of any existent criminal history data relating
14 to an applicant, including investigation reports which are otherwise
15 required by law to be deemed confidential, to enable the Council to
16 determine the qualifications and fitness of such applicant for a
17 license.

18 B. 1. a. The original application and any license renewal shall
19 be accompanied by a ~~nonrefundable~~ fee of Twenty-five
20 Dollars (\$25.00) for each original application and
21 renewal of a private investigator or an unarmed
22 security guard, Fifty Dollars (\$50.00) for each
23 original application and renewal of an armed security
24 guard or an armed private investigator; provided

1 however, an active certified peace officer upon
2 application or renewal of an armed security guard or
3 armed private investigator shall be charged only
4 twenty percent (20%) of the required fee, Seven
5 Dollars (\$7.00) for each special event license, and
6 Two Hundred Dollars (\$200.00) for either the original
7 application or each renewal for a security agency or
8 investigative agency. If an individual or agency does
9 not qualify for the type of license or renewal license
10 requested, CLEET shall retain twenty percent (20%) of
11 the licensing fee as a processing fee and refund the
12 remaining amount, if any, to the individual or agency
13 submitting payment. The individual license fee paid
14 by a licensed agency will be refunded to the agency.

15 b. In addition to the fees provided in this subsection,
16 the original application of an unarmed private
17 investigator, unarmed security guard or armed security
18 guard shall be accompanied by a nonrefundable fee for
19 a national criminal history record with fingerprint
20 analysis, as provided in Section 150.9 of Title 74 of
21 the Oklahoma Statutes.

22 2. A licensee whose license has been suspended may apply for
23 reinstatement of license after the term of the suspension has
24 passed. Any application for reinstatement following a suspension of

1 licensure shall be accompanied by a nonrefundable fee of Twenty-five
2 Dollars (\$25.00) for the reinstatement of a private investigator or
3 unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement
4 of an armed security guard, and Two Hundred Dollars (\$200.00) for
5 reinstatement of a security or investigative agency.

6 3. A licensee who fails to file a renewal application on or
7 before the expiration of a license shall pay a late fee of Twenty-
8 five Dollars (\$25.00) for an individual license and a late fee of
9 One Hundred Dollars (\$100.00) for an agency license.

10 4. Except as otherwise provided in this subsection, the fees,
11 penalties, and fines shall be deposited in the General Revenue Fund.
12 The prevailing fingerprint processing fee for the original
13 application for a private investigator, an unarmed security guard,
14 or an armed security guard shall be deposited in the OSBI Revolving
15 Fund.

16 C. A Security Guard License, Armed Security Guard License, or
17 Private Investigator License shall be valid for a period of two (2)
18 years and may be renewed for additional two-year terms. A Security
19 Agency License or Investigative Agency License shall be valid for a
20 period of five (5) years and may be renewed for additional five-year
21 terms. A special event license shall be valid only for the duration
22 of the event for which it is expressly issued. Any individual may
23 be issued up to two special event licenses during any calendar year.

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1 D. The Council shall devise a system for issuance of licenses
2 for the purpose of evenly distributing the expiration dates of the
3 licenses.

4 E. Pursuant to its rules, the Council may issue a duplicate
5 license to a person licensed pursuant to the provisions of the
6 Oklahoma Security Guard and Private Investigator Act. The Council
7 may assess a fee of Four Dollars (\$4.00) for the issuance of a
8 duplicate license. The fee must accompany the request for a
9 duplicate license.

10 SECTION 5. AMENDATORY 59 O.S. 2001, Section 1750.10B, is
11 amended to read as follows:

12 Section 1750.10B Beginning July 1, 1990, private schools
13 desiring to conduct any or all phases of private security training
14 shall submit an application for a certificate of approval to the
15 Council on Law Enforcement Education and Training. The application
16 shall be accompanied by a ~~nonrefundable~~ fee of Three Hundred Dollars
17 (\$300.00). The certificate shall be renewed annually by July 1.
18 The renewal fee shall be Three Hundred Dollars (\$300.00). If the
19 school does not qualify for a certificate or renewal certificate,
20 CLEET shall retain twenty percent (20%) of the fee as a processing
21 fee and refund the balance to the school.

