

CS for SB 920

1 THE STATE SENATE  
2 Monday, February 26, 2007

3 Committee Substitute for  
4 Senate Bill No. 920

5 COMMITTEE SUBSTITUTE FOR SENATE BILL NO. 920 - By: CORN and  
6 BARRINGTON of the Senate and DUNCAN of the House.

7 [ Council on Law Enforcement Education and Training -  
8 Council membership - Curriculum Review Board - basic  
9 training hours - training academies - effective date ]

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

11 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3311, as  
12 last amended by Section 1, Chapter 225, O.S.L. 2006 (70 O.S. Supp.  
13 2006, Section 3311), is amended to read as follows:

14 Section 3311. A. There is hereby re-created a Council on Law  
15 Enforcement Education and Training which shall be, and is hereby  
16 declared to be, a governmental agency of the State of Oklahoma, body  
17 politic and corporate, with powers of government and with the  
18 authority to exercise the rights, privileges and functions specified  
19 by Sections 3311 through 3311.10 of this title. The Council shall  
20 be composed of nine (9) members, the Director of the Oklahoma State  
21 Bureau of Investigation, one member appointed by the Governor who  
22 may be a lay person, and seven police or peace officers, one  
23 selected by each of the following: the Court of Criminal Appeals,  
24 the Commissioner of Public Safety, the Board of Directors of the  
25 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 eleven (11) members  
7 as follows:

8 1. The Director of the Oklahoma State Bureau of Investigation;

9 2. The Director of the Department of Public Safety;

10 3. The Director of the Department of Corrections;

11 4. One member appointed by the Governor who shall be a tribal  
12 police officer representing a tribal law enforcement agency;

13 5. One member appointed by the Governor who shall be a sheriff  
14 of a county with a population over two hundred fifty thousand  
15 (250,000);

16 6. One member appointed by the Board of Directors of the  
17 Oklahoma Sheriffs and Peace Officers Association who shall be a  
18 sheriff of a county with a population under fifty thousand (50,000);

19 7. One member appointed by the Oklahoma Association of Police  
20 Chiefs who shall be a police officer representing a municipality  
21 with a population over ten thousand (10,000);

1        8. One member shall be appointed by the Board of Directors of  
2 the Oklahoma Sheriffs' Association who shall be a sheriff of a  
3 county with a population of one hundred thousand (100,000) or more;

4        9. One member appointed by the Board of Directors of the  
5 Fraternal Order of Police who shall be a police officer in a  
6 municipality with a population over one hundred thousand (100,000);

7        10. One member appointed by the Chief Operating Officer of the  
8 Oklahoma Municipal League who shall be a police officer of a  
9 municipality with a population under ten thousand (10,000); and

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

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

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

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

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

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

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

16          5. Recommend legislation necessary to upgrade Oklahoma law  
17 enforcement to professional status;

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

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

12           8. Enter into contracts and agreements for the payment of  
13 classroom space, food, and lodging expenses as may be necessary for  
14 law enforcement officers attending any official course of  
15 instruction approved or conducted by the Council. Such expenses may  
16 be paid directly to the contracting agency or business  
17 establishment. The food and lodging expenses for each law  
18 enforcement officer shall not exceed the authorized rates as  
19 provided for in the State Travel Reimbursement Act; provided,  
20 however, the Council may provide food and lodging to law enforcement  
21 officials attending any official course of instruction approved or  
22 conducted by the Council rather than paying for the provision of

1 such food and lodging by an outside contracting agency or business  
2 establishment;

3 9. a. Certify canine teams, consisting of a dog and a  
4 handler working together as a team, trained to detect:  
5 (1) controlled dangerous substances, or  
6 (2) explosives, explosive materials, explosive  
7 devices, or materials which could be used to  
8 construct an explosive device;

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

15 b. Upon retiring the dog from the service it was  
16 certified to perform, the law enforcement department  
17 that handled the dog shall retain possession of the  
18 dog. The handler shall have first option of adopting  
19 the dog. If that option is not exercised, the law  
20 enforcement department shall provide for its adoption.  
21 Once adopted the dog shall not be placed back into  
22 active service;

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

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

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

1 security guards, security guard agencies, private investigators, and  
2 private investigative agencies; ~~and~~

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

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

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

18 b. one member shall represent a municipal jurisdiction  
19 with a population of fifty thousand (50,000) or more  
20 and who shall be a management level CLEET certified  
21 training officer, who shall serve an initial term of  
22 two (2) years,

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

18          After the initial terms of office, all members shall be  
19          appointed to serve three-year terms. Any member may be reappointed  
20          to serve consecutive terms. Members shall serve without  
21          compensation, but may be reimbursed for travel expenses pursuant to  
22          the State Travel Reimbursement Act. The Board shall review and  
23          establish curriculum for all CLEET academies and training courses

1 pursuant to procedures established by the Council on Law Enforcement  
2 Education and Training.

