

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 920

By: Corn and (Barrington) of  
the Senate

6 and

7 (Duncan) of the House

8  
9 COMMITTEE SUBSTITUTE

10 [ Council on Law Enforcement Education and Training -  
11 Council membership - Curriculum Review Board - basic  
12 training hours - training academies - effective  
date ]

13  
14  
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

16 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3311, as  
17 last amended by Section 1, Chapter 225, O.S.L. 2006 (70 O.S. Supp.  
18 2006, Section 3311), is amended to read as follows:

19 Section 3311. A. There is hereby re-created a Council on Law  
20 Enforcement Education and Training which shall be, and is hereby  
21 declared to be, a governmental agency of the State of Oklahoma, body  
22 politic and corporate, with powers of government and with the  
23 authority to exercise the rights, privileges and functions specified  
24 by Sections 3311 through 3311.10 of this title. The Council shall

1 be composed of nine (9) members, the Director of the Oklahoma State  
2 Bureau of Investigation, one member appointed by the Governor who  
3 may be a lay person, and seven police or peace officers, one  
4 selected by each of the following: the Court of Criminal Appeals,  
5 the Commissioner of Public Safety, the Board of Directors of the  
6 Oklahoma Sheriffs and Peace Officers Association, the Oklahoma  
7 Association of Police Chiefs, the Board of Directors of the Oklahoma  
8 Sheriffs' Association, the Board of Directors of the Fraternal Order  
9 of Police and the Governor. All Council appointments and  
10 reappointments made after the effective date of this act shall  
11 conform to the following Council composition and appointing  
12 authorities. The Council shall be composed of eleven (11) members  
13 as follows:

14 1. The Director of the Oklahoma State Bureau of Investigation;

15 2. The Director of the Department of Public Safety;

16 3. The Director of the Department of Corrections;

17 4. One member appointed by the Governor who shall be a tribal

18 police officer representing a tribal law enforcement agency;

19 5. One member appointed by the Governor who shall be a sheriff

20 of a county with a population over two hundred fifty thousand

21 (250,000);

22 6. One member appointed by the Board of Directors of the

23 Oklahoma Sheriffs and Peace Officers Association who shall be a

24 sheriff of a county with a population under fifty thousand (50,000);

1        7. One member appointed by the Oklahoma Association of Police  
2 Chiefs who shall be a police officer representing a municipality  
3 with a population over ten thousand (10,000);

4        8. One member shall be appointed by the Board of Directors of  
5 the Oklahoma Sheriffs' Association who shall be a sheriff of a  
6 county with a population of one hundred thousand (100,000) or more;

7        9. One member appointed by the Board of Directors of the  
8 Fraternal Order of Police who shall be a police officer in a  
9 municipality with a population over one hundred thousand (100,000);

10       10. One member appointed by the Chief Operating Officer of the  
11 Oklahoma Municipal League who shall be a police officer of a  
12 municipality with a population under ten thousand (10,000); and

13       11. One member appointed by the Chancellor of Higher Education  
14 who shall be a representative of East Central University.

15       The Director selected by the Council shall be an ex officio  
16 member of the Council and shall act as Secretary. The Council on  
17 Law Enforcement Education and Training shall select a chair and  
18 vice-chair from among its members. Members of the Council on Law  
19 Enforcement Education and Training shall not receive a salary for  
20 duties performed as members of the Council, but shall be reimbursed  
21 for their actual and necessary expenses incurred in the performance  
22 of Council duties pursuant to the provisions of the State Travel  
23 Reimbursement Act.

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

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

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

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

16 4. Authorize additional staff and services necessary for  
17 program expansion;

18 5. Recommend legislation necessary to upgrade Oklahoma law  
19 enforcement to professional status;

20 6. Establish policies and regulations concerning the number,  
21 geographic and police unit distribution, and admission requirements  
22 of those receiving tuition or scholarship aid available through the  
23 Council. Such waiver of costs shall be limited to duly appointed  
24

1 members of legally constituted local, county, and state law  
2 enforcement agencies on the basis of educational and financial need;

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

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

1 such food and lodging by an outside contracting agency or business  
2 establishment;

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

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

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

23 10. Enter into a lease, loan or other agreement with the  
24 Oklahoma Development Finance Authority or a local public trust for