22 SECTION 6. AMENDATORY 70 O.S. 2001, Section 3311, as
23 last amended by Section 1 of Enrolled House Bill No. 1618 of the 1st
24

1 Session of the 51st Oklahoma Legislature, is amended to read as
2 follows:

3 Section 3311. A. There is hereby re-created a Council on Law
4 Enforcement Education and Training which shall be, and is hereby
5 declared to be, a governmental agency of the State of Oklahoma, body
6 politic and corporate, with powers of government and with the
7 authority to exercise the rights, privileges and functions specified
8 by Sections 3311 through 3311.10 of this title. The Council shall
9 be composed of nine (9) members, the Director of the Oklahoma State
10 Bureau of Investigation, one member appointed by the Governor who
11 may be a lay person, and seven police or peace officers, one
12 selected by each of the following: the Court of Criminal Appeals,
13 the Commissioner of Public Safety, the Board of Directors of the
14 Oklahoma Sheriffs and Peace Officers Association, the Oklahoma
15 Association of Police Chiefs, the Board of Directors of the Oklahoma
16 Sheriffs' Association, the Board of Directors of the Fraternal Order
17 of Police and the Governor. All Council appointments and
18 reappointments made after the effective date of this act shall
19 conform to the following Council composition and appointing
20 authorities. The Council shall be composed of thirteen (13) members
21 as follows:

22 1. The Commissioner of the Department of Public Safety, or
23 designee;

24

1 2. The Director of the Oklahoma State Bureau of Narcotics and
2 Dangerous Drugs Control, or designee;

3 3. The Director of the Oklahoma State Bureau of Investigation,
4 or designee;

5 4. One member appointed by the Governor who shall be a law
6 enforcement administrator representing a tribal law enforcement
7 agency;

8 5. One member appointed by the Governor who shall be a chief of
9 police of a municipality with a population over one hundred thousand
10 (100,000), as determined by the latest Federal Decennial Census;

11 6. One member appointed by the Board of Directors of the
12 Oklahoma Sheriffs' and Peace Officers Association who shall be a
13 sheriff of a county with a population under fifty thousand (50,000),
14 as determined by the latest Federal Decennial Census;

15 7. One member appointed by the Oklahoma Association of Police
16 Chiefs who shall be a chief of police representing a municipality
17 with a population over ten thousand (10,000), as determined by the
18 latest Federal Decennial Census;

19 8. One member shall be appointed by the Board of Directors of
20 the Oklahoma Sheriffs' Association who shall be a sheriff of a
21 county with a population of one hundred thousand (100,000) or more,
22 as determined by the latest Federal Decennial Census;

23
24

1 9. One member appointed by the Board of Directors of the
2 Fraternal Order of Police who shall have experience as a training
3 officer;

4 10. One member appointed by the Chancellor of Higher Education
5 who shall be a representative of East Central University;

6 11. One member who is the immediate past chair of the Council
7 on Law Enforcement Education and Training;

8 12. The President Pro Tempore of the Senate shall appoint one
9 member from a list of three or more nominees submitted by a
10 statewide organization representing cities and towns that is exempt
11 from taxation under federal law and designated pursuant to the
12 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
13 and

14 13. The Speaker of the House of Representatives shall appoint
15 one member from a list of three or more nominees submitted by an
16 organization that assists in the establishment of accreditation
17 standards and training programs for law enforcement agencies
18 throughout the State of Oklahoma.

19 The Director selected by the Council shall be an ex officio
20 member of the Council and shall act as Secretary. The Council on
21 Law Enforcement Education and Training shall select a chair and
22 vice-chair from among its members. Members of the Council on Law
23 Enforcement Education and Training shall not receive a salary for
24 duties performed as members of the Council, but shall be reimbursed

1 for their actual and necessary expenses incurred in the performance
2 of Council duties pursuant to the provisions of the State Travel
3 Reimbursement Act.

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

6 1. Appoint a larger Advisory Council to discuss problems and
7 hear recommendations concerning necessary research, minimum
8 standards, educational needs, and other matters imperative to
9 upgrading Oklahoma law enforcement to professional status;

10 2. Promulgate rules with respect to such matters as
11 certification, revocation, suspension, withdrawal and reinstatement
12 of certification, minimum courses of study, testing and test scores,
13 attendance requirements, equipment and facilities, minimum
14 qualifications for instructors, minimum standards for basic and
15 advanced in-service courses, and seminars for Oklahoma police and
16 peace officers;

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

19 4. Authorize additional staff and services necessary for
20 program expansion;

21 5. Recommend legislation necessary to upgrade Oklahoma law
22 enforcement to professional status;

23 6. Establish policies and regulations concerning the number,
24 geographic and police unit distribution, and admission requirements

