

THE HOUSE OF REPRESENTATIVES
Wednesday, April 18, 2007

Committee Substitute for
ENGROSSED
Senate Bill No. 920

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 920 - By: CORN AND BARRINGTON of the Senate and DUNCAN, SULLIVAN, SHANNON AND MARTIN (SCOTT) of the House.

An Act relating to the Council on Law Enforcement Education and Training; amending 70 O.S. 2001, Section 3311, as last amended by Section 74 of Enrolled House Bill No. 2195 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 authorities; setting qualifications for Director of CLEET; authorizing appointment of Curriculum Review Board; providing for membership, terms of office, reappointments, travel expense, and duties; increasing basic training hours; requiring mandatory mental health education and training; amending 70 O.S. 2001, Section 3311.4, as amended by Section 2, Chapter 36, O.S.L. 2004 (70 O.S. Supp. 2006, Section 3311.4), which relates to continuing law enforcement training; increasing training hours for active and inactive peace officers; amending 70 O.S. 2001, Section 3311.5, which relates to minimum education hours; increasing certain education and training hours; requiring certain training be updated by certain time; authorizing separate training academies; directing promulgation of certain rules; setting criteria for consideration and approval of training academy by Council; prohibiting municipalities or counties from being eligible to receive certain funds; prohibiting Council from providing funding for certain academy; authorizing certain municipalities or counties to continue receiving certain funding; and providing an effective date.

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

1 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3311, as last amended by
2 Section 74 of Enrolled House Bill No. 2195 of the 1st Session of the 51st Oklahoma
3 Legislature, is amended to read as follows:

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

19 1. The Commissioner of the Department of Public Safety;

20 2. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
21 Control;

22 3. The Director of the Oklahoma State Bureau of Investigation;

1 4. One member appointed by the Governor who shall be a law enforcement
2 administrator representing a tribal law enforcement agency;

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

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

9 7. One member appointed by the Oklahoma Association of Police Chiefs who shall
10 be a chief of police representing a municipality with a population over ten thousand
11 (10,000), as determined by the latest Federal Decennial Census;

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

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

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

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

21 12. The President Pro Tempore of the Senate shall appoint one member from a list
22 of three or more nominees submitted by a statewide organization representing cities and

1 towns that is exempt from taxation under federal law and designated pursuant to the
2 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a); and

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

7 The Director selected by the Council shall be an ex officio member of the Council
8 and shall act as Secretary. The Council on Law Enforcement Education and Training
9 shall select a chair and vice-chair from among its members. Members of the Council on
10 Law Enforcement Education and Training shall not receive a salary for duties performed
11 as members of the Council, but shall be reimbursed for their actual and necessary
12 expenses incurred in the performance of Council duties pursuant to the provisions of the
13 State Travel Reimbursement Act.

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

16 1. Appoint a larger Advisory Council to discuss problems and hear
17 recommendations concerning necessary research, minimum standards, educational
18 needs, and other matters imperative to upgrading Oklahoma law enforcement to
19 professional status;

20 2. Promulgate rules with respect to such matters as certification, revocation,
21 suspension, withdrawal and reinstatement of certification, minimum courses of study,
22 testing and test scores, attendance requirements, equipment and facilities, minimum

1 qualifications for instructors, minimum standards for basic and advanced in-service
2 courses, and seminars for Oklahoma police and peace officers;

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

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

6 5. Recommend legislation necessary to upgrade Oklahoma law enforcement to
7 professional status;

8 6. Establish policies and regulations concerning the number, geographic and police
9 unit distribution, and admission requirements of those receiving tuition or scholarship
10 aid available through the Council. Such waiver of costs shall be limited to duly
11 appointed members of legally constituted local, county, and state law enforcement
12 agencies on the basis of educational and financial need;

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

21 8. Enter into contracts and agreements for the payment of classroom space, food,
22 and lodging expenses as may be necessary for law enforcement officers attending any

1 official course of instruction approved or conducted by the Council. Such expenses may
2 be paid directly to the contracting agency or business establishment. The food and
3 lodging expenses for each law enforcement officer shall not exceed the authorized rates
4 as provided for in the State Travel Reimbursement Act; provided, however, the Council
5 may provide food and lodging to law enforcement officials attending any official course of
6 instruction approved or conducted by the Council rather than paying for the provision of
7 such food and lodging by an outside contracting agency or business establishment;

8 9. a. Certify canine teams, consisting of a dog and a handler working
9 together as a team, trained to detect:

10 (1) controlled dangerous substances, or

11 (2) explosives, explosive materials, explosive devices, or materials
12 which could be used to construct an explosive device;

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

18 b. Upon retiring the dog from the service it was certified to perform, the
19 law enforcement department that handled the dog shall retain
20 possession of the dog. The handler shall have first option of adopting
21 the dog. If that option is not exercised, the law enforcement

1 department shall provide for its adoption. Once adopted the dog shall
2 not be placed back into active service;