1 the purpose of facilitating the financing of a new facility for its  
2 operations and use and pledge, to the extent authorized by law, all  
3 or a portion of its receipts of the assessment penalty herein  
4 referenced for the payment of its obligations under such lease, loan  
5 or other agreement. It is the intent of the Legislature to increase  
6 the assessment penalty to such a level or appropriate sufficient  
7 monies to the Council on Law Enforcement Education and Training to  
8 make payments on the lease, loan or other agreement for the purpose  
9 of retiring the bonds to be issued by the Oklahoma Development  
10 Finance Authority or local public trust. Such lease, loan or other  
11 agreement and the bonds issued to finance such facilities shall not  
12 constitute an indebtedness of the State of Oklahoma or be backed by  
13 the full faith and credit of the State of Oklahoma, and the lease,  
14 loan or other agreement and the bonds shall contain a statement to  
15 such effect;

16 11. Accept gifts, bequests, devises, contributions and grants,  
17 public or private, of real or personal property;

18 12. Appoint an advisory committee composed of representatives  
19 from security guard and private investigative agencies to advise the  
20 Council concerning necessary research, minimum standards for  
21 licensure, education, and other matters related to licensure of  
22 security guards, security guard agencies, private investigators, and  
23 private investigative agencies; and

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

9 14. Appoint a Curriculum Review Board to be composed of six (6)  
10 members as follows:

- 11 a. one member shall be selected by the Chancellor for  
12 Higher Education, who possesses a background of  
13 creation and review of curriculum and experience  
14 teaching criminal justice or law enforcement courses,  
15 who shall each serve an initial term of one (1) year,
- 16 b. one member shall represent a municipal jurisdiction  
17 with a population of fifty thousand (50,000) or more  
18 and who shall be a management level CLEET certified  
19 training officer, who shall serve an initial term of  
20 two (2) years,
- 21 c. one member shall represent a county jurisdiction with  
22 a population of fifty thousand (50,000) or more and  
23 who shall be a management level CLEET certified

1 training officer, who shall serve an initial term of  
2 three (3) years,

3 d. one member shall represent a municipal jurisdiction  
4 with a population of less than fifty thousand (50,000)  
5 and who shall be a CLEET certified training officer,  
6 who shall serve an initial term of two (2) years,

7 e. one member shall represent a county jurisdiction with  
8 a population of less than fifty thousand (50,000) and  
9 who shall be a CLEET certified training officer, who  
10 shall serve an initial term of one (1) year, and

11 f. one member selected by the Oklahoma Department of  
12 Career and Technology Education from the Curriculum  
13 Material and Instructional Material Center, who shall  
14 serve an initial term of three (3) years.

15 After the initial terms of office, all members shall be  
16 appointed to serve three-year terms. Any member may be reappointed  
17 to serve consecutive terms. Members shall serve without  
18 compensation, but may be reimbursed for travel expenses pursuant to  
19 the State Travel Reimbursement Act. The Board shall review and  
20 establish curriculum for all CLEET academies and training courses  
21 pursuant to procedures established by the Council on Law Enforcement  
22 Education and Training.

23 C. 1. Payment of any fee provided for in this section may be  
24 made by a nationally recognized credit or debit card issued to the

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

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

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

21 b. add an amount of no more than Five Dollars (\$5.00) as  
22 a service charge for the acceptance and verification  
23 of a check. For purposes of this subsection,  
24

1 "business check" shall not mean a money order,  
2 cashier's check, or bank certified check.

3 D. Failure of the Legislature to appropriate necessary funds to  
4 provide for expenses and operations of the Council on Law  
5 Enforcement Education and Training shall not invalidate other  
6 provisions of this section relating to the creation and duties of  
7 the Council.