1 of those receiving tuition or scholarship aid available through the
2 Council. Such waiver of costs shall be limited to duly appointed
3 members of legally constituted local, county, and state law
4 enforcement agencies on the basis of educational and financial need;

5 7. Appoint a Director and an Assistant Director to direct the
6 staff, inform the Council of compliance with the provisions of this
7 section and perform such other duties imposed on the Council by law.
8 On the effective date of this act, any subsequent Director appointed
9 by the Council must qualify for the position with a bachelor or
10 higher degree in law enforcement from an accredited college or
11 university, or a bachelor or higher degree in a law-enforcement-
12 related subject area, and a minimum of five (5) years of active law
13 enforcement experience including, but not limited to, responsibility
14 for enforcement, investigation, administration, training, or
15 curriculum implementation;

16 8. Enter into contracts and agreements for the payment of
17 classroom space, food, and lodging expenses as may be necessary for
18 law enforcement officers attending any official course of
19 instruction approved or conducted by the Council. Such expenses may
20 be paid directly to the contracting agency or business
21 establishment. The food and lodging expenses for each law
22 enforcement officer shall not exceed the authorized rates as
23 provided for in the State Travel Reimbursement Act; provided,
24 however, the Council may provide food and lodging to law enforcement

1 officials attending any official course of instruction approved or
2 conducted by the Council rather than paying for the provision of
3 such food and lodging by an outside contracting agency or business
4 establishment;

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

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

- 17 b. Upon retiring the dog from the service it was
18 certified to perform, the law enforcement department
19 that handled the dog shall retain possession of the
20 dog. The handler shall have first option of adopting
21 the dog. If that option is not exercised, the law
22 enforcement department shall provide for its adoption.
23 Once adopted the dog shall not be placed back into
24 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;

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
24

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

3 13. Enter into agreements with agencies and business entities
4 for the temporary use of facilities of the Council, whereby
5 contracting agencies and business entities shall pay a fee to be
6 determined by the Council by rule. All fees collected pursuant to
7 these agreements shall be deposited to the credit of the C.L.E.E.T.
8 Training Center Revolving Fund created pursuant to Section 3311.6 of
9 this title. The Council is authorized to promulgate emergency rules
10 to effectuate the provisions of this paragraph;

11 14. Promulgate rules to establish a state firearms
12 requalification standard for active peace officers and meet any
13 requirements of the federal Law Enforcement Officers Safety Act of
14 2004 for peace officers to carry concealed weapons nationwide; ~~and~~

15 15. Set minimal criteria relating to qualifications for chief
16 of police administrative training pursuant to Section 34-102 of
17 Title 11 of the Oklahoma Statutes, assist in developing a course of
18 training for a Police Chief Administrative School, and approve all
19 police chief administrative training offered in this state; and

20 16. Appoint a Curriculum Review Board to be composed of six (6)
21 members as follows:

22 a. one member shall be selected by the Chancellor for
23 Higher Education, who possesses a background of
24 creation and review of curriculum and experience

- 1 teaching criminal justice or law enforcement courses,
2 who shall serve an initial term of one (1) year,
3 b. one member shall represent a municipal jurisdiction
4 with a population of fifty thousand (50,000) or more
5 and who shall be a management-level CLEET-certified
6 training officer, who shall serve an initial term of
7 two (2) years,
8 c. one member shall represent a county jurisdiction with
9 a population of fifty thousand (50,000) or more and
10 who shall be a management-level CLEET-certified
11 training officer, who shall serve an initial term of
12 three (3) years,
13 d. one member shall represent a municipal jurisdiction
14 with a population of less than fifty thousand (50,000)
15 and who shall be a CLEET-certified training officer,
16 who shall serve an initial term of two (2) years,
17 e. one member shall represent a county jurisdiction with
18 a population of less than fifty thousand (50,000) and
19 who shall be a CLEET-certified training officer, who
20 shall serve an initial term of one (1) year, and
21 f. one member selected by the Oklahoma Department of
22 Career and Technology Education from the Curriculum
23 Material and Instructional Material Center, who shall
24 serve an initial term of three (3) years.

1 After the initial terms of office, all members shall be
2 appointed to serve three-year terms. Any member may be reappointed
3 to serve consecutive terms. Members shall serve without
4 compensation, but may be reimbursed for travel expenses pursuant to
5 the State Travel Reimbursement Act. The Board shall review and
6 establish curriculum for all CLEET academies and training courses
7 pursuant to procedures established by the Council on Law Enforcement
8 Education and Training.