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

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

21 a. add an amount equal to the amount of the service  
22 charge incurred, not to exceed three percent (3%) of

1           the amount of the check as a service charge for the  
2           acceptance and verification of the check, or

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

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

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

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

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

- 14 a. the Oklahoma State Bureau of Investigation and the  
15 Federal Bureau of Investigation have reported that  
16 such person has no record of a conviction of a felony  
17 or crime involving moral turpitude,  
18 b. such person has undergone psychological evaluation  
19 such as the Minnesota Multiphasic Personality  
20 Inventory, the California Psychological Inventory  
21 (CPI), or other psychological instrument approved by  
22 the Council on Law Enforcement Education and Training.  
23 The psychological instrument utilized shall be

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

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

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

1 police courses shall include a minimum of four (4) hours of  
2 education and training in recognizing and managing a person  
3 appearing to require mental health treatment or services. The  
4 training shall include training in crime and drug prevention, crisis  
5 intervention, ~~and~~ youth and family intervention techniques ~~and~~,  
6 recognizing, investigating and preventing abuse and exploitation of  
7 elderly persons, mental health issues, and criminal jurisdiction on  
8 Sovereign Indian Land.

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

1 determined by the Council. An elected police or peace officer shall  
2 be eligible to enroll in a basic police course in accordance with  
3 this subsection upon being elected. A duty is hereby imposed upon  
4 the employing agency to withhold payment of the compensation or wage  
5 of said unqualified officer. If the police or peace officer fails  
6 to forfeit the position or the employing agency fails to require the  
7 officer to forfeit the position, the district attorney shall file  
8 the proper action to cause the forfeiting of such position. The  
9 district court of the county where the officer is employed shall  
10 have jurisdiction to hear the case.

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

16 5. For purposes of this section, a police or peace officer is  
17 defined as a full-time duly appointed or elected officer who is paid  
18 for working more than twenty-five (25) hours per week and whose  
19 duties are to preserve the public peace, protect life and property,  
20 prevent crime, serve warrants, and enforce laws and ordinances of  
21 this state, or any political subdivision thereof; provided, elected  
22 sheriffs and their deputies and elected, appointed, or acting chiefs  
23 of police shall meet the requirements of this subsection within the

1 first six (6) months after assuming the duties of the office to  
2 which they are elected or appointed or for which they are an acting  
3 chief; provided further, that this section shall not apply to  
4 persons designated by the Director of the Department of Corrections  
5 as peace officers pursuant to Section 510 of Title 57 of the  
6 Oklahoma Statutes.

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

19 G. Every person employed as a police or peace officer in this  
20 state shall be fingerprinted by the employing law enforcement  
21 agency. One set of fingerprint impressions shall be mailed to the  
22 Oklahoma State Bureau of Investigation and one set to the Federal

1 Bureau of Investigation, Washington, D.C., within ten (10) days from  
2 the initial date of employment.

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

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

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

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

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

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

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

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

- 19 a. conviction of a felony or a crime of domestic  
20 violence,
- 21 b. conviction of a misdemeanor involving moral turpitude;  
22 provided, if the conviction is a single isolated  
23 incident that occurred more than five (5) years ago

1 and the Council is satisfied that the person has been  
2 sufficiently rehabilitated, the Council may certify  
3 such person providing that all other statutory  
4 requirements have been met,  
5 c. a verdict of guilt or entry of a plea of guilty or  
6 nolo contendere for a deferred sentence for a felony  
7 offense, a crime of moral turpitude, or a crime of  
8 domestic violence,  
9 d. falsification or a willful misrepresentation of  
10 information in an employment application or  
11 application to the Council on Law Enforcement  
12 Education and Training, records of evidence, or in  
13 testimony under oath,  
14 e. revocation or voluntary surrender of police or peace  
15 officer certification in another state for a violation  
16 of any law or rule or in settlement of any  
17 disciplinary action in such state, or  
18 f. involuntary commitment of a police or peace officer in  
19 a mental institution or licensed private mental health  
20 facility for any mental illness, condition or disorder  
21 that is diagnosed by a licensed physician or  
22 psychologist as a substantial disorder of thought,  
23 mood, perception, psychological orientation, or memory

1           that significantly impairs judgment, behavior,  
2           capacity to recognize reality, or ability to meet the  
3           ordinary demands of life. Provided, the peace officer  
4           certification may be reinstated upon the Council  
5           receiving notification of a psychological evaluation  
6           conducted by a licensed physician or psychologist  
7           which attests and states by affidavit that the officer  
8           and the evaluation test data of the officer have been  
9           examined and that, in the professional opinion of the  
10          physician or psychologist, the officer is  
11          psychologically suitable to return to duty as a peace  
12          officer.