8 E. 1. No person shall be eligible to complete a basic police  
9 course approved by the Council until the Oklahoma State Bureau of  
10 Investigation and the Federal Bureau of Investigation have reported  
11 to the submitting agency that such person has no felony record, and  
12 the employing agency has reported to the Council that such person  
13 has undergone psychological testing as provided for in paragraph 2  
14 of this subsection, and the applicant has certified the completion  
15 of a high school diploma or a GED equivalency certificate and that  
16 the applicant is not participating in a deferred sentence agreement  
17 for a felony or a crime involving moral turpitude or is not  
18 currently subject to an order of the Council revoking, suspending,  
19 or accepting a voluntary surrender of peace officer certification  
20 and that the applicant is not currently undergoing treatment for a  
21 mental illness, condition, or disorder. For purposes of this  
22 subsection, "currently undergoing treatment for mental illness,  
23 condition, or disorder" means the person has been diagnosed by a  
24 licensed physician or psychologist as being afflicted with a

1 substantial disorder of thought, mood, perception, psychological  
2 orientation, or memory that significantly impairs judgment,  
3 behavior, capacity to recognize reality, or ability to meet the  
4 ordinary demands of life and such condition continues to exist.

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

8 a. the Oklahoma State Bureau of Investigation and the  
9 Federal Bureau of Investigation have reported that  
10 such person has no record of a conviction of a felony  
11 or crime involving moral turpitude,

12 b. such person has undergone psychological evaluation  
13 such as the Minnesota Multiphasic Personality  
14 Inventory, the California Psychological Inventory  
15 (CPI), or other psychological instrument approved by  
16 the Council on Law Enforcement Education and Training.  
17 The psychological instrument utilized shall be  
18 evaluated by a psychologist licensed by the State of  
19 Oklahoma, and the employing agency shall certify to  
20 the Council that the evaluation was conducted in  
21 accordance with this provision and that the  
22 employee/applicant is suitable to serve as a peace  
23 officer in the State of Oklahoma. Nothing herein  
24 shall preclude a psychologist licensed in the state

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

- 19 c. such person possesses a high school diploma or a GED  
20 equivalency certificate, provided this requirement  
21 shall not affect those persons who are already  
22 employed as a police or peace officer prior to  
23 November 1, 1985,  
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- 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 Immigration and Naturalization Service,  
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 of not less~~  
14 ~~than three hundred eighty (380) six hundred (600) hours, and for~~  
15 ~~reserve police officers and reserve deputies a basic police course~~  
16 ~~of not less than two hundred forty (240) hours. ~~Said~~ All basic~~  
17 ~~police courses shall include a minimum of four (4) hours of~~  
18 ~~education and training in recognizing and managing a person~~  
19 ~~appearing to require mental health treatment or services. The~~  
20 training shall include training in crime and drug prevention, crisis  
21 intervention, ~~and~~ youth and family intervention techniques ~~and,~~  
22 recognizing, investigating and preventing abuse and exploitation of  
23 elderly persons, mental health issues, and criminal jurisdiction on  
24 Sovereign Indian Land.

1           3. Every person who has not been certified as a police or peace  
2 officer and is duly appointed or elected as a police or peace  
3 officer shall hold such position on a temporary basis only, and  
4 shall, within one (1) year from the date of appointment or taking  
5 office, qualify as required in this subsection or forfeit such  
6 position; provided, however, effective November 1, 2004, every  
7 person who has not been certified as a police or peace officer and  
8 is duly appointed or elected as a police or peace officer shall hold  
9 such position on a temporary basis only, and shall, within six (6)  
10 months from the date of appointment or taking office, qualify as  
11 required in this subsection or forfeit such position. In computing  
12 the time for qualification, all service shall be cumulative from  
13 date of first appointment or taking office as a police or peace  
14 officer with any department in this state. The Council may extend  
15 the time requirement specified in this paragraph for good cause as  
16 determined by the Council. An elected police or peace officer shall  
17 be eligible to enroll in a basic police course in accordance with  
18 this subsection upon being elected. A duty is hereby imposed upon  
19 the employing agency to withhold payment of the compensation or wage  
20 of said unqualified officer. If the police or peace officer fails  
21 to forfeit the position or the employing agency fails to require the  
22 officer to forfeit the position, the district attorney shall file  
23 the proper action to cause the forfeiting of such position. The

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1 district court of the county where the officer is employed shall  
2 have jurisdiction to hear the case.