9 C. 1. Payment of any fee provided for in this section may be
10 made by a nationally recognized credit or debit card issued to the
11 applicant. The Council may publicly post and collect a fee for the
12 acceptance of the nationally recognized credit or debit card not to
13 exceed five percent (5%) of the amount of the payment. For purposes
14 of this subsection, "nationally recognized credit card" means any
15 instrument or device, whether known as a credit card, credit plate,
16 charge plate, or by any other name, issued with or without fee by an
17 issuer for the use of the cardholder in obtaining goods, services,
18 or anything else of value and which is accepted by over one thousand
19 merchants in this state. "Debit card" means an identification card
20 or device issued to a person by a business organization which
21 permits such person to obtain access to or activate a consumer
22 banking electronic facility. The Council shall determine which
23 nationally recognized credit or debit cards will be accepted as
24 payment for fees.

1 2. Payment for any fee provided for in this title may be made
2 by a business check. The Council may:

3 a. add an amount equal to the amount of the service
4 charge incurred, not to exceed three percent (3%) of
5 the amount of the check as a service charge for the
6 acceptance and verification of the check, or

7 b. add an amount of no more than Five Dollars (\$5.00) as
8 a service charge for the acceptance and verification
9 of a check. For purposes of this subsection,
10 "business check" shall not mean a money order,
11 cashier's check, or bank certified check.

12 D. Failure of the Legislature to appropriate necessary funds to
13 provide for expenses and operations of the Council on Law
14 Enforcement Education and Training shall not invalidate other
15 provisions of this section relating to the creation and duties of
16 the Council.

17 E. 1. No person shall be eligible to complete a basic police
18 course approved by the Council until the Oklahoma State Bureau of
19 Investigation and the Federal Bureau of Investigation have reported
20 to the submitting agency that such person has no felony record, and
21 the employing agency has reported to the Council that such person
22 has undergone psychological testing as provided for in paragraph 2
23 of this subsection, and the applicant has certified the completion
24 of a high school diploma or a GED equivalency certificate and that

1 the applicant is not participating in a deferred sentence agreement
2 for a felony or a crime involving moral turpitude or is not
3 currently subject to an order of the Council revoking, suspending,
4 or accepting a voluntary surrender of peace officer certification
5 and that the applicant is not currently undergoing treatment for a
6 mental illness, condition, or disorder. For purposes of this
7 subsection, "currently undergoing treatment for mental illness,
8 condition, or disorder" means the person has been diagnosed by a
9 licensed physician or psychologist as being afflicted with a
10 substantial disorder of thought, mood, perception, psychological
11 orientation, or memory that significantly impairs judgment,
12 behavior, capacity to recognize reality, or ability to meet the
13 ordinary demands of life and such condition continues to exist.

14 2. ~~No~~ On and after the effective date of this act, no person
15 shall be certified as a police or peace officer in this state unless
16 the employing agency has reported to the Council that:

17 a. the Oklahoma State Bureau of Investigation and the
18 Federal Bureau of Investigation have reported that
19 such person has no record of a conviction of a felony
20 or crime involving moral turpitude,

21 b. such person has undergone psychological evaluation by
22 the employing agency using a psychological instrument
23 approved by the Council on Law Enforcement Education
24 and Training. The employing agency shall administer

1 the psychological instrument in accordance with
2 standards established within the test document. To
3 aid the evaluating psychologist in interpreting the
4 test results, including automated scoring and
5 interpretations, the employing agency shall provide
6 the psychologist a statement confirming the identity
7 of the individual taking the test as the person who is
8 employed or seeking employment as a peace officer of
9 the agency and attesting that it administered the
10 psychological instrument in accordance with standards
11 within the test document. The psychologist shall
12 report to the employing agency the evaluation of the
13 assessment instrument and may include any additional
14 recommendations to assist the employing agency in
15 determining whether to certify to the Council on Law
16 Enforcement Education and Training that the person
17 being evaluated is suitable to serve as a peace
18 officer in the State of Oklahoma. No additional
19 procedures or requirements shall be imposed for
20 performance of the psychological evaluation. The
21 psychological instrument utilized shall be evaluated
22 by a psychologist licensed by the State of Oklahoma,
23 and the employing agency shall certify to the Council
24 that the evaluation was conducted in accordance with

