

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1979

By: Corn

4
5
6 AS INTRODUCED

7 An Act relating to corrections; defining term;
8 limiting and specifying certain officer authority;
9 providing for possession and use of weapons;
10 authorizing procedures for recertification of certain
11 persons and maintaining dual peace officer status for
12 certain persons; requiring compliance with certain
13 position qualifications by certain agencies and
14 organizations; authorizing joint courses with CLEET
15 and the Department of Corrections; amending 57 O.S.
16 2001, Section 515, which relates to probation-parole
17 officers; modifying and deleting reference; giving
18 certain officers certain peace officer status;
19 including private probation officers in certain
20 status; mandating certain training and
21 qualifications; setting periods to complete certain
22 training; prohibiting certain services without
23 certain training; changing peace officer status on
24 certain date; amending 70 O.S. 2001, Section 3311, as
last amended by Section 6, Chapter 360, O.S.L. 2007
(70 O.S. Supp. 2007, Section 3311), which relates to
the Council on Law Enforcement Education and
Training; including special class peace officers
under Council authority for certification and
training; authorizing Council to set certain criteria
and develop certain curriculum for certain officers;
setting training hours for special class peace
officers; allowing certification of certain officers
that meet certain standards; modifying certain
definition to include other agency and organizations;
including special class peace officers in authority
to disciplinary actions; allowing certain officers to
surrender certification; providing for codification;
and providing an effective date.

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

2 SECTION 1. NEW LAW A new section of law to be codified
3 in the Oklahoma Statutes as Section 3311.1a of Title 70, unless
4 there is created a duplication in numbering, reads as follows:

5 A. The term "special class peace officer" means any probation-
6 parole officer of the Department of Corrections, and any person
7 employed by another agency or a private organization to serve as a
8 private probation or supervision officer to adult offenders
9 convicted of felony or misdemeanor crimes, who:

10 1. Has completed training and qualifications required by the
11 Council on Law Enforcement Education and Training and the employing
12 agency or organization;

13 2. Has active CLEET certification as a special class peace
14 officer; and

15 3. Is paid to work twenty-five (25) hours or more per week as a
16 probation-parole officer of the Department, or a private probation
17 or supervision officer of another agency or a private organization.

18 B. A special class peace officer shall not have general peace
19 officer authority or power within this state, or its political
20 subdivisions, but shall have restricted authority and power to
21 preserve peace, protect life and property, prevent crime, make
22 arrests, serve warrants and uphold the laws and ordinances of this
23 state, and its political subdivisions, as that authority applies to
24 the exclusive and limited population, group or class of offenders

1 for which the officer's employing agency or organization has
2 jurisdiction, authority, and responsibility. In addition, a special
3 class peace officer shall specifically be authorized and empowered
4 to:

5 1. Act under specific authority provided by law for a special
6 class peace;

7 2. Render assistance to any law enforcement officer in an
8 emergency; and

9 3. Arrest any person committing an offense in violation of the
10 laws of this state when the offense is a felony being committed or
11 attempted in the officer's presence.

12 C. Special class peace officers shall have the same authority
13 to possess, carry and use weapons as police and peace officers are
14 allowed by statute.

15 D. The Council on Law Enforcement Education and Training shall
16 establish procedures to recertify from full peace officer status to
17 a special class peace officer status those persons who are employed
18 as probation-parole officers and private probation or supervision
19 officers and who possess active certifications as peace officers in
20 good standing on the effective date of this act. The Council shall
21 establish procedures for reinstatement and maintaining both full
22 peace officer certification and special class peace officer
23 certification for those persons being changed in certification
24 status pursuant to the provisions of this act.

1 E. The Council and the Department of Corrections shall
2 establish minimal qualifications and standards for probation-parole
3 officers which may be in addition to those qualifications in Section
4 515 of Title 57 of the Oklahoma Statutes, and every agency and
5 private organization employing probation-parole officers or private
6 probation or supervision officers shall comply with such criteria
7 for such positions. Special class peace officer courses and basic
8 academies for probation-parole officers, including private probation
9 or supervision officers, may be conducted jointly between the
10 Department of Corrections and the Council at any location deemed
11 appropriate for such training.