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

8 5. For purposes of this section, a police or peace officer is  
9 defined as a full-time duly appointed or elected officer who is paid  
10 for working more than twenty-five (25) hours per week and whose  
11 duties are to preserve the public peace, protect life and property,  
12 prevent crime, serve warrants, and enforce laws and ordinances of  
13 this state, or any political subdivision thereof; provided, elected  
14 sheriffs and their deputies and elected, appointed, or acting chiefs  
15 of police shall meet the requirements of this subsection within the  
16 first six (6) months after assuming the duties of the office to  
17 which they are elected or appointed or for which they are an acting  
18 chief; provided further, that this section shall not apply to  
19 persons designated by the Director of the Department of Corrections  
20 as peace officers pursuant to Section 510 of Title 57 of the  
21 Oklahoma Statutes.

22 F. No person shall be certified as a police or peace officer by  
23 the Council or be employed by the state, a county, a city, or any  
24 political subdivision thereof, who is currently subject to an order

1 of the Council revoking, suspending, or accepting a voluntary  
2 surrender of peace officer certification or who has been convicted  
3 of a felony or a crime involving moral turpitude, unless a full  
4 pardon has been granted by the proper agency; however, any person  
5 who has been trained and certified by the Council on Law Enforcement  
6 Education and Training and is actively employed as a full-time peace  
7 officer as of November 1, 1985, shall not be subject to the  
8 provisions of this subsection for convictions occurring prior to  
9 November 1, 1985.

10 G. Every person employed as a police or peace officer in this  
11 state shall be fingerprinted by the employing law enforcement  
12 agency. One set of fingerprint impressions shall be mailed to the  
13 Oklahoma State Bureau of Investigation and one set to the Federal  
14 Bureau of Investigation, Washington, D.C., within ten (10) days from  
15 the initial date of employment.

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

- 20 a. Oklahoma State Bureau of Investigation and Federal  
21 Bureau of Investigation reports,  
22 b. administration of the psychological tests provided for  
23 herein,  
24

- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

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

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

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

1           2. A tribal law enforcement agency that has peace officers  
2 commissioned by an Oklahoma law enforcement agency pursuant to a  
3 cross-deputization agreement with the State of Oklahoma or any  
4 political subdivision of the State of Oklahoma pursuant to the  
5 provisions of Section 1221 of Title 74 of the Oklahoma Statutes  
6 shall report the commissioning, resignation, or termination of  
7 commission for any reason of a cross-deputized tribal police or  
8 peace officer to CLEET within ten (10) days of the commissioning,  
9 resignation, or termination. Failure to comply with the provisions  
10 of this subsection may disqualify a tribal law enforcement agency  
11 from participating in training programs sponsored by the Council.

12           J. It is unlawful for any person to willfully make any  
13 statement in an application to CLEET knowing the statement is false  
14 or intentionally commit fraud in any application to the Council for  
15 attendance in any CLEET-conducted or CLEET-approved peace officer  
16 academy or Collegiate Officer Program or for the purpose of  
17 obtaining peace officer certification or reinstatement. It is  
18 unlawful for any person to willfully submit false or fraudulent  
19 documents relating to continuing education rosters, transcripts or  
20 certificates, or any canine license application. Any person  
21 convicted of a violation of this subsection shall be guilty of a  
22 felony punishable by imprisonment in the Department of Corrections  
23 for a term of not less than two (2) years nor more than five (5)

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1 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
2 or by both such fine and imprisonment.

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

- 7 a. conviction of a felony or a crime of domestic  
8 violence,
- 9 b. conviction of a misdemeanor involving moral turpitude;  
10 provided, if the conviction is a single isolated  
11 incident that occurred more than five (5) years ago  
12 and the Council is satisfied that the person has been  
13 sufficiently rehabilitated, the Council may certify  
14 such person providing that all other statutory  
15 requirements have been met,
- 16 c. a verdict of guilt or entry of a plea of guilty or  
17 nolo contendere for a deferred sentence for a felony  
18 offense, a crime of moral turpitude, or a crime of  
19 domestic violence,
- 20 d. falsification or a willful misrepresentation of  
21 information in an employment application or  
22 application to the Council on Law Enforcement  
23 Education and Training, records of evidence, or in  
24 testimony under oath,