1 this provision and that the employee/applicant is
2 suitable to serve as a peace officer in the State of
3 Oklahoma. Any person found not to be suitable for
4 employment or certification by the Council shall not
5 be employed, retained in employment as a peace
6 officer, or certified by the Council for at least one
7 (1) year, at which time the employee/applicant may be
8 reevaluated by a psychologist licensed by the State of
9 Oklahoma. This section shall also be applicable to
10 all reserve peace officers in the State of Oklahoma.
11 Any person who is certified by CLEET and has undergone
12 the psychological evaluation required by this
13 subparagraph and has been found to be suitable as a
14 peace officer shall not be required to be reevaluated
15 for any subsequent employment as a peace officer
16 following retirement or any break in service as a
17 peace officer,

- 18 c. such person possesses a high school diploma or a GED
19 equivalency certificate, provided this requirement
20 shall not affect those persons who are already
21 employed as a police or peace officer prior to
22 November 1, 1985,
23
24

- 1 d. such person is not participating in a deferred
2 sentence agreement for a felony or a crime involving
3 moral turpitude,
- 4 e. such person has attained twenty-one (21) years of age
5 prior to certification as a peace officer,
- 6 f. such person has provided proof of United States
7 citizenship or resident alien status, pursuant to an
8 employment eligibility verification form from the
9 United States Citizenship and Immigration Services,
10 and
- 11 g. the name, gender, date of birth, and address of such
12 person have been presented to the Department of Mental
13 Health and Substance Abuse Services by the Council.
14 The Department of Mental Health and Substance Abuse
15 Services shall respond to the Council within ten (10)
16 days whether the computerized records of the
17 Department indicate the applicant has ever been
18 involuntarily committed to an Oklahoma state mental
19 institution. In the event that the Department of
20 Mental Health and Substance Abuse Services reports to
21 the Council that the applicant has been involuntarily
22 committed, the Council shall immediately inform the
23 employing agency,
- 24

1 and the Council has determined that such person has satisfactorily
2 completed a basic police course ~~of not less than one hundred sixty~~
3 ~~(160) hours of accredited instruction for reserve police officers~~
4 ~~and reserve deputies and not less than three hundred (300) hours for~~
5 ~~full-time salaried police or peace officers from the Council or~~
6 ~~curriculum or course of study approved by the Council; provided, the~~
7 ~~Council may increase the number of hours for the completion of a~~
8 ~~basic police course by requiring independent study. Beginning~~
9 ~~January 1, 2003, the basic police course for full-time salaried~~
10 ~~police or peace officers shall be increased to not less than three~~
11 ~~hundred two (302) hours. Subject to the availability of money,~~
12 ~~beginning July 1, 2005, the basic police course for full-time~~
13 ~~salaried police or peace officers shall be increased to not less~~
14 ~~than three hundred eighty (380) hours. Said All basic police courses~~
15 ~~shall include a minimum of four (4) hours of education and training~~
16 ~~in recognizing and managing a person appearing to require mental~~
17 ~~health treatment or services. The training shall include training~~
18 ~~in crime and drug prevention, crisis intervention, ~~and~~ youth and~~
19 ~~family intervention techniques ~~and~~, recognizing, investigating and~~
20 ~~preventing abuse and exploitation of elderly persons, mental health~~
21 ~~issues, and criminal jurisdiction on Sovereign Indian Land.~~

22 Subject to the availability of funding, for full-time salaried
23 police or peace officers a basic police course academy shall be as
24 follows: any academy graduating after July 1, 2007, but before

1 December 31, 2007, shall have three hundred seventy-five (375)
2 hours; any academy graduating after January 1, 2008, but before June
3 30, 2008, shall have five hundred five (505) hours; any academy
4 graduating after July 1, 2008, but before June 30, 2009, shall have
5 five hundred seventy-six (576) hours; and any academy graduating
6 after July 1, 2009, shall have six hundred (600) hours.

7 For reserve deputies a basic police course shall be as follows:
8 any reserve academy approved by the Council prior to December 31,
9 2007, shall have one hundred sixty (160) hours; and any reserve
10 academy approved by the Council after January 1, 2008, shall have
11 two hundred forty (240) hours.

