

SB 1625

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THE STATE SENATE
Monday, February 25, 2008

Senate Bill No. 1625
As Amended

SENATE BILL NO. 1625 - By: PADDACK of the Senate and ROAN of the House.

[public safety - Council on Law Enforcement Education and Training - peace officer certification requirements - 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 6, Chapter 360, O.S.L. 2007 (70 O.S. Supp. 2007, Section 3311), 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 be composed of nine (9) members, the Director of the Oklahoma State Bureau of Investigation, one member appointed by the Governor who may be a lay person, and seven police or peace officers, one selected by each of the following: the Court of Criminal Appeals, the Commissioner of Public Safety, the Board of Directors of the Oklahoma Sheriffs and Peace Officers Association, the Oklahoma

1 Association of Police Chiefs, the Board of Directors of the Oklahoma
2 Sheriffs' Association, the Board of Directors of the Fraternal Order
3 of Police and the Governor. All Council appointments and
4 reappointments made after the effective date of this act shall
5 conform to the following Council composition and appointing
6 authorities. The Council shall be composed of thirteen (13) members
7 as follows:

8 1. The Commissioner of the Department of Public Safety, or
9 designee;

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

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

14 4. One member appointed by the Governor who shall be a law
15 enforcement administrator representing a tribal law enforcement
16 agency;

17 5. One member appointed by the Governor who shall be a chief of
18 police of a municipality with a population over one hundred thousand
19 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

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

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

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

22 13. The Speaker of the House of Representatives shall appoint
23 one member from a list of three or more nominees submitted by an

1 organization that assists in the establishment of accreditation
2 standards and training programs for law enforcement agencies
3 throughout the State of Oklahoma.

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

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

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

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

1 advanced in-service courses, and seminars for Oklahoma police and
2 peace officers;

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

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

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

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

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

1 for enforcement, investigation, administration, training, or
2 curriculum implementation;

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

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

1 dog, and any dog of a certified canine team who has
2 been previously certified as either a drug dog or a
3 bomb dog shall not be eligible at any time to be
4 certified in the other category.

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

13 10. Enter into a lease, loan or other agreement with the
14 Oklahoma Development Finance Authority or a local public trust for
15 the purpose of facilitating the financing of a new facility for its
16 operations and use and pledge, to the extent authorized by law, all
17 or a portion of its receipts of the assessment penalty herein
18 referenced for the payment of its obligations under such lease, loan
19 or other agreement. It is the intent of the Legislature to increase
20 the assessment penalty to such a level or appropriate sufficient
21 monies to the Council on Law Enforcement Education and Training to
22 make payments on the lease, loan or other agreement for the purpose
23 of retiring the bonds to be issued by the Oklahoma Development

1 Finance Authority or local public trust. Such lease, loan or other
2 agreement and the bonds issued to finance such facilities shall not
3 constitute an indebtedness of the State of Oklahoma or be backed by
4 the full faith and credit of the State of Oklahoma, and the lease,
5 loan or other agreement and the bonds shall contain a statement to
6 such effect;

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

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

15 13. Enter into agreements with individuals, educational
16 institutions, agencies, and business and tribal entities for
17 professional services, the temporary use of facilities of the
18 Council and supplies, and staff overtime costs incurred as a result
19 of the user's requests to schedule functions after-hours, on
20 weekends, or anytime such requests extend staff beyond its normal
21 capacity, whereby contracting individuals, educational institutions,
22 agencies, and business and tribal entities shall pay a fee to be
23 determined by the Council by rule. All fees collected pursuant to

1 these agreements shall be deposited to the credit of the C.L.E.E.T.
2 Training Center Revolving Fund created pursuant to Section 3311.6 of
3 this title. The Council is authorized to promulgate emergency rules
4 to effectuate the provisions of this paragraph;

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

9 15. Set minimal criteria relating to qualifications for chief
10 of police administrative training pursuant to Section 34-102 of
11 Title 11 of the Oklahoma Statutes, assist in developing a course of
12 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)
15 members as follows:

16 a. one member shall be selected by the Chancellor for
17 Higher Education, who possesses a background of
18 creation and review of curriculum and experience
19 teaching criminal justice or law enforcement courses,
20 who shall serve an initial term of one (1) year,