- 1 e. revocation or voluntary surrender of police or peace  
2 officer certification in another state for a violation  
3 of any law or rule or in settlement of any  
4 disciplinary action in such state, or
- 5 f. involuntary commitment of a police or peace officer in  
6 a mental institution or licensed private mental health  
7 facility for any mental illness, condition or disorder  
8 that is diagnosed by a licensed physician or  
9 psychologist as a substantial disorder of thought,  
10 mood, perception, psychological orientation, or memory  
11 that significantly impairs judgment, behavior,  
12 capacity to recognize reality, or ability to meet the  
13 ordinary demands of life. Provided, the peace officer  
14 certification may be reinstated upon the Council  
15 receiving notification of a psychological evaluation  
16 conducted by a licensed physician or psychologist  
17 which attests and states by affidavit that the officer  
18 and the evaluation test data of the officer have been  
19 examined and that, in the professional opinion of the  
20 physician or psychologist, the officer is  
21 psychologically suitable to return to duty as a peace  
22 officer.

23 2. Disciplinary proceedings shall be commenced by filing a  
24 complaint with the Council on a form approved by the Council and

1 verified by the complainant. Any employing agency or other person  
2 having information may submit such information to the Council for  
3 consideration as provided in this subsection.

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

6 a. there is reason to believe the person has violated any  
7 provision of this subsection or any other provision of  
8 law or rule, or

9 b. there is reason to believe the person has been  
10 convicted of a felony, a crime involving moral  
11 turpitude or a domestic violence offense or is  
12 currently participating in a deferred sentence for  
13 such offenses.

14 4. When the investigation of a complaint does not find the  
15 person has violated any of the provisions of this subsection, or  
16 finds that the person is sufficiently rehabilitated as provided in  
17 subparagraph b or f of paragraph 1 of this subsection, no  
18 disciplinary action shall be required and the person shall remain  
19 certified as a police or peace officer. When the investigation of a  
20 complaint finds that the person has violated any of the provisions  
21 of this subsection, the matter shall be referred for disciplinary  
22 proceedings. The disciplinary proceedings shall be in accordance  
23 with Articles I and II of the Administrative Procedures Act.

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

14           6. The Council shall revoke the certification of any person  
15 upon determining that such person has received a deferred sentence  
16 for a felony, a crime involving moral turpitude or a domestic  
17 violence offense.

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

23           8. For all other violations of this subsection, the hearing  
24 examiner shall take into consideration the severity of the

1 violation, any mitigating circumstances offered by the person  
2 subject to disciplinary action, and any other evidence relevant to  
3 the person's character to determine the appropriate disciplinary  
4 action.

5 9. a. A police or peace officer may voluntarily surrender  
6 and relinquish the peace officer certification to  
7 CLEET. Pursuant to such surrender or relinquishment,  
8 the person surrendering the certification shall be  
9 prohibited from applying to CLEET for reinstatement  
10 within five (5) years of the date of the surrender or  
11 relinquishment, unless otherwise provided by law for  
12 reinstatement.

13 b. No person who has had a police or peace officer  
14 certification from another state revoked or  
15 voluntarily surrendered shall be considered for  
16 certification by CLEET within five (5) years of the  
17 effective date of any such revocation or voluntary  
18 surrender of certification.

19 c. Any person seeking reinstatement of police or peace  
20 officer certification which has been suspended,  
21 revoked, or voluntarily surrendered may apply for  
22 reinstatement pursuant to promulgated CLEET rules  
23 governing reinstatement.  
24

1           10. A duty is hereby imposed upon the district attorney who, on  
2 behalf of the State of Oklahoma, prosecutes a person holding police  
3 or peace officer certification for a felony or crime involving moral  
4 turpitude or domestic violence in which a plea of guilty, nolo  
5 contendere, or other finding of guilt is entered by, against or on  
6 behalf of a certified police or peace officer to report such plea,  
7 agreement, or other finding of guilt to the Council on Law  
8 Enforcement Education and Training within ten (10) days of such plea  
9 agreement or the finding of guilt.

10           11. Any person or agency required or authorized to submit  
11 information pursuant to this section to the Council shall be immune  
12 from liability arising from the submission of the information as  
13 long as the information was submitted in good faith and without  
14 malice.