12 3. Every person who has not been certified as a police or peace
13 officer and is duly appointed or elected as a police or peace
14 officer shall hold such position on a temporary basis only, and
15 shall, within one (1) year from the date of appointment or taking
16 office, qualify as required in this subsection or forfeit such
17 position; provided, however, effective November 1, 2004, every
18 person who has not been certified as a police or peace officer and
19 is duly appointed or elected as a police or peace officer shall hold
20 such position on a temporary basis only, and shall, within six (6)
21 months from the date of appointment or taking office, qualify as
22 required in this subsection or forfeit such position. In computing
23 the time for qualification, all service shall be cumulative from
24 date of first appointment or taking office as a police or peace

1 officer with any department in this state. The Council may extend
2 the time requirement specified in this paragraph for good cause as
3 determined by the Council. An elected police or peace officer shall
4 be eligible to enroll in a basic police course in accordance with
5 this subsection upon being elected. A duty is hereby imposed upon
6 the employing agency to withhold payment of the compensation or wage
7 of said unqualified officer. If the police or peace officer fails
8 to forfeit the position or the employing agency fails to require the
9 officer to forfeit the position, the district attorney shall file
10 the proper action to cause the forfeiting of such position. The
11 district court of the county where the officer is employed shall
12 have jurisdiction to hear the case.

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

18 5. For purposes of this section, a police or peace officer is
19 defined as a full-time duly appointed or elected officer who is paid
20 for working more than twenty-five (25) hours per week and whose
21 duties are to preserve the public peace, protect life and property,
22 prevent crime, serve warrants, and enforce laws and ordinances of
23 this state, or any political subdivision thereof; provided, elected
24 sheriffs and their deputies and elected, appointed, or acting chiefs

1 of police shall meet the requirements of this subsection within the
2 first six (6) months after assuming the duties of the office to
3 which they are elected or appointed or for which they are an acting
4 chief; provided further, that this section shall not apply to
5 persons designated by the Director of the Department of Corrections
6 as peace officers pursuant to Section 510 of Title 57 of the
7 Oklahoma Statutes.

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

20 G. Every person employed as a police or peace officer in this
21 state shall be fingerprinted by the employing law enforcement
22 agency. One set of fingerprint impressions shall be mailed to the
23 Oklahoma State Bureau of Investigation and one set to the Federal
24

1 Bureau of Investigation, Washington, D.C., within ten (10) days from
2 the initial date of employment.

3 H. 1. The Council is hereby authorized to provide to any
4 employing agency the following information regarding a person who is
5 or has applied for employment as a police or peace officer of such
6 employing agency:

- 7 a. Oklahoma State Bureau of Investigation and Federal
8 Bureau of Investigation reports,
- 9 b. administration of the psychological tests provided for
10 herein,
- 11 c. performance in the course of study or other basis of
12 certification,
- 13 d. previous certifications issued, and
- 14 e. any administrative or judicial determination denying
15 certification.

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

24

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

5 I. 1. A law enforcement agency employing police or peace
6 officers in this state shall report the hiring, resignation, or
7 termination for any reason of a police or peace officer to the
8 Council at a time established by the Council. Failure to comply
9 with the provisions of this subsection may disqualify a law
10 enforcement agency from participating in training programs sponsored
11 by the Council.

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

23 J. It is unlawful for any person to willfully make any
24 statement in an application to CLEET knowing the statement is false

1 or intentionally commit fraud in any application to the Council for
2 attendance in any CLEET-conducted or CLEET-approved peace officer
3 academy or Collegiate Officer Program or for the purpose of
4 obtaining peace officer certification or reinstatement. It is
5 unlawful for any person to willfully submit false or fraudulent
6 documents relating to continuing education rosters, transcripts or
7 certificates, or any canine license application. Any person
8 convicted of a violation of this subsection shall be guilty of a
9 felony punishable by imprisonment in the Department of Corrections
10 for a term of not less than two (2) years nor more than five (5)
11 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
12 or by both such fine and imprisonment.

13 K. 1. A police or peace officer shall be subject to
14 disciplinary action to include a denial, suspension, revocation or
15 acceptance of voluntary surrender of peace officer certification
16 upon a showing of clear and convincing evidence for the following:

- 17 a. conviction of a felony or a crime of domestic
18 violence,
- 19 b. conviction of a misdemeanor involving moral turpitude;
20 provided, if the conviction is a single isolated
21 incident that occurred more than five (5) years ago
22 and the Council is satisfied that the person has been
23 sufficiently rehabilitated, the Council may certify

24

1 such person providing that all other statutory
2 requirements have been met,

3 c. a verdict of guilt or entry of a plea of guilty or
4 nolo contendere for a deferred sentence for a felony
5 offense, a crime of moral turpitude, or a crime of
6 domestic violence,

7 d. falsification or a willful misrepresentation of
8 information in an employment application or
9 application to the Council on Law Enforcement
10 Education and Training, records of evidence, or in
11 testimony under oath,

12 e. revocation or voluntary surrender of police or peace
13 officer certification in another state for a violation
14 of any law or rule or in settlement of any
15 disciplinary action in such state, or

