

**EHB 1618**

**THE STATE SENATE**  
**Monday, April 2, 2007**

**ENGROSSED**

**House Bill No. 1618**

ENGROSSED HOUSE BILL NO. 1618 - By: ROAN of the House and CORN of the Senate.

An Act relating to law enforcement 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; deleting certain psychological instruments used for evaluating persons being certified as police or peace officers; directing employing agencies to administer psychological instruments according to certain standards; directing the employing agencies to provide certain information; requiring a psychologist to make certain reports; limiting additional procedures or requirements; deleting duplicate language; and providing an effective date.

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

SECTION 1. AMENDATORY 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, is amended to read as follows:

Section 3311. A. There is hereby re-created a Council on Law Enforcement Education and Training which shall be, and is hereby declared to be, a governmental agency of the State of Oklahoma, body politic and corporate, with powers of government and with the authority to exercise the rights, privileges and functions specified 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. The Director selected by the Council  
10 shall be an ex officio member of the Council and shall act as  
11 Secretary. The Council on Law Enforcement Education and Training  
12 shall select a chair and vice-chair from among its members. Members  
13 of the Council on Law Enforcement Education and Training shall not  
14 receive a salary for duties performed as members of the Council, but  
15 shall be reimbursed for their actual and necessary expenses incurred  
16 in the performance of Council duties pursuant to the provisions of  
17 the State Travel Reimbursement Act.

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

20 1. Appoint a larger Advisory Council to discuss problems and  
21 hear recommendations concerning necessary research, minimum  
22 standards, educational needs, and other matters imperative to  
23 upgrading Oklahoma law enforcement to professional status;

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

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

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

12          5. Recommend legislation necessary to upgrade Oklahoma law  
13 enforcement to professional status;

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

20          7. Appoint a Director and an Assistant Director to direct the  
21 staff, inform the Council of compliance with the provisions of this  
22 section and perform such other duties imposed on the Council by law;

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

14           9. a. Certify canine teams, consisting of a dog and a  
15 handler working together as a team, trained to detect:  
16               (1) controlled dangerous substances, or  
17               (2) explosives, explosive materials, explosive  
18 devices, or materials which could be used to  
19 construct an explosive device;  
20 provided, the dog of a certified canine team shall not  
21 be certified at any time as both a drug dog and a bomb  
22 dog, and any dog of a certified canine team who has  
23 been previously certified as either a drug dog or a

1 bomb dog shall not be eligible at any time to be  
2 certified in the other category.

3 b. Upon retiring the dog from the service it was  
4 certified to perform, the law enforcement department  
5 that handled the dog shall retain possession of the  
6 dog. The handler shall have first option of adopting  
7 the dog. If that option is not exercised, the law  
8 enforcement department shall provide for its adoption.  
9 Once adopted the dog shall not be placed back into  
10 active service;

11 10. Enter into a lease, loan or other agreement with the  
12 Oklahoma Development Finance Authority or a local public trust for  
13 the purpose of facilitating the financing of a new facility for its  
14 operations and use and pledge, to the extent authorized by law, all  
15 or a portion of its receipts of the assessment penalty herein  
16 referenced for the payment of its obligations under such lease, loan  
17 or other agreement. It is the intent of the Legislature to increase  
18 the assessment penalty to such a level or appropriate sufficient  
19 monies to the Council on Law Enforcement Education and Training to  
20 make payments on the lease, loan or other agreement for the purpose  
21 of retiring the bonds to be issued by the Oklahoma Development  
22 Finance Authority or local public trust. Such lease, loan or other  
23 agreement and the bonds issued to finance such facilities shall not

1 constitute an indebtedness of the State of Oklahoma or be backed by  
2 the full faith and credit of the State of Oklahoma, and the lease,  
3 loan or other agreement and the bonds shall contain a statement to  
4 such effect;

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

7 12. Appoint an advisory committee composed of representatives  
8 from security guard and private investigative agencies to advise the  
9 Council concerning necessary research, minimum standards for  
10 licensure, education, and other matters related to licensure of  
11 security guards, security guard agencies, private investigators, and  
12 private investigative agencies;

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

21 14. Promulgate rules to establish a state firearms  
22 requalification standard for active peace officers and meet any

1 requirements of the federal Law Enforcement Officers Safety Act of  
2 2004 for peace officers to carry concealed weapons nationwide; and

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

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

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

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

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

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

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

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

15 2. No person shall be certified as a police or peace officer in  
16 this state unless the employing agency has reported to the Council  
17 that:

- 18 a. the Oklahoma State Bureau of Investigation and the  
19 Federal Bureau of Investigation have reported that  
20 such person has no record of a conviction of a felony  
21 or crime involving moral turpitude,  
22 b. such person has undergone psychological evaluation  
23 ~~such as the Minnesota Multiphasic Personality~~