21 b. one member shall represent a municipal jurisdiction
22 with a population of fifty thousand (50,000) or more
23 and who shall be a management-level CLEET-certified

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

20 After the initial terms of office, all members shall be
21 appointed to serve three-year terms. Any member may be reappointed
22 to serve consecutive terms. Members shall serve without
23 compensation, but may be reimbursed for travel expenses pursuant to

1 the State Travel Reimbursement Act. The Board shall review and
2 establish curriculum for all CLEET academies and training courses
3 pursuant to procedures established by the Council on Law Enforcement
4 Education and Training.

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

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

- 1 a. add an amount equal to the amount of the service
2 charge incurred, not to exceed three percent (3%) of
3 the amount of the check as a service charge for the
4 acceptance and verification of the check, or
5 b. add an amount of no more than Five Dollars (\$5.00) as
6 a service charge for the acceptance and verification
7 of a check. For purposes of this subsection,
8 "business check" shall not mean a money order,
9 cashier's check, or bank certified check.

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

15 E. 1. No person shall be eligible to complete a basic police
16 course approved by the Council until the Oklahoma State Bureau of
17 Investigation and the Federal Bureau of Investigation have reported
18 to the submitting agency that such person has no felony record, and
19 the employing agency has reported to the Council that such person
20 has undergone psychological testing as provided for in paragraph 2
21 of this subsection, and the applicant has certified the completion
22 of a high school diploma or a GED equivalency certificate and that
23 the applicant is not participating in a deferred sentence agreement

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

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

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

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

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

1 and the employing agency shall certify to the Council
2 that the evaluation was conducted in accordance with
3 this provision and that the employee/applicant is
4 suitable to serve as a peace officer in the State of
5 Oklahoma. Any person found not to be suitable for
6 employment or certification by the Council shall not
7 be employed, retained in employment as a peace
8 officer, or certified by the Council for at least one
9 (1) year, at which time the employee/applicant may be
10 reevaluated by a psychologist licensed by the State of
11 Oklahoma. This section shall also be applicable to
12 all reserve peace officers in the State of Oklahoma.
13 Any person who is certified by CLEET and has undergone
14 the psychological evaluation required by this
15 subparagraph and has been found to be suitable as a
16 peace officer shall not be required to be reevaluated
17 for any subsequent employment as a peace officer
18 following retirement or any break in service as a
19 peace officer,
20 c. such person possesses a high school diploma or a GED
21 equivalency certificate, provided this requirement
22 shall not affect those persons who are already

1 employed as a police or peace officer prior to
2 November 1, 1985,

3 d. such person is not participating in a deferred
4 sentence agreement for a felony ~~or~~, a crime involving
5 moral turpitude, or a crime of domestic violence,

6 e. such person has attained twenty-one (21) years of age
7 prior to certification as a peace officer,

8 f. such person has provided proof of United States
9 citizenship or resident alien status, pursuant to an
10 employment eligibility verification form from the
11 United States Citizenship and Immigration Services,
12 and

13 g. the name, gender, date of birth, and address of such
14 person have been presented to the Department of Mental
15 Health and Substance Abuse Services by the Council.
16 The Department of Mental Health and Substance Abuse
17 Services shall respond to the Council within ten (10)
18 days whether the computerized records of the
19 Department indicate the applicant has ever been
20 involuntarily committed to an Oklahoma state mental
21 institution. In the event that the Department of
22 Mental Health and Substance Abuse Services reports to
23 the Council that the applicant has been involuntarily

1 committed, the Council shall immediately inform the
2 employing agency,
3 and the Council has determined that such person has satisfactorily
4 completed a basic police course approved by the Council. All basic
5 police courses shall include a minimum of four (4) hours of
6 education and training in recognizing and managing a person
7 appearing to require mental health treatment or services. The
8 training shall include training in crime and drug prevention, crisis
9 intervention, youth and family intervention techniques, recognizing,
10 investigating and preventing abuse and exploitation of elderly
11 persons, mental health issues, and criminal jurisdiction on
12 Sovereign Indian Land.