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

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

20              a. there is reason to believe the person has violated any  
21              provision of this subsection or any other provision of  
22              law or rule, or

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

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

16           5.    The Council shall revoke the certification of any person  
17    upon determining that such person has been convicted of a felony or  
18    a crime involving moral turpitude or a domestic violence offense;  
19    provided, that if the conviction has been reversed, vacated or  
20    otherwise invalidated by an appellate court, such conviction shall  
21    not be the basis for revocation of certification; provided further,  
22    that any person who has been trained and certified by the Council on  
23    Law Enforcement Education and Training and is actively employed as a

1 full-time peace officer as of November 1, 1985, shall not be subject  
2 to the provisions of this subsection for convictions occurring prior  
3 to November 1, 1985. The sole issue to be determined at the hearing  
4 shall be whether the person has been convicted of a felony, a crime  
5 involving moral turpitude or a domestic violence offense.

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

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

15 8. For all other violations of this subsection, the hearing  
16 examiner shall take into consideration the severity of the  
17 violation, any mitigating circumstances offered by the person  
18 subject to disciplinary action, and any other evidence relevant to  
19 the person's character to determine the appropriate disciplinary  
20 action.

21 9. a. A police or peace officer may voluntarily surrender  
22 and relinquish the peace officer certification to  
23 CLEET. Pursuant to such surrender or relinquishment,

1 the person surrendering the certification shall be  
2 prohibited from applying to CLEET for reinstatement  
3 within five (5) years of the date of the surrender or  
4 relinquishment, unless otherwise provided by law for  
5 reinstatement.

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

12 c. Any person seeking reinstatement of police or peace  
13 officer certification which has been suspended,  
14 revoked, or voluntarily surrendered may apply for  
15 reinstatement pursuant to promulgated CLEET rules  
16 governing reinstatement.

17 10. A duty is hereby imposed upon the district attorney who, on  
18 behalf of the State of Oklahoma, prosecutes a person holding police  
19 or peace officer certification for a felony or crime involving moral  
20 turpitude or domestic violence in which a plea of guilty, nolo  
21 contendere, or other finding of guilt is entered by, against or on  
22 behalf of a certified police or peace officer to report such plea,  
23 agreement, or other finding of guilt to the Council on Law

1 Enforcement Education and Training within ten (10) days of such plea  
2 agreement or the finding of guilt.

3 11. Any person or agency required or authorized to submit  
4 information pursuant to this section to the Council shall be immune  
5 from liability arising from the submission of the information as  
6 long as the information was submitted in good faith and without  
7 malice.

8 L. 1. Every canine team in the state trained to detect  
9 controlled dangerous substances shall be certified, by test, in the  
10 detection of such controlled dangerous substances and shall be  
11 recertified annually so long as the canine is used for such  
12 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 and  
15 that are certified and annually recertified in the detection of  
16 controlled dangerous substances by the United States Customs  
17 Service.

18 2. The Council shall appoint a Drug 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 controlled dangerous substances.  
22 The Council shall promulgate rules based upon the recommendations of  
23 the Advisory Council. Members of the Advisory Council shall

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

- 4 a. the Oklahoma State Bureau of Narcotics and Dangerous  
5 Drugs Control,
- 6 b. the Department of Public Safety,
- 7 c. a police department,
- 8 d. a sheriff's office, and
- 9 e. a university or college campus police department.

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

18 M. 1. Every canine team in the state trained to detect  
19 explosives, explosive materials, explosive devices, and materials  
20 which could be used to construct an explosive device shall be  
21 certified, by test, in the detection of such explosives and  
22 materials and shall be recertified annually so long as the canine is  
23 used for such detection purposes. The certification test and annual

1 recertification test provisions of this subsection shall not be  
2 applicable to canines that are owned by a law enforcement agency if  
3 such canines are certified and annually recertified in the detection  
4 of explosives and materials by the United States Department of  
5 Defense.

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

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

20 3. The fee for the certification test shall be Two Hundred  
21 Dollars (\$200.00) and the annual recertification test fee shall be  
22 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
23 Fifty Dollars (\$50.00) will be charged if the team fails the test.

1 No such fee shall be charged to any local, state or federal  
2 government agency. The fees provided for in this paragraph shall be  
3 deposited to the credit of the C.L.E.E.T. Fund created pursuant to  
4 Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

1 of the Oklahoma Statutes and have met the training and qualification  
2 requirements of this section.

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

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

14 Section 3311.4 A. ~~Beginning January 1, 1991, and annually~~  
15 ~~thereafter,~~ On and after the effective date of this act, each  
16 calendar year every active full-time peace officer, certified by the  
17 Council on Law Enforcement Education and Training (CLEET) pursuant  
18 to Section 3311 of this title, shall attend and complete a minimum  
19 of ~~sixteen (16)~~ twenty-five (25) hours of continuing law enforcement  
20 training accredited or provided by CLEET which shall include a  
21 mandatory two (2) hours on mental health issues. CLEET shall  
22 promulgate rules to enforce the provisions of this section and shall  
23 enter into contracts and agreements for the payment of classroom

1 space, training, food, and lodging expenses as may be necessary for  
2 law enforcement officers attending such training in accordance with  
3 subsection B of Section 3311 of this title. Such training and  
4 seminars shall be conducted in all areas of this state at technology  
5 center schools, institutions of higher education, or other approved  
6 sites.

7 B. Every inactive full-time peace officer, certified by CLEET,  
8 shall be exempt from these requirements during the inactive status.  
9 Upon re-entry to full-time active status, the peace officer shall be  
10 required to comply with ~~paragraph~~ subsection A of this section. If  
11 a certified peace officer has been inactive for five (5) or more  
12 years, the officer must complete ~~forty (40)~~ one hundred (100) hours  
13 of refresher training as prescribed by CLEET and which shall include  
14 a minimum of four (4) hours of mental health education and training,  
15 within one (1) year of employment.

16 C. Every tribal officer who is commissioned by an Oklahoma law  
17 enforcement agency pursuant to a cross-deputization agreement with  
18 the State of Oklahoma or any political subdivision of the State of  
19 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of  
20 the Oklahoma Statutes shall comply with the provisions of this  
21 section.

22 D. Any active full-time certified peace officer, or CLEET  
23 certified cross-deputized tribal officer who fails to meet the

1 annual training requirements specified in this section, shall be  
2 subject to having the certification of the peace officer suspended,  
3 after the peace officer and the employer have been given written  
4 notice of noncompliance and a reasonable time, as defined by the  
5 Council, to comply with the provisions of this section. A peace  
6 officer shall not be employed in the capacity of a peace officer  
7 during any period of suspension. The suspension period shall be for  
8 a period of time until the officer files a statement attesting to  
9 full compliance with the provisions of this section. Suspension of  
10 peace officer certification shall be reported to the District  
11 Attorney for the jurisdiction in which the officer is employed. Any  
12 officer whose certification is suspended pursuant to this section  
13 may request a hearing with CLEET. Such hearings shall be governed  
14 by the Administrative Procedures Act except that the affected  
15 officer has the burden to show CLEET why CLEET should not have the  
16 certification of the officer suspended.

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

19 Section 3311.5 ~~By September 1, 1992~~ A. On and after the  
20 effective date of this act, the Council on Law Enforcement Education  
21 and Training, pursuant to its authority granted by ~~Sections~~ Section  
22 3311 and 3311.4 of Title 70 of the Oklahoma Statutes this title,  
23 shall include in its required basic training courses ~~of study~~ for

1 law enforcement certification a minimum of four (4) hours of  
2 education and training ~~and at least one (1) hour of continuing law~~  
3 ~~enforcement training~~ relating to recognizing and managing a person  
4 appearing to require mental health treatment or services. The  
5 Council shall further offer a minimum of four (4) hours of education  
6 and training on specific mental health issues pursuant to Section  
7 3311.4 of this title to meet the annual requirement for continuing  
8 education in the areas of mental health issues.

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

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

18 D. The Council shall promulgate rules to evaluate and approve  
19 municipalities and counties that are deemed capable of conducting  
20 separate basic law enforcement training academies in their  
21 jurisdiction and to certify officers successfully completing such  
22 academy training courses. Upon application to the Council, any  
23 municipality or county with a population of one hundred thousand

1 (100,000) or more shall be authorized to operate a basic law  
2 enforcement academy. The Council shall approve an application when  
3 the municipality or county making the application meets the criteria  
4 for a separate training academy and demonstrates to the satisfaction  
5 of the Council that the academy has sufficient resources to conduct  
6 the training, the instructional staff is appropriately trained and  
7 qualified to teach the course materials, the curriculum is composed  
8 of comparable or higher quality course segments to the CLEET academy  
9 curriculum, and the facilities where the academy will be conducted  
10 are safe and sufficient for law enforcement training purposes. The  
11 Council shall not provide any funding or resources for the operation  
12 of any separate training academy authorized by this subsection.

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

14 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-21-07 - DO  
15 PASS, As Amended and Coauthored.