15           L. 1. Every canine team in the state trained to detect  
16 controlled dangerous substances shall be certified, by test, in the  
17 detection of such controlled dangerous substances and shall be  
18 recertified annually so long as the canine is used for such  
19 detection purposes. The certification test and annual  
20 recertification test provisions of this subsection shall not be  
21 applicable to canines that are owned by a law enforcement agency and  
22 that are certified and annually recertified in the detection of  
23 controlled dangerous substances by the United States Customs  
24 Service.

1           2. The Council shall appoint a Drug Dog Advisory Council to  
2 make recommendations concerning minimum standards, educational  
3 needs, and other matters imperative to the certification of canines  
4 and canine teams trained to detect controlled dangerous substances.  
5 The Council shall promulgate rules based upon the recommendations of  
6 the Advisory Council. Members of the Advisory Council shall  
7 include, but need not be limited to, a commissioned officer with  
8 practical knowledge of such canines and canine teams from each of  
9 the following:

- 10           a. the Oklahoma State Bureau of Narcotics and Dangerous  
11                Drugs Control,
- 12           b. the Department of Public Safety,
- 13           c. a police department,
- 14           d. a sheriff's office, and
- 15           e. a university or college campus police department.

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

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

12 2. The Council shall appoint a Bomb Dog Advisory Council to  
13 make recommendations concerning minimum standards, educational  
14 needs, and other matters imperative to the certification of canines  
15 and canine teams trained to detect explosives, explosive materials,  
16 explosive devices and materials which could be used to construct an  
17 explosive device. The Council shall promulgate rules based upon the  
18 recommendations of the Advisory Council. Members of the Advisory  
19 Council shall include, but need not be limited to, a commissioned  
20 officer with practical knowledge of such canines and canine teams  
21 from each of the following:

- 22 a. the Department of Public Safety,
- 23 b. a police department,
- 24 c. a sheriff's office, and

1           d.     a university or college campus police department.

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

10          N.     All tribal police officers of any Indian tribe or nation who  
11 have been commissioned by an Oklahoma law enforcement agency  
12 pursuant to a cross-deputization agreement with the State of  
13 Oklahoma or any political subdivision of the State of Oklahoma  
14 pursuant to the provisions of Section 1221 of Title 74 of the  
15 Oklahoma Statutes shall be eligible for peace officer certification  
16 under the same terms and conditions required of members of the law  
17 enforcement agencies of the State of Oklahoma and its political  
18 subdivisions, except that a fee of Three Dollars and sixteen cents  
19 (\$3.16) per hour of training shall be charged for all basic police  
20 course training provided pursuant to this subsection. Such fees  
21 shall be deposited to the credit of the C.L.E.E.T. Fund created  
22 pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.  
23 CLEET shall issue peace officer certification to tribal police  
24 officers who, as of July 1, 2003, are commissioned by an Oklahoma

1 law enforcement agency pursuant to a cross-deputization agreement  
2 with the State of Oklahoma or any political subdivision of the State  
3 of Oklahoma pursuant to the provisions of Section 1221 of Title 74  
4 of the Oklahoma Statutes and have met the training and qualification  
5 requirements of this section.

6 O. If an employing law enforcement agency in this state has  
7 paid the salary of a person while that person is completing in this  
8 state a basic police course approved by the Council and if within  
9 one (1) year after certification that person resigns and is hired by  
10 another law enforcement agency in this state, the second agency or  
11 the person receiving the training shall reimburse the original  
12 employing agency for the salary paid to the person while completing  
13 the basic police course by the original employing agency.

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

17 Section 3311.4 A. ~~Beginning January 1, 1991, and annually~~  
18 ~~thereafter,~~ On and after the effective date of this act, each  
19 calendar year every active full-time peace officer, certified by the  
20 Council on Law Enforcement Education and Training (CLEET) pursuant  
21 to Section 3311 of this title, shall attend and complete a minimum  
22 of ~~sixteen (16)~~ twenty-five (25) hours of continuing law enforcement  
23 training accredited or provided by CLEET which shall include a  
24 mandatory two (2) hours on mental health issues. CLEET shall

1 promulgate rules to enforce the provisions of this section and shall  
2 enter into contracts and agreements for the payment of classroom  
3 space, training, food, and lodging expenses as may be necessary for  
4 law enforcement officers attending such training in accordance with  
5 subsection B of Section 3311 of this title. Such training and  
6 seminars shall be conducted in all areas of this state at technology  
7 center schools, institutions of higher education, or other approved  
8 sites.