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

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

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

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

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

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

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

- 16 a. one member shall be selected by the Chancellor for Higher Education,
17 who possesses a background of creation and review of curriculum and
18 experience teaching criminal justice or law enforcement courses, who
19 shall serve an initial term of one (1) year,
20 b. one member shall represent a municipal jurisdiction with a population
21 of fifty thousand (50,000) or more and who shall be a management-

1 level CLEET-certified training officer, who shall serve an initial term
2 of two (2) years,

3 c. one member shall represent a county jurisdiction with a population of
4 fifty thousand (50,000) or more and who shall be a management-level
5 CLEET-certified training officer, who shall serve an initial term of
6 three (3) years,

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

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

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

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

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

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

- 15 a. add an amount equal to the amount of the service charge incurred, not
16 to exceed three percent (3%) of the amount of the check as a service
17 charge for the acceptance and verification of the check, or
18 b. add an amount of no more than Five Dollars (\$5.00) as a service charge
19 for the acceptance and verification of a check. For purposes of this
20 subsection, "business check" shall not mean a money order, cashier's
21 check, or bank certified check.

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

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

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

4 a. the Oklahoma State Bureau of Investigation and the Federal Bureau
5 of Investigation have reported that such person has no record of a
6 conviction of a felony or crime involving moral turpitude,

7 b. such person has undergone psychological evaluation such as the
8 Minnesota Multiphasic Personality Inventory, the California
9 Psychological Inventory (CPI), or other psychological instrument
10 approved by the Council on Law Enforcement Education and Training.

11 The psychological instrument utilized shall be evaluated by a
12 psychologist licensed by the State of Oklahoma, and the employing
13 agency shall certify to the Council that the evaluation was conducted
14 in accordance with this provision and that the employee/applicant is
15 suitable to serve as a peace officer in the State of Oklahoma. Nothing
16 herein shall preclude a psychologist licensed in the state from
17 employing additional psychological techniques to assist the employing
18 agency's determination of the employee/applicant's suitability to serve
19 as a peace officer in the State of Oklahoma. Any person found not to
20 be suitable for employment or certification by the Council shall not be
21 employed, retained in employment as a peace officer, or certified by the
22 Council for at least one (1) year, at which time the employee/applicant

1 may be reevaluated by a psychologist licensed by the State of
2 Oklahoma. This section shall also be applicable to all reserve peace
3 officers in the State of Oklahoma. Any person who is certified by
4 CLEET and has undergone the psychological evaluation required by
5 this subparagraph and has been found to be suitable as a peace officer
6 shall not be required to be reevaluated for any subsequent employment
7 as a peace officer following retirement or any break in service as a
8 peace officer,

- 9 c. such person possesses a high school diploma or a GED equivalency
10 certificate, provided this requirement shall not affect those persons
11 who are already employed as a police or peace officer prior to
12 November 1, 1985,
- 13 d. such person is not participating in a deferred sentence agreement for a
14 felony or a crime involving moral turpitude,
- 15 e. such person has attained twenty-one (21) years of age prior to
16 certification as a peace officer,
- 17 f. such person has provided proof of United States citizenship or resident
18 alien status, pursuant to an employment eligibility verification form
19 from the United States Immigration and Naturalization Service, and
20 g. the name, gender, date of birth, and address of such person have been
21 presented to the Department of Mental Health and Substance Abuse
22 Services by the Council. The Department of Mental Health and

1 Substance Abuse Services shall respond to the Council within ten (10)
2 days whether the computerized records of the Department indicate the
3 applicant has ever been involuntarily committed to an Oklahoma state
4 mental institution. In the event that the Department of Mental Health
5 and Substance Abuse Services reports to the Council that the applicant
6 has been involuntarily committed, the Council shall immediately
7 inform the employing agency,
8 and the Council has determined that such person has satisfactorily completed a basic
9 police course of not less than one hundred sixty (160) hours of accredited instruction for
10 reserve police officers and reserve deputies and not less than three hundred (300) hours
11 for full-time salaried police or peace officers from the Council or curriculum or course of
12 study approved by the Council; provided, the Council may increase the number of hours
13 for the completion of a basic police course by requiring independent study. Beginning
14 January 1, 2003, the basic police course for full-time-salaried police or peace officers shall
15 be increased to not less than three hundred two (302) hours. Subject to the availability of
16 money, beginning July 1, 2005, the basic police course for full-time-salaried police or
17 peace officers shall be increased to of not less than three hundred eighty (380) six
18 hundred (600) hours, and for reserve police officers and reserve deputies a basic police
19 course of not less than two hundred forty (240) hours. Said All basic police courses shall
20 include a minimum of four (4) hours of education and training in recognizing and
21 managing a person appearing to require mental health treatment or services. The
22 training shall include training in crime and drug prevention, crisis intervention, and

1 youth and family intervention techniques ~~and~~, recognizing, investigating and preventing
2 abuse and exploitation of elderly persons, mental health issues, and criminal jurisdiction
3 on Sovereign Indian Land.