12 SECTION 2. AMENDATORY 57 O.S. 2001, Section 515, is
13 amended to read as follows:

14 Section 515. A. ~~Except as provided in subsection B of this~~
15 ~~section~~ On and after the effective date of this act, all probation-
16 parole officers shall be deemed special class peace officers and
17 shall possess the powers granted by law to special class peace
18 officers. Probation-parole officers of the Department of
19 Corrections and persons employed by other agencies or organizations
20 for private adult offender supervision and monitoring shall be
21 required to meet all of the training and qualifications for special
22 class peace officers required by Section 3311 and 3311.1a of Title
23 70 of the Oklahoma Statutes. Such qualifications and training shall
24 be completed not later than six (6) months from the date of

1 employment. On the effective date of this act, if any person
2 employed as a probation-parole or private probation or supervision
3 officer does not meet the training and qualification standards
4 established in this act, the person shall be required to
5 successfully complete such training and qualifications by June 1,
6 2009. No person shall serve as a probation-parole or private
7 probation or supervision officer without proper certification as a
8 special class peace officer. Qualifications for probation-parole
9 officers of the Department shall be: good character and, ~~except for~~
10 ~~those probation parole officers employed prior to May 4, 1974,~~ a
11 bachelor's degree from an accredited college or university including
12 at least twenty-four (24) credit hours in any combination of
13 psychology, sociology, social work, criminology, education, criminal
14 justice administration, penology or police science. Provided, that
15 any employee of the Department, formerly classified and who worked
16 as a probation-parole officer for at least one (1) year, who was
17 later promoted to an administrative or supervisory position within
18 the Department and who has been employed continuously by the
19 Department may be reappointed to the position of probation-parole
20 officer without having to meet the currently established
21 qualifications in this ~~act~~ section for Department employees.

22 B. Persons employed as probation-parole officers or private
23 probation or supervision officers on or before July 1, 1988, shall
24 ~~not be qualified and~~ the effective date of this act and who are

1 certified as peace officers ~~until completion of the requirements of~~
2 ~~Section 3311 of Title 70 of the Oklahoma Statutes. Said officers~~
3 ~~shall complete the requirements prior to January 1, 1990 by the~~
4 Council on Law Enforcement Education and Training shall no longer
5 have full peace officer authority as defined in paragraph 5 of
6 subsection E of Section 3311 of Title 70 of the Oklahoma Statutes or
7 in Section 99 of Title 21 of the Oklahoma Statutes for such
8 positions after the effective date of this act.

9 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3311, as
10 last amended by Section 6, Chapter 360, O.S.L. 2007 (70 O.S. Supp.
11 2007, Section 3311), is amended to read as follows:

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

1 Sheriffs' Association, the Board of Directors of the Fraternal Order
2 of Police and the Governor. All Council appointments and
3 reappointments made after ~~the effective date of this act~~ November 1,
4 2007, shall conform to the following Council composition and
5 appointing authorities. The Council shall be composed of thirteen
6 (13) members as follows:

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

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

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

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

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

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

23 7. One member appointed by the Oklahoma Association of Police
24 Chiefs who shall be a chief of police representing a municipality

1 with a population over ten thousand (10,000), as determined by the
2 latest Federal Decennial Census;

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

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

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

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

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

20 13. The Speaker of the House of Representatives shall appoint
21 one member from a list of three or more nominees submitted by an
22 organization that assists in the establishment of accreditation
23 standards and training programs for law enforcement agencies
24 throughout the State of Oklahoma.

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

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

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

16 2. Promulgate rules with respect to such matters as
17 certification, revocation, suspension, withdrawal and reinstatement
18 of certification, minimum courses of study, testing and test scores,
19 attendance requirements, equipment and facilities, minimum
20 qualifications for instructors, minimum standards for basic and
21 advanced in-service courses, ~~and~~ seminars for Oklahoma police and
22 peace officers, and for special class peace officers;

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

1 4. Authorize additional staff and services necessary for
2 program expansion;

3 5. Recommend legislation necessary to upgrade Oklahoma law
4 enforcement to professional status;

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

11 7. Appoint a Director and an Assistant Director to direct the
12 staff, inform the Council of compliance with the provisions of this
13 section and perform such other duties imposed on the Council by law.
14 ~~On the effective date of this act~~ November 1, 2007, any subsequent
15 Director appointed by the Council must qualify for the position with
16 a bachelor or higher degree in law enforcement from an accredited
17 college or university, or a bachelor or higher degree in a law-
18 enforcement-related subject area, and a minimum of five (5) years of
19 active law enforcement experience including, but not limited to,
20 responsibility for enforcement, investigation, administration,
21 training, or curriculum implementation;

22 8. Enter into contracts and agreements for the payment of
23 classroom space, food, and lodging expenses as may be necessary for
24 law enforcement officers attending any official course of