13 Subject to the availability of funding, for full-time salaried
14 police or peace officers a basic police course academy shall be as
15 follows: any academy graduating after July 1, 2007, but before
16 December 31, 2007, shall have three hundred seventy-five (375)
17 hours; any academy graduating after January 1, 2008, but before June
18 30, 2008, shall have five hundred five (505) hours; any academy
19 graduating after July 1, 2008, but before June 30, 2009, shall have
20 five hundred seventy-six (576) hours; and any academy graduating
21 after July 1, 2009, shall have six hundred (600) hours.

22 For reserve deputies a basic police course shall be as follows:
23 any reserve academy approved by the Council prior to December 31,

1 2007, shall have one hundred sixty (160) hours; and any reserve
2 academy approved by the Council after January 1, 2008, shall have
3 two hundred forty (240) hours.

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

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

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

11 5. For purposes of this section, a police or peace officer is
12 defined as a full-time duly appointed or elected officer who is paid
13 for working more than twenty-five (25) hours per week and whose
14 duties are to preserve the public peace, protect life and property,
15 prevent crime, serve warrants, and enforce laws and ordinances of
16 this state, or any political subdivision thereof; provided, elected
17 sheriffs and their deputies and elected, appointed, or acting chiefs
18 of police shall meet the requirements of this subsection within the
19 first six (6) months after assuming the duties of the office to
20 which they are elected or appointed or for which they are an acting
21 chief; provided further, that this section shall not apply to
22 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, or a crime of
9 domestic violence, unless a full pardon has been granted by the
10 proper agency; however, any person who has been trained and
11 certified by the Council on Law Enforcement Education and Training
12 and is actively employed as a full-time peace officer as of November
13 1, 1985, shall not be subject to the provisions of this subsection
14 for convictions occurring prior to 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. Every law enforcement agency in this state shall, within
11 thirty (30) days of a final order of termination provided to, or the
12 resignation while under investigation of, a CLEET-certified peace
13 officer, report such order or resignation in writing to the Director
14 of the Council, providing full disclosure of the circumstances. Law
15 enforcement agencies shall be immune from any liability or civil
16 action arising from actions taken pursuant to this paragraph. The
17 report, upon receipt by the Council, shall be considered as
18 personnel records and shall be afforded confidential protection
19 pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma
20 Statutes. The Director shall ensure that the report is provided to
21 all members of the Council. The Council shall review and make
22 recommendations concerning the report at the first meeting of the
23 Council to occur after all members of the Council have received the

1 report. The Council may, by a majority vote, order the suspension,
2 for a given period of time, or revocation of the CLEET certification
3 of the peace officer in question. Suspension or revocation of CLEET
4 certification pursuant to this paragraph shall be reported to the
5 District Attorney for the jurisdiction in which the peace officer
6 was employed, to the liability insurance company of the law
7 enforcement agency that employed the peace officer, and to the chief
8 elected official of the law enforcement agency's governing body.

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

15 ~~9.~~

16 10. 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.~~ 11. A duty is hereby imposed upon the district attorney
13 who, on behalf of the State of Oklahoma, prosecutes a person holding
14 police or peace officer certification for a felony or crime
15 involving moral turpitude or domestic violence in which a plea of
16 guilty, nolo contendere, or other finding of guilt is entered by,
17 against or on behalf of a certified police or peace officer to
18 report such plea, agreement, or other finding of guilt to the
19 Council on Law Enforcement Education and Training within ten (10)
20 days of such plea agreement or the finding of guilt.

21 ~~11.~~ 12. 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 13. As used in this subsection:

4 a. "law enforcement agency" means any department or
5 agency of the state, a county, a municipality, or
6 political subdivision thereof, with the duties to
7 maintain public order, make arrests, and enforce the
8 criminal laws of this state or municipal ordinances,
9 which employs CLEET-certified personnel,

10 b. "final order of termination" means a final notice of
11 dismissal from employment provided after all
12 grievance, arbitration, and court actions have been
13 completed, and

14 c. "resignation while under investigation" means the
15 resignation from employment of a peace officer who is
16 under investigation for any misdemeanor or felony
17 violation of law, or the resignation from employment
18 of a peace officer as part of an arbitration or plea
19 agreement.