16 f. involuntary commitment of a police or peace officer in
17 a mental institution or licensed private mental health
18 facility for any mental illness, condition or disorder
19 that is diagnosed by a licensed physician or
20 psychologist as a substantial disorder of thought,
21 mood, perception, psychological orientation, or memory
22 that significantly impairs judgment, behavior,
23 capacity to recognize reality, or ability to meet the
24 ordinary demands of life. Provided, the peace officer

1 certification may be reinstated upon the Council
2 receiving notification of a psychological evaluation
3 conducted by a licensed physician or psychologist
4 which attests and states by affidavit that the officer
5 and the evaluation test data of the officer have been
6 examined and that, in the professional opinion of the
7 physician or psychologist, the officer is
8 psychologically suitable to return to duty as a peace
9 officer.

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

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

- 17 a. there is reason to believe the person has violated any
18 provision of this subsection or any other provision of
19 law or rule, or
- 20 b. there is reason to believe the person has been
21 convicted of a felony, a crime involving moral
22 turpitude or a domestic violence offense or is
23 currently participating in a deferred sentence for
24 such offenses.

1 4. When the investigation of a complaint does not find the
2 person has violated any of the provisions of this subsection, or
3 finds that the person is sufficiently rehabilitated as provided in
4 subparagraph b or f of paragraph 1 of this subsection, no
5 disciplinary action shall be required and the person shall remain
6 certified as a police or peace officer. When the investigation of a
7 complaint finds that the person has violated any of the provisions
8 of this subsection, the matter shall be referred for disciplinary
9 proceedings. The disciplinary proceedings shall be in accordance
10 with Articles I and II of the Administrative Procedures Act.

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

24

1 6. The Council shall revoke the certification of any person
2 upon determining that such person has received a deferred sentence
3 for a felony, a crime involving moral turpitude or a domestic
4 violence offense.

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

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

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

1 b. No person who has had a police or peace officer
2 certification from another state revoked or
3 voluntarily surrendered shall be considered for
4 certification by CLEET within five (5) years of the
5 effective date of any such revocation or voluntary
6 surrender of certification.

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

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

21 11. Any person or agency required or authorized to submit
22 information pursuant to this section to the Council shall be immune
23 from liability arising from the submission of the information as
24

1 long as the information was submitted in good faith and without
2 malice.

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

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

- 22 a. the Oklahoma State Bureau of Narcotics and Dangerous
23 Drugs Control,
- 24 b. the Department of Public Safety,

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

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

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

2. The Council shall appoint a Bomb Dog Advisory Council to 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 N. 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
24 Oklahoma or any political subdivision of the State of Oklahoma

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

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

1 SECTION 7. AMENDATORY 70 O.S. 2001, Section 3311.4, as
2 amended by Section 2, Chapter 36, O.S.L. 2004 (70 O.S. Supp. 2006,
3 Section 3311.4), is amended to read as follows:

4 Section 3311.4 A. Beginning January 1, ~~1991~~ 2008, and annually
5 thereafter, every active full-time peace officer, certified by the
6 Council on Law Enforcement Education and Training (CLEET) pursuant
7 to Section 3311 of this title, shall attend and complete a minimum
8 of ~~sixteen (16)~~ twenty-five (25) hours of continuing law enforcement
9 training accredited or provided by CLEET which shall include a
10 mandatory two (2) hours on mental health issues. CLEET shall
11 promulgate rules to enforce the provisions of this section and shall
12 enter into contracts and agreements for the payment of classroom
13 space, training, food, and lodging expenses as may be necessary for
14 law enforcement officers attending such training in accordance with
15 subsection B of Section 3311 of this title. Such training and
16 seminars shall be conducted in all areas of this state at technology
17 center schools, institutions of higher education, or other approved
18 sites.

19 B. Every inactive full-time peace officer, certified by CLEET,
20 shall be exempt from these requirements during the inactive status.
21 Upon re-entry to full-time active status, the peace officer shall be
22 required to comply with ~~paragraph~~ subsection A of this section. If
23 a certified peace officer has been inactive for five (5) or more
24 years, the officer must complete ~~forty (40)~~ one hundred (100) hours

1 of refresher training as prescribed by CLEET and which shall include
2 a minimum of four (4) hours of mental health education and training,
3 within one (1) year of employment.

4 C. Every tribal officer who is commissioned by an Oklahoma law
5 enforcement agency pursuant to a cross-deputization agreement with
6 the State of Oklahoma or any political subdivision of the State of
7 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
8 the Oklahoma Statutes shall comply with the provisions of this
9 section.