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

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

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

15 F. No person shall be certified as a police or peace officer by the Council or be
16 employed by the state, a county, a city, or any political subdivision thereof, who is
17 currently subject to an order of the Council revoking, suspending, or accepting a
18 voluntary surrender of peace officer certification or who has been convicted of a felony or
19 a crime involving moral turpitude, unless a full pardon has been granted by the proper
20 agency; however, any person who has been trained and certified by the Council on Law
21 Enforcement Education and Training and is actively employed as a full-time peace officer

1 as of November 1, 1985, shall not be subject to the provisions of this subsection for
2 convictions occurring prior to November 1, 1985.

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

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

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

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

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

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

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

18 J. It is unlawful for any person to willfully make any statement in an application to
19 CLEET knowing the statement is false or intentionally commit fraud in any application
20 to the Council for attendance in any CLEET-conducted or CLEET-approved peace officer
21 academy or Collegiate Officer Program or for the purpose of obtaining peace officer
22 certification or reinstatement. It is unlawful for any person to willfully submit false or

1 fraudulent documents relating to continuing education rosters, transcripts or certificates,
2 or any canine license application. Any person convicted of a violation of this subsection
3 shall be guilty of a felony punishable by imprisonment in the Department of Corrections
4 for a term of not less than two (2) years nor more than five (5) years, or by a fine not
5 exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

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

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

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

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

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

- 1 a. there is reason to believe the person has violated any provision of this
2 subsection or any other provision of law or rule, or
- 3 b. there is reason to believe the person has been convicted of a felony, a
4 crime involving moral turpitude or a domestic violence offense or is
5 currently participating in a deferred sentence for such offenses.

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

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

1 sole issue to be determined at the hearing shall be whether the person has been
2 convicted of a felony, a crime involving moral turpitude or a domestic violence offense.

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

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

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

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

20 b. No person who has had a police or peace officer certification from
21 another state revoked or voluntarily surrendered shall be considered

1 for certification by CLEET within five (5) years of the effective date of
2 any such revocation or voluntary surrender of certification.

3 c. Any person seeking reinstatement of police or peace officer certification
4 which has been suspended, revoked, or voluntarily surrendered may
5 apply for reinstatement pursuant to promulgated CLEET rules
6 governing reinstatement.

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

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

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

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

1 agency and that are certified and annually recertified in the detection of controlled
2 dangerous substances by the United States Customs Service.

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

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

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

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

- 17 a. the Department of Public Safety,
- 18 b. a police department,
- 19 c. a sheriff's office, and
- 20 d. a university or college campus police department.

21 3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the
22 annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team.

1 A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee
2 shall be charged to any local, state or federal government agency. The fees provided for
3 in this paragraph shall be deposited to the credit of the C.L.E.E.T. Fund created
4 pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

21 O. If an employing law enforcement agency in this state has paid the salary of a
22 person while that person is completing in this state a basic police course approved by the

1 Council and if within one (1) year after certification that person resigns and is hired by
2 another law enforcement agency in this state, the second agency or the person receiving
3 the training shall reimburse the original employing agency for the salary paid to the
4 person while completing the basic police course by the original employing agency.

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

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

20 B. Every inactive full-time peace officer, certified by CLEET, shall be exempt from
21 these requirements during the inactive status. Upon re-entry to full-time active status,
22 the peace officer shall be required to comply with ~~paragraph~~ subsection A of this section.

1 If a certified peace officer has been inactive for five (5) or more years, the officer must
2 complete ~~forty (40)~~ one hundred (100) hours of refresher training as prescribed by
3 CLEET and which shall include a minimum of four (4) hours of mental health education
4 and training, within one (1) year of employment.

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

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

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

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

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

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

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

20 D. The Council shall promulgate rules to evaluate and approve municipalities and
21 counties that are deemed capable of conducting separate basic law enforcement training
22 academies in their jurisdiction and to certify officers successfully completing such

1 academy training courses. Upon application to the Council, any municipality with a
2 population of sixty-five thousand (65,000) or more or any county with a population of five
3 hundred thousand (500,000) or more shall be authorized to operate a basic law
4 enforcement academy. The Council shall approve an application when the municipality
5 or county making the application meets the criteria for a separate training academy and
6 demonstrates to the satisfaction of the Council that the academy has sufficient resources
7 to conduct the training, the instructional staff is appropriately trained and qualified to
8 teach the course materials, the curriculum is composed of comparable or higher quality
9 course segments to the CLEET academy curriculum, and the facilities where the
10 academy will be conducted are safe and sufficient for law enforcement training purposes.
11 Any municipality or county authorized to operate a basic law enforcement academy after
12 November 1, 2007, shall not be eligible to receive funds pursuant to subsection E of
13 Section 1313.2 of Title 20 of the Oklahoma Statutes. The Council shall not provide any
14 funding for the operation of any separate training academy authorized by this
15 subsection.

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

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

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
21 dated 04-17-07 - DO PASS, As Amended and Coauthored.