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

1                   for performance of the psychological evaluation. The  
2                   psychological instrument utilized shall be evaluated  
3                   by a psychologist licensed by the State of Oklahoma,  
4                   and the employing agency shall certify to the Council  
5                   that the evaluation was conducted in accordance with  
6                   this provision and that the employee/applicant is  
7                   suitable to serve as a peace officer in the State of  
8                   Oklahoma. ~~Nothing herein shall preclude a~~  
9                   ~~psychologist licensed in the state from employing~~  
10                  ~~additional psychological techniques to assist the~~  
11                  ~~employing agency's determination of the~~  
12                  ~~employee/applicant's suitability to serve as a peace~~  
13                  ~~officer in the State of Oklahoma.~~ Any person found  
14                  not to be suitable for employment or certification by  
15                  the Council shall not be employed, retained in  
16                  employment as a peace officer, or certified by the  
17                  Council for at least one (1) year, at which time the  
18                  employee/applicant may be reevaluated by a  
19                  psychologist licensed by the State of Oklahoma. This  
20                  section shall also be applicable to all reserve peace  
21                  officers in the State of Oklahoma. Any person who is  
22                  certified by CLEET and has undergone the psychological  
23                  evaluation required by this subparagraph and has been

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

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

1 training in crime and drug prevention, crisis intervention, and  
2 youth and family intervention techniques and recognizing,  
3 investigating and preventing abuse and exploitation of elderly  
4 persons.

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

1 of said unqualified officer. If the police or peace officer fails  
2 to forfeit the position or the employing agency fails to require the  
3 officer to forfeit the position, the district attorney shall file  
4 the proper action to cause the forfeiting of such position. The  
5 district court of the county where the officer is employed shall  
6 have jurisdiction to hear the case.

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

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

1 as peace officers pursuant to Section 510 of Title 57 of the  
2 Oklahoma Statutes.

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

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

21 H. 1. The Council is hereby authorized to provide to any  
22 employing agency the following information regarding a person who is

1 or has applied for employment as a police or peace officer of such  
2 employing agency:

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

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

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

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

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

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

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

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

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

- 1           c.    a verdict of guilt or entry of a plea of guilty or  
2                    nolo contendere for a deferred sentence for a felony  
3                    offense, a crime of moral turpitude, or a crime of  
4                    domestic violence,
- 5           d.    falsification or a willful misrepresentation of  
6                    information in an employment application or  
7                    application to the Council on Law Enforcement  
8                    Education and Training, records of evidence, or in  
9                    testimony under oath,
- 10          e.    revocation or voluntary surrender of police or peace  
11                   officer certification in another state for a violation  
12                   of any law or rule or in settlement of any  
13                   disciplinary action in such state, or
- 14          f.    involuntary commitment of a police or peace officer in  
15                   a mental institution or licensed private mental health  
16                   facility for any mental illness, condition or disorder  
17                   that is diagnosed by a licensed physician or  
18                   psychologist as a substantial disorder of thought,  
19                   mood, perception, psychological orientation, or memory  
20                   that significantly impairs judgment, behavior,  
21                   capacity to recognize reality, or ability to meet the  
22                   ordinary demands of life.  Provided, the peace officer  
23                   certification may be reinstated upon the Council

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

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

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

16 a. there is reason to believe the person has violated any  
17 provision of this subsection or any other provision of  
18 law or rule, or

19 b. there is reason to believe the person has been  
20 convicted of a felony, a crime involving moral  
21 turpitude or a domestic violence offense or is  
22 currently participating in a deferred sentence for  
23 such offenses.

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

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

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

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

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

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

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

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

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

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

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

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

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

22 a. the Oklahoma State Bureau of Narcotics and Dangerous  
23 Drugs Control,

- 1           b.    the Department of Public Safety,
- 2           c.    a police department,
- 3           d.    a sheriff's office, and
- 4           e.    a university or college campus police department.

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

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

1           2. The Council shall appoint a Bomb 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 explosives, explosive materials,  
5 explosive devices and materials which could be used to construct an  
6 explosive device. The Council shall promulgate rules based upon the  
7 recommendations of the Advisory Council. Members of the Advisory  
8 Council shall include, but need not be limited to, a commissioned  
9 officer with practical knowledge of such canines and canine teams  
10 from each of the following:

- 11           a. the Department of Public Safety,
- 12           b. a police department,
- 13           c. a sheriff's office, and
- 14           d. a university or college campus police department.

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

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

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

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

6 SECTION 2. This act shall become effective November 1, 2007.

7 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,  
8 dated 3-27-07 - DO PASS.