10 D. Any active full-time certified peace officer, or CLEET_
11 certified cross-deputized tribal officer who fails to meet the
12 annual training requirements specified in this section, shall be
13 subject to having the certification of the peace officer suspended,
14 after the peace officer and the employer have been given written
15 notice of noncompliance and a reasonable time, as defined by the
16 Council, to comply with the provisions of this section. A peace
17 officer shall not be employed in the capacity of a peace officer
18 during any period of suspension. The suspension period shall be for
19 a period of time until the officer files a statement attesting to
20 full compliance with the provisions of this section. Suspension of
21 peace officer certification shall be reported to the District
22 Attorney for the jurisdiction in which the officer is employed. Any
23 officer whose certification is suspended pursuant to this section
24 may request a hearing with CLEET. Such hearings shall be governed

1 by the Administrative Procedures Act except that the affected
2 officer has the burden to show CLEET why CLEET should not have the
3 certification of the officer suspended.

4 SECTION 8. AMENDATORY 70 O.S. 2001, Section 3311.5, is
5 amended to read as follows:

6 Section 3311.5 ~~By September 1, 1992~~ A. On and after the
7 effective date of this act, the Council on Law Enforcement Education
8 and Training, pursuant to its authority granted by ~~Sections~~ Section
9 3311 and 3311.4 of Title 70 of the Oklahoma Statutes this title,
10 shall include in its required basic training courses ~~of study~~ for
11 law enforcement certification a minimum of four (4) hours of
12 education and training ~~and at least one (1) hour of continuing law~~
13 ~~enforcement training~~ relating to recognizing and managing a person
14 appearing to require mental health treatment or services. The
15 Council shall further offer a minimum of four (4) hours of education
16 and training on specific mental health issues pursuant to Section
17 3311.4 of this title to meet the annual requirement for continuing
18 education in the areas of mental health issues.

19 B. The Council is required to update that block of training or
20 course materials relating to legal issues, concepts, and state laws
21 annually, but not later than ninety (90) days following the
22 adjournment of any legislative session.

23 C. The Council is authorized to pay for and send training staff
24 and employees to one or more training and education courses in

1 jurisdictions outside this state for the purpose of expanding
2 curriculum, training skill development, and general knowledge within
3 the field of law enforcement education and training.

4 D. The Council shall promulgate rules to evaluate and approve
5 municipalities and counties that are deemed capable of conducting
6 separate basic law enforcement training academies in their
7 jurisdiction and to certify officers successfully completing such
8 academy training courses. Upon application to the Council, any
9 municipality with a population of sixty-five thousand (65,000) or
10 more or any county with a population of five hundred thousand
11 (500,000) or more shall be authorized to operate a basic law
12 enforcement academy. The Council shall approve an application when
13 the municipality or county making the application meets the criteria
14 for a separate training academy and demonstrates to the satisfaction
15 of the Council that the academy has sufficient resources to conduct
16 the training, the instructional staff is appropriately trained and
17 qualified to teach the course materials, the curriculum is composed
18 of comparable or higher quality course segments to the CLEET academy
19 curriculum, and the facilities where the academy will be conducted
20 are safe and sufficient for law enforcement training purposes. Any
21 municipality or county authorized to operate a basic law enforcement
22 academy after November 1, 2007, shall not be eligible to receive
23 funds pursuant to subsection E of Section 1313.2 of Title 20 of the
24 Oklahoma Statutes. The Council shall not provide any funding for

1 the operation of any separate training academy authorized by this
2 subsection.

3 E. Any municipality or county that, prior to November 1, 2007,
4 was authorized to conduct a basic law enforcement academy shall
5 continue to receive funding pursuant to subsection E of Section
6 1313.2 of Title 20 of the Oklahoma Statutes.

7 SECTION 9. NEW LAW A new section of law not to be
8 codified in the Oklahoma Statutes reads as follows:

9 On and after the effective date of this act, the Council of Law
10 Enforcement Education and Training shall utilize the most cost
11 effective method to implement and maintain the CLEET training
12 academy and any other CLEET training required by law. The Council's
13 implementation plan for additional training hours provided in this
14 act shall consist of a three-part phase-in plan to be completed not
15 later than July 1, 2010. Each phase of implementation for academy
16 training or any continued education training shall be subject to
17 availability of funding.

18 SECTION 10. This act shall become effective November 1, 2007.

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