9 B. Every inactive full-time peace officer, certified by CLEET,  
10 shall be exempt from these requirements during the inactive status.  
11 Upon re-entry to full-time active status, the peace officer shall be  
12 required to comply with ~~paragraph~~ subsection A of this section. If  
13 a certified peace officer has been inactive for five (5) or more  
14 years, the officer must complete ~~forty (40)~~ one hundred (100) hours  
15 of refresher training as prescribed by CLEET and which shall include  
16 a minimum of four (4) hours of mental health education and training,  
17 within one (1) year of employment.

18 C. Every tribal officer who is commissioned by an Oklahoma law  
19 enforcement agency pursuant to a cross-deputization agreement with  
20 the State of Oklahoma or any political subdivision of the State of  
21 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of  
22 the Oklahoma Statutes shall comply with the provisions of this  
23 section.

24

1 D. Any active full-time certified peace officer, or CLEET  
2 certified cross-deputized tribal officer who fails to meet the  
3 annual training requirements specified in this section, shall be  
4 subject to having the certification of the peace officer suspended,  
5 after the peace officer and the employer have been given written  
6 notice of noncompliance and a reasonable time, as defined by the  
7 Council, to comply with the provisions of this section. A peace  
8 officer shall not be employed in the capacity of a peace officer  
9 during any period of suspension. The suspension period shall be for  
10 a period of time until the officer files a statement attesting to  
11 full compliance with the provisions of this section. Suspension of  
12 peace officer certification shall be reported to the District  
13 Attorney for the jurisdiction in which the officer is employed. Any  
14 officer whose certification is suspended pursuant to this section  
15 may request a hearing with CLEET. Such hearings shall be governed  
16 by the Administrative Procedures Act except that the affected  
17 officer has the burden to show CLEET why CLEET should not have the  
18 certification of the officer suspended.

19 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3311.5, is  
20 amended to read as follows:

21 Section 3311.5 ~~By September 1, 1992~~ A. On and after the  
22 effective date of this act, the Council on Law Enforcement Education  
23 and Training, pursuant to its authority granted by ~~Sections~~ Section  
24 3311 and 3311.4 of Title 70 of the Oklahoma Statutes this title,

1 shall include in its required basic training courses ~~of study~~ for  
2 law enforcement certification a minimum of four (4) hours of  
3 education and training ~~and at least one (1) hour of continuing law~~  
4 ~~enforcement training~~ relating to recognizing and managing a person  
5 appearing to require mental health treatment or services. The  
6 Council shall further offer a minimum of four (4) hours of education  
7 and training on specific mental health issues pursuant to Section  
8 3311.4 of this title to meet the annual requirement for continuing  
9 education in the areas of mental health issues.

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

14 C. The Council is authorized to pay for and send training staff  
15 and employees to one or more training and education courses in  
16 jurisdictions outside this state for the purpose of expanding  
17 curriculum, training skill development, and general knowledge within  
18 the field of law enforcement education and training.

19 D. The Council shall promulgate rules to evaluate and approve  
20 municipalities and counties that are deemed capable of conducting  
21 separate basic law enforcement training academies in their  
22 jurisdiction and to certify officers successfully completing such  
23 academy training courses. Upon application to the Council, any  
24 municipality or county with a population of one hundred thousand

1 (100,000) or more shall be authorized to operate a basic law  
2 enforcement academy. The Council shall approve an application when  
3 the municipality or county making the application meets the criteria  
4 for a separate training academy and demonstrates to the satisfaction  
5 of the Council that the academy has sufficient resources to conduct  
6 the training, the instructional staff is appropriately trained and  
7 qualified to teach the course materials, the curriculum is composed  
8 of comparable or higher quality course segments to the CLEET academy  
9 curriculum, and the facilities where the academy will be conducted  
10 are safe and sufficient for law enforcement training purposes. The  
11 Council shall not provide any funding or resources for the operation  
12 of any separate training academy authorized by this subsection.

13 SECTION 4. This act shall become effective November 1, 2007.

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