20 L. 1. Every canine team in the state trained to detect
21 controlled dangerous substances shall be certified, by test, in the
22 detection of such controlled dangerous substances and shall be
23 recertified annually so long as the canine is used for such

1 detection purposes. The certification test and annual
2 recertification test provisions of this subsection shall not be
3 applicable to canines that are owned by a law enforcement agency and
4 that are certified and annually recertified in the detection of
5 controlled dangerous substances by the United States Customs
6 Service.

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

- 16 a. the Oklahoma State Bureau of Narcotics and Dangerous
17 Drugs Control,
- 18 b. the Department of Public Safety,
- 19 c. a police department,
- 20 d. a sheriff's office, and
- 21 e. a university or college campus police department.

22 3. The fee for the certification test shall be Two Hundred
23 Dollars (\$200.00) and the annual recertification test fee shall be

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

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

18 2. The Council shall appoint a Bomb Dog Advisory Council to
19 make recommendations concerning minimum standards, educational
20 needs, and other matters imperative to the certification of canines
21 and canine teams trained to detect explosives, explosive materials,
22 explosive devices and materials which could be used to construct an
23 explosive device. The Council shall promulgate rules based upon the

1 recommendations of the Advisory Council. Members of the Advisory
2 Council shall include, but need not be limited to, a commissioned
3 officer with practical knowledge of such canines and canine teams
4 from each of the following:

- 5 a. the Department of Public Safety,
- 6 b. a police department,
- 7 c. a sheriff's office, and
- 8 d. a university or college campus police department.

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

17 N. All tribal police officers of any Indian tribe or nation who
18 have been commissioned by an Oklahoma law enforcement agency
19 pursuant to a cross-deputization agreement with the State of
20 Oklahoma or any political subdivision of the State of Oklahoma
21 pursuant to the provisions of Section 1221 of Title 74 of the
22 Oklahoma Statutes shall be eligible for peace officer certification
23 under the same terms and conditions required of members of the law

1 enforcement agencies of the State of Oklahoma and its political
2 subdivisions. CLEET shall issue peace officer certification to
3 tribal police officers who, as of July 1, 2003, are commissioned by
4 an Oklahoma law enforcement agency pursuant to a cross-deputization
5 agreement with the State of Oklahoma or any political subdivision of
6 the State of Oklahoma pursuant to the provisions of Section 1221 of
7 Title 74 of the Oklahoma Statutes and have met the training and
8 qualification requirements of this section.

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

17 SECTION 2. AMENDATORY 70 O.S. 2001, Section 3311.4, as
18 last amended by Section 7, Chapter 360, O.S.L. 2007 (70 O.S. Supp.
19 2007, Section 3311.4), is amended to read as follows:

20 Section 3311.4 A. Beginning January 1, 2008, and annually
21 thereafter, every active full-time peace officer, certified by the
22 Council on Law Enforcement Education and Training (CLEET) pursuant
23 to Section 3311 of this title, shall attend and complete a minimum

1 of twenty-five (25) hours of continuing law enforcement training
2 accredited or provided by CLEET which shall include a mandatory two
3 (2) hours on mental health issues. CLEET shall promulgate rules to
4 enforce the provisions of this section and shall enter into
5 contracts and agreements for the payment of classroom space,
6 training, food, and lodging expenses as may be necessary for law
7 enforcement officers attending such training in accordance with
8 subsection B of Section 3311 of this title. Such training and
9 seminars shall be conducted in all areas of this state at technology
10 center schools, institutions of higher education, or other approved
11 sites.

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

21 C. Every tribal officer who is commissioned by an Oklahoma law
22 enforcement agency pursuant to a cross-deputization agreement with
23 the State of Oklahoma or any political subdivision of the State of

1 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
2 the Oklahoma Statutes shall comply with the provisions of this
3 section.

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

1 the burden to show CLEET why CLEET should not have the certification
2 of the officer suspended.

3 SECTION 3. This act shall become effective November 1, 2008.

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-20-08 - DO
5 PASS, As Amended and Coauthored.