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

- 11 9. a. Certify canine teams, consisting of a dog and a
12 handler working together as a team, trained to detect:
- 13 (1) controlled dangerous substances, or
 - 14 (2) explosives, explosive materials, explosive
15 devices, or materials which could be used to
16 construct an explosive device;
- 17 provided, the dog of a certified canine team shall not
18 be certified at any time as both a drug dog and a bomb
19 dog, and any dog of a certified canine team who has
20 been previously certified as either a drug dog or a
21 bomb dog shall not be eligible at any time to be
22 certified in the other category.
- 23 b. Upon retiring the dog from the service it was
24 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;

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 14. Promulgate rules to establish a state firearms
18 requalification standard for active peace officers and special class
19 peace officers and meet any requirements of the federal Law
20 Enforcement Officers Safety Act of 2004 for peace officers to carry
21 concealed weapons nationwide;

22 15. Set minimal criteria relating to qualifications for chief
23 of police administrative training pursuant to Section 34-102 of
24 Title 11 of the Oklahoma Statutes, assist in developing a course of

1 training for a Police Chief Administrative School, and approve all
2 police chief administrative training offered in this state; and

3 16. Set minimal criteria relating to training and
4 qualifications for special class peace officers employed by the
5 Department of Corrections pursuant to Section 515 of Title 57 of the
6 Oklahoma Statutes or employed by any other agency or private
7 organization as an adult offender private probation or supervision
8 officer;

9 17. Plan, develop and offer a special class peace officer basic
10 course, continuing education training curriculum, and special focus
11 courses for special class peace officers, and approve all training
12 and certification of special class peace officers; and

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

- 15 a. one member shall be selected by the Chancellor for
16 Higher Education, who possesses a background of
17 creation and review of curriculum and experience
18 teaching criminal justice or law enforcement courses,
19 who shall serve an initial term of one (1) year,
- 20 b. one member shall represent a municipal jurisdiction
21 with a population of fifty thousand (50,000) or more
22 and who shall be a management-level CLEET-certified
23 training officer, who shall serve an initial term of
24 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
24

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
23 the amount of the check as a service charge for the
24 acceptance and verification of the check, or

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

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

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

1 mental illness, condition, or disorder. For purposes of this
2 subsection, "currently undergoing treatment for mental illness,
3 condition, or disorder" means the person has been diagnosed by a
4 licensed physician or psychologist as being afflicted with a
5 substantial disorder of thought, mood, perception, psychological
6 orientation, or memory that significantly impairs judgment,
7 behavior, capacity to recognize reality, or ability to meet the
8 ordinary demands of life and such condition continues to exist.

9 2. On and after ~~the effective date of this act~~ November 1,
10 2007, no person shall be certified as a police or peace officer or
11 as a special class peace officer in this state unless the employing
12 agency has reported to the Council that:

- 13 a. the Oklahoma State Bureau of Investigation and the
14 Federal Bureau of Investigation have reported that
15 such person has no record of a conviction of a felony
16 or crime involving moral turpitude,
- 17 b. such person has undergone psychological evaluation by
18 the employing agency using a psychological instrument
19 approved by the Council on Law Enforcement Education
20 and Training. The employing agency shall administer
21 the psychological instrument in accordance with
22 standards established within the test document. To
23 aid the evaluating psychologist in interpreting the
24 test results, including automated scoring and

1 interpretations, the employing agency shall provide
2 the psychologist a statement confirming the identity
3 of the individual taking the test as the person who is
4 employed or seeking employment as a peace officer of
5 the agency and attesting that it administered the
6 psychological instrument in accordance with standards
7 within the test document. The psychologist shall
8 report to the employing agency the evaluation of the
9 assessment instrument and may include any additional
10 recommendations to assist the employing agency in
11 determining whether to certify to the Council on Law
12 Enforcement Education and Training that the person
13 being evaluated is suitable to serve as a peace
14 officer in the State of Oklahoma. No additional
15 procedures or requirements shall be imposed for
16 performance of the psychological evaluation. The
17 psychological instrument utilized shall be evaluated
18 by a psychologist licensed by the State of Oklahoma,
19 and the employing agency shall certify to the Council
20 that the evaluation was conducted in accordance with
21 this provision and that the employee/applicant is
22 suitable to serve as a peace officer in the State of
23 Oklahoma. Any person found not to be suitable for
24 employment or certification by the Council shall not

1 be employed, retained in employment as a peace
2 officer, or certified by the Council for at least one
3 (1) year, at which time the employee/applicant may be
4 reevaluated by a psychologist licensed by the State of
5 Oklahoma. This section shall also be applicable to
6 all reserve peace officers in the State of Oklahoma.
7 Any person who is certified by CLEET and has undergone
8 the psychological evaluation required by this
9 subparagraph and has been found to be suitable as a
10 peace officer shall not be required to be