

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 HOUSE BILL 1666

By: Cannaday

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5
6 AS INTRODUCED

7 An Act relating to the Department of Public Safety;
8 amending 47 O.S. 2001, Section 2-105, as last amended
9 by Section 1, Chapter 81, O.S.L. 2006 (47 O.S. Supp.
10 2006, Section 2-105), which relates to qualifications
11 for personnel of Highway Patrol Division; providing
12 exception to certain prohibited act; defining term;
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-105, as
16 last amended by Section 1, Chapter 81, O.S.L. 2006 (47 O.S. Supp.
17 2006, Section 2-105), is amended to read as follows:

18 Section 2-105 A. The Commissioner of Public Safety, subject to
19 the Oklahoma Personnel Act, shall appoint:

20 1. A Chief of the Oklahoma Highway Patrol Division with the
21 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
22 Division with the rank of Lieutenant Colonel, and subordinate
23 officers and employees of the Oklahoma Highway Patrol Division,
24 including Majors, Captains, Lieutenants, and Highway Patrolmen with
the rank of Trooper, who shall comprise the Oklahoma Highway Patrol

1 Division of the Department of Public Safety; provided, any officer
2 appointed to a commissioned position prescribed in this paragraph
3 which is unclassified pursuant to Section 840-5.5 of Title 74 of the
4 Oklahoma Statutes shall have a right of return to the highest
5 previously held classified commissioned position within the Highway
6 Patrol Division of the Department of Public Safety without any loss
7 of rights, privileges or benefits immediately upon completion of the
8 duties in the unclassified commissioned position;

9 2. A Captain, Lieutenants, and Patrolmen who shall comprise the
10 Lake Patrol Section of the Oklahoma Highway Patrol Division of the
11 Department of Public Safety;

12 3. A Captain, Lieutenants, and Patrolmen, who shall comprise
13 the Capitol Patrol Section of the Oklahoma Highway Patrol Division
14 of the Department of Public Safety; and

15 4. A Director of the Communications Division with the rank of
16 Captain, Communications Coordinators with the rank of First
17 Lieutenant, Communications Superintendents with the rank of Second
18 Lieutenant, Communications Supervisors with the rank of Sergeant,
19 Communications Dispatchers, Radio Technicians and Tower Maintenance
20 Officers who shall comprise the Communications Division of the
21 Department of Public Safety.

22 B. 1. The Commissioner, when appointing commissioned officers
23 and employees to the positions set out in subsection A of this
24 section, shall determine, in consultation with the Administrator of

1 the Office of Personnel Management, minimum qualifications and shall
2 select such officers and employees only after examinations to
3 determine their physical and mental qualifications for such
4 positions. The content of the examinations shall be prescribed by
5 the Commissioner, and all such appointees shall satisfactorily
6 complete a course of training in operations and procedures as
7 prescribed by the Commissioner.

8 2. No person shall be appointed to any position set out in
9 subsection A of this section unless the person is a citizen of the
10 United States of America, of good moral character, and:

11 a. for commissioned officer positions, shall be at least
12 twenty-one (21) years of age but less than forty-three
13 (43) years of age, and shall possess:

14 (1) an associate's degree or a minimum of sixty-two
15 (62) successfully completed semester hours from a
16 college or university which is recognized by and
17 accepted by the American Association of
18 Collegiate Registrars and Admissions Officers and
19 whose hours are transferable between such
20 recognized institutions, and

21 (2) for any person appointed to the Oklahoma Highway
22 Patrol Division on or after July 1, 2008:

23 (a) a bachelor's degree from a college or
24 university which is recognized by and

1 accepted by the American Association of
2 Collegiate Registrars and Admissions
3 Officers and whose hours are transferable
4 between such recognized institutions, or

5 (b) an associate's degree or a minimum of sixty-
6 two (62) successfully completed semester
7 hours from a college or university which is
8 recognized by and accepted by the American
9 Association of Collegiate Registrars and
10 Admissions Officers and whose hours are
11 transferable between such recognized
12 institutions, and:

13 i. at least two (2) years' experience as a
14 law enforcement officer certified by
15 the Council on Law Enforcement
16 Education and Training (C.L.E.E.T.) or
17 by the equivalent state agency in
18 another state or by any law enforcement
19 agency of the federal government, or

20 ii. at least two (2) years of honorable
21 military service in an active or
22 reserve component of the United States
23 Armed Forces.
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1 Provided, such years of experience or service shall
2 have been consecutive and shall have been completed no
3 more than two (2) years prior to application for
4 appointment, or

5 b. for any such position in the Communications Division,
6 a person shall be at least twenty (20) years of age
7 and shall possess a high school diploma or General
8 Educational Development equivalency certificate; shall
9 possess either six (6) months of previous experience
10 as a dispatcher or fifteen (15) successfully completed
11 semester hours from a college or university which is
12 recognized by and accepted by the American Association
13 of Collegiate Registrars and Admissions Officers and
14 whose hours are transferable between such recognized
15 institutions.

16 3. No commissioned officer of the Department shall, while in
17 such position, be a candidate for any political office or take part
18 in or contribute any money or other thing of value, directly or
19 indirectly, to any political campaign or to any candidate for public
20 office; provided, however, the provisions of this paragraph shall
21 not apply if the candidate for political office is an immediate
22 family member of the commissioned officer. Anyone convicted of
23 violating the provisions of this paragraph shall be guilty of a
24 misdemeanor and shall be punished as provided by law. As used in

1 this paragraph, "immediate family member" means the spouse, a child
2 by birth or adoption, a stepchild, a parent, a grandparent, a
3 sibling, or the spouse of any immediate family member specified in
4 this paragraph.

5 4. The Commissioner or any employee of the Department shall not
6 be a candidate for any political office, or in any way be active or
7 participate in any political contest of any Primary, General, or
8 Special Election, except to cast a ballot. No commissioned officer
9 of the Department, while in the performance of the officer's
10 assigned duty of providing security and protection, shall be
11 considered as participating in a political campaign. The provisions
12 of this paragraph shall not be construed to preclude a commissioned
13 officer of the Oklahoma Highway Patrol Division of the Department of
14 Public Safety from being a candidate for a position on a local board
15 of education.

16 5. Drunkenness or being under the influence of intoxicating
17 substances shall be sufficient grounds for the removal of any
18 commissioned officer of the Department, in and by the manner
19 provided for in this section.

20 C. 1. Upon initial appointment to the position of Cadet
21 Highway Patrolman or Probationary Communications Dispatcher, the
22 appointed employee shall be required to serve an initial
23 probationary period of twelve (12) months. The Commissioner may
24 extend the probationary period for up to three (3) additional months

1 provided that the employee and the Office of Personnel Management
2 are notified in writing as to such action and the reasons therefor.
3 During such probationary period, the employee may be terminated at
4 any time and for any reason at the discretion of the Commissioner.
5 Retention in the service after expiration of the initial
6 probationary period shall entitle such employee to be classified as
7 a permanent employee and the employee shall be so classified. No
8 permanent employee may be discharged or removed except as provided
9 for in this section.

10 2. A commissioned officer of the Oklahoma Highway Patrol
11 Division may be promoted during the initial probationary period if
12 such officer satisfactorily completes all training requirements
13 prescribed by the Commissioner.

14 D. 1. No permanent employee, as provided for in this section,
15 who is a commissioned officer of the Department, may be suspended
16 without pay or dismissed unless the employee has been notified in
17 writing by the Commissioner of such intended action and the reasons
18 therefor. No such notice shall be given by the Commissioner unless
19 sworn charges or statements have been obtained to justify the
20 action.

21 2. Whenever such charges are preferred, the Commissioner may
22 suspend the accused pending the hearing and final determination of
23 such charges. If the charges are not sustained in whole or in part,
24 the accused shall be entitled to pay during the period of such

1 suspension. If the charges are sustained in whole or in part, the
2 accused shall not receive any pay for the period of such suspension.

3 3. Commissioned officers of the Department of Public Safety are
4 not entitled to appeal intra-agency transfer to the Oklahoma Merit
5 Protection Commission pursuant to the Oklahoma Personnel Act unless
6 transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74
7 of the Oklahoma Statutes.

8 4. The Department of Public Safety shall follow the uniform
9 grievance procedure established and adopted by the Office of
10 Personnel Management for permanent classified employees, except for
11 those employees who are commissioned officers of the Department.
12 The Department of Public Safety shall establish and adopt a
13 proprietary grievance procedure for commissioned officers of the
14 Department which is otherwise in compliance with the provisions of
15 Section 840-6.2 of Title 74 of the Oklahoma Statutes.

16 E. 1. The Commissioner is hereby authorized to purchase and
17 issue uniforms and necessary equipment for all commissioned officers
18 of the Highway Patrol Division of the Department. All uniforms and
19 equipment shall be used only in the performance of the official
20 duties of such officers and shall remain the property of the
21 Department, except as provided in Section 2-150 of this title.

22 2. Each commissioned officer of the Highway Patrol Division of
23 the Department of Public Safety shall be entitled to reimbursement
24 of expenses pursuant to the State Travel Reimbursement Act while

1 away from the assigned area of the officer as designated by the
2 Chief of the Oklahoma Highway Patrol Division, when such expense is
3 incurred in the service of the state.

4 F. 1. The positions with the rank of Colonel and Lieutenant
5 Colonel of the Oklahoma Highway Patrol Division shall be filled from
6 the body of commissioned officers of the Oklahoma Highway Patrol
7 Division and appointment to said position shall be based on
8 qualifications, previous record as a commissioned officer of the
9 Oklahoma Highway Patrol Division, length of service, years of
10 experience within the Oklahoma Highway Patrol Division or other
11 service as prescribed in this subsection, and efficiency of service
12 performed.

13 2. In addition to the requirements of paragraph 1 of this
14 subsection, the position of Chief of the Oklahoma Highway Patrol
15 Division shall be based on one of the following:

16 a. one (1) year of experience in any combination:

17 (1) as Commissioner of Public Safety,

18 (2) as Assistant Commissioner of Public Safety, or

19 (3) as Assistant Chief,

20 b. two (2) years of experience in any combination:

21 (1) as Deputy Chief or higher rank, or

22 (2) if the experience was prior to the effective date
23 of this act, as Major or higher rank,

24 c. four (4) years of experience in any combination:

- (1) as Major or higher rank, or
- (2) if the experience was prior to the effective date of this act, as Captain or higher rank, or

d. six (6) years of experience in any combination:

- (1) as Captain or higher rank, or
- (2) if the experience was prior to the effective date of this act, as First Lieutenant or higher rank.

3. In addition to the requirements of paragraph 1 of this subsection, the position of Deputy Chief of the Oklahoma Highway Patrol Division shall be based on one of the following:

a. one (1) year of experience in any combination:

- (1) as Commissioner of Public Safety,
- (2) as Assistant Commissioner of Public Safety, or
- (3) as Colonel,

b. two (2) years of experience in any combination:

- (1) as Major or higher rank, or
- (2) if the experience was prior to the effective date of this act, as Captain or higher rank, or

c. four (4) years of experience in any combination:

- (1) as Captain or higher rank, or
- (2) if the experience was prior to the effective date of this act, as Highway Patrol First Lieutenant or higher rank.

1 G. The Commissioner of Public Safety is hereby authorized to
2 send employees of the Department of Public Safety to schools such as
3 Northwestern University Center for Public Safety, Southern Police
4 Institute, the FBI National Academy, the Institute of Police
5 Technology and Management, or to any other schools of similar
6 training which would be conducive to improving the efficiency of the
7 Oklahoma Highway Patrol Division and the Department of Public
8 Safety.

9 H. 1. Any former commissioned officer of the Department whose
10 separation from the Department was at such officer's own request and
11 not a result of such officer's own actions contrary to the policy of
12 the Department or was not as a result of the retirement of that
13 officer from the Department may make application for reinstatement
14 as a commissioned officer of the division or section of the
15 Department in which such officer was previously employed, provided
16 such reinstated officer will be able to complete twenty (20) years
17 of credited service by the time the reinstated officer reaches
18 sixty-two (62) years of age. The Commissioner may waive the
19 requirements of possessing the number of semester hours or degree as
20 required in subsection B of this section for any former commissioned
21 officer making application for reinstatement as a commissioned
22 officer of the Department. The Commissioner may require the
23 applicant for reinstatement to attend selected courses of
24 instruction, as prescribed by the Commissioner.

1 2. In the event of future hostilities wherein the Congress of
2 the United States declares this nation in a state of war with a
3 foreign nation, including military service brought about by the
4 Vietnam War, any period of military service served by a commissioned
5 officer of the Department shall be considered as continued service
6 with such Department, provided such commissioned officer returns to
7 duty with the Department within sixty (60) days after release from
8 military service.

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

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11 51-1-5348 GRS 01/02/07

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