

SB 423

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THE STATE SENATE
Monday, February 19, 2007

Senate Bill No. 423

SENATE BILL NO. 423 - By: CORN of the Senate and ROAN 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 1, Chapter 225, O.S.L. 2006 (70 O.S. Supp. 2006, Section 3311), which relates to CLEET; deleting certain evaluation instrument and use of additional techniques for determining suitability as peace officer; requiring psychological testing for peace officers; requiring test instrument be approved by CLEET; providing for certain agency statement and standards of testing; requiring psychologist report to employing agency; prohibiting additional procedures for evaluations; 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 1, Chapter 225, O.S.L. 2006 (70 O.S. Supp. 2006, 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

1 selected by each of the following: the Court of Criminal Appeals,
2 the Commissioner of Public Safety, the Board of Directors of the
3 Oklahoma Sheriffs and Peace Officers Association, the Oklahoma
4 Association of Police Chiefs, the Board of Directors of the Oklahoma
5 Sheriffs' Association, the Board of Directors of the Fraternal Order
6 of Police and the Governor. The Director selected by the Council
7 shall be an ex officio member of the Council and shall act as
8 Secretary. The Council on Law Enforcement Education and Training
9 shall select a chair and vice-chair from among its members. Members
10 of the Council on Law Enforcement Education and Training shall not
11 receive a salary for duties performed as members of the Council, but
12 shall be reimbursed for their actual and necessary expenses incurred
13 in the performance of Council duties pursuant to the provisions of
14 the State Travel Reimbursement Act.

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

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

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

1 attendance requirements, equipment and facilities, minimum
2 qualifications for instructors, minimum standards for basic and
3 advanced in-service courses, and seminars for Oklahoma police and
4 peace officers;

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

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

9 5. Recommend legislation necessary to upgrade Oklahoma law
10 enforcement to professional status;

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

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

20 8. Enter into contracts and agreements for the payment of
21 classroom space, food, and lodging expenses as may be necessary for
22 law enforcement officers attending any official course of
23 instruction approved or conducted by the Council. Such expenses may

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

- 10 9. a. Certify canine teams, consisting of a dog and a
11 handler working together as a team, trained to detect:
12 (1) controlled dangerous substances, or
13 (2) explosives, explosive materials, explosive
14 devices, or materials which could be used to
15 construct an explosive device;
16 provided, the dog of a certified canine team shall not
17 be certified at any time as both a drug dog and a bomb
18 dog, and any dog of a certified canine team who has
19 been previously certified as either a drug dog or a
20 bomb dog shall not be eligible at any time to be
21 certified in the other category.
- 22 b. Upon retiring the dog from the service it was
23 certified to perform, the law enforcement department

1 that handled the dog shall retain possession of the
2 dog. The handler shall have first option of adopting
3 the dog. If that option is not exercised, the law
4 enforcement department shall provide for its adoption.
5 Once adopted the dog shall not be placed back into
6 active service;

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

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

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

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

17 C. 1. Payment of any fee provided for in this section may be
18 made by a nationally recognized credit or debit card issued to the
19 applicant. The Council may publicly post and collect a fee for the
20 acceptance of the nationally recognized credit or debit card not to
21 exceed five percent (5%) of the amount of the payment. For purposes
22 of this subsection, "nationally recognized credit card" means any
23 instrument or device, whether known as a credit card, credit plate,

1 charge plate, or by any other name, issued with or without fee by an
2 issuer for the use of the cardholder in obtaining goods, services,
3 or anything else of value and which is accepted by over one thousand
4 merchants in this state. "Debit card" means an identification card
5 or device issued to a person by a business organization which
6 permits such person to obtain access to or activate a consumer
7 banking electronic facility. The Council shall determine which
8 nationally recognized credit or debit cards will be accepted as
9 payment for fees.

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

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

21 D. Failure of the Legislature to appropriate necessary funds to
22 provide for expenses and operations of the Council on Law
23 Enforcement Education and Training shall not invalidate other

1 provisions of this section relating to the creation and duties of
2 the Council.

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

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

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

8 b. such person has undergone psychological evaluation.
9 ~~such as the Minnesota Multiphasic Personality~~
10 ~~Inventory, the California Psychological Inventory~~
11 ~~(CPI), or other psychological instrument approved by~~
12 ~~the Council on Law Enforcement Education and Training~~
13 For purposes of the certification of peace officers
14 pursuant to state law, the employing agency shall use
15 a psychological instrument approved by the Council on
16 Law Enforcement Education and Training. The employing
17 agency shall administer such psychological instrument
18 in accordance with standards established within the
19 test document. To aid the evaluating psychologist in
20 interpreting the test result, including automated
21 scoring and interpretations, the law enforcement
22 employer shall provide the psychologist a statement
23 confirming the identify of the individual taking the

1 test as the person who is employed or seeking to be
2 employed as a peace officer of the agency and
3 attesting that it administered the psychological
4 instrument in accordance with standards within the
5 test document. The psychologist shall report to the
6 employing agency the evaluation of the assessment
7 instrument and may include any additional
8 recommendations to assist the employing agency in
9 determining whether to certify to the Council on Law
10 Enforcement Education and Training that the person
11 being evaluated is suitable to serve as a peace
12 officer in the State of Oklahoma. No additional
13 procedures or requirements shall be imposed for
14 performance of the psychological evaluation. The
15 psychological instrument utilized shall be evaluated
16 by a psychologist licensed by the State of Oklahoma,
17 and the employing agency shall certify to the Council
18 that the evaluation was conducted in accordance with
19 this provision and that the employee/applicant is
20 suitable to serve as a peace officer in the State of
21 Oklahoma. ~~Nothing herein shall preclude a~~
22 ~~psychologist licensed in the state from employing~~
23 ~~additional psychological techniques to assist the~~

1 ~~employing agency's determination of the~~
2 ~~employee/applicant's suitability to serve as a peace~~
3 ~~officer in the State of Oklahoma.~~ Any person found
4 not to be suitable for employment or certification by
5 the Council shall not be employed, retained in
6 employment as a peace officer, or certified by the
7 Council for at least one (1) year, at which time the
8 employee/applicant may be reevaluated by a
9 psychologist licensed by the State of Oklahoma. This
10 section shall also be applicable to all reserve peace
11 officers in the State of Oklahoma. Any person who is
12 certified by CLEET and has undergone the psychological
13 evaluation required by this subparagraph and has been
14 found to be suitable as a peace officer shall not be
15 required to be reevaluated for any subsequent
16 employment as a peace officer following retirement or
17 any break in service as a peace officer,
18 c. such person possesses a high school diploma or a GED
19 equivalency certificate, provided this requirement
20 shall not affect those persons who are already
21 employed as a police or peace officer prior to
22 November 1, 1985,

- 1 d. such person is not participating in a deferred
2 sentence agreement for a felony or a crime involving
3 moral turpitude,
4 e. such person has attained twenty-one (21) years of age
5 prior to certification as a peace officer,
6 f. such person has provided proof of United States
7 citizenship or resident alien status, pursuant to an
8 employment eligibility verification form from the
9 United States Immigration and Naturalization Service,
10 and
11 g. the name, gender, date of birth, and address of such
12 person have been presented to the Department of Mental
13 Health and Substance Abuse Services by the Council.
14 The Department of Mental Health and Substance Abuse
15 Services shall respond to the Council within ten (10)
16 days whether the computerized records of the
17 Department indicate the applicant has ever been
18 involuntarily committed to an Oklahoma state mental
19 institution. In the event that the Department of
20 Mental Health and Substance Abuse Services reports to
21 the Council that the applicant has been involuntarily
22 committed, the Council shall immediately inform the
23 employing agency,

1 and the Council has determined that such person has satisfactorily
2 completed a basic police course of not less than one hundred sixty
3 (160) hours of accredited instruction for reserve police officers
4 and reserve deputies and not less than three hundred (300) hours for
5 full-time salaried police or peace officers from the Council or
6 curriculum or course of study approved by the Council; provided, the
7 Council may increase the number of hours for the completion of a
8 basic police course by requiring independent study. Beginning
9 January 1, 2003, the basic police course for full-time-salaried
10 police or peace officers shall be increased to not less than three
11 hundred two (302) hours. Subject to the availability of money,
12 beginning July 1, 2005, the basic police course for full-time-
13 salaried police or peace officers shall be increased to not less
14 than three hundred eighty (380) hours. Said training shall include
15 training in crime and drug prevention, crisis intervention, and
16 youth and family intervention techniques and recognizing,
17 investigating and preventing abuse and exploitation of elderly
18 persons.

19 3. Every person who has not been certified as a police or peace
20 officer and is duly appointed or elected as a police or peace
21 officer shall hold such position on a temporary basis only, and
22 shall, within one (1) year from the date of appointment or taking
23 office, qualify as required in this subsection or forfeit such

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

21 4. The Council may certify officers who have completed a course
22 of study in another state deemed by the Council to meet standards
23 for Oklahoma peace officers providing the officer's certification in

1 the other state has not been revoked or voluntarily surrendered and
2 is not currently under suspension.

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

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

1 who has been trained and certified by the Council on Law Enforcement
2 Education and Training and is actively employed as a full-time peace
3 officer as of November 1, 1985, shall not be subject to the
4 provisions of this subsection for convictions occurring prior to
5 November 1, 1985.

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

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

- 16 a. Oklahoma State Bureau of Investigation and Federal
17 Bureau of Investigation reports,
- 18 b. administration of the psychological tests provided for
19 herein,
- 20 c. performance in the course of study or other basis of
21 certification,
- 22 d. previous certifications issued, and

1 e. any administrative or judicial determination denying
2 certification.

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

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

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

22 2. A tribal law enforcement agency that has peace officers
23 commissioned by an Oklahoma law enforcement agency pursuant to a

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

10 J. It is unlawful for any person to willfully make any
11 statement in an application to CLEET knowing the statement is false
12 or intentionally commit fraud in any application to the Council for
13 attendance in any CLEET-conducted or CLEET-approved peace officer
14 academy or Collegiate Officer Program or for the purpose of
15 obtaining peace officer certification or reinstatement. It is
16 unlawful for any person to willfully submit false or fraudulent
17 documents relating to continuing education rosters, transcripts or
18 certificates, or any canine license application. Any person
19 convicted of a violation of this subsection shall be guilty of a
20 felony punishable by imprisonment in the Department of Corrections
21 for a term of not less than two (2) years nor more than five (5)
22 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
23 or by both such fine and imprisonment.

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

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

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

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

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

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

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

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

1 proceedings. The disciplinary proceedings shall be in accordance
2 with Articles I and II of the Administrative Procedures Act.

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

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

20 7. The Council may suspend the certification of any person upon
21 a determination that such person has been involuntarily committed to
22 a mental institution or mental health facility for a mental illness,

1 condition or disorder as provided in subparagraph f of paragraph 1
2 of this subsection.

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

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

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

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

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

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY & HOMELAND SECURITY,
24 dated 2-13-07 - DO PASS, As Coauthored.