

THE HOUSE OF REPRESENTATIVES
Monday, April 7, 2008

Committee Substitute for
ENGROSSED
Senate Bill No. 1567

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1567 - By:
BRANAN of the Senate and JOYNER of the House.

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

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

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

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

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

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

7 2. Be a citizen of the United States;

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

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

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

20 ~~C. D.~~ 1. Any person who does not meet the qualifications of paragraph 4 ~~or~~ 5 of
21 subsection B of this section or of subsection C of this section at the time of election or
22 appointment to the position of chief of police and who fails after assuming the position of

1 chief of police to meet such qualifications within the time required shall be removed from
2 the position.

3 2. Any person assuming the position of chief of police ~~without prior~~ who has
4 obtained CLEET certification ~~who fails to complete an approved course of training or~~
5 ~~police chief administration school within the time required shall be precluded from~~
6 ~~obtaining CLEET certification while in such position~~ as a peace officer in this state at
7 any time prior to meeting the qualifications of subsection C of this section, and who fails
8 to meet such qualifications within the time required, shall be subject to a suspension of
9 CLEET certification as a peace officer until such time as the person is removed from the
10 position of chief of police or the person completes an approved police chief administration
11 school.

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

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

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

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

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

17 B. Commissioned police officers of the regular police department of any
18 municipality, upon request of a county sheriff or a designee, or upon request by a
19 commissioned law enforcement officer of the Oklahoma Highway Patrol, may serve as
20 law enforcement officers for the sheriff's office or the Oklahoma Highway Patrol,
21 respectively, if such service has been authorized by prior resolution by the governing
22 body of the municipality where such officers are regularly employed. While so serving,

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

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

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

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

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

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

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

14 1. In response to an emergency involving an immediate threat to human life or
15 property;

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

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

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

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

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
19 dated 04-03-08 - DO PASS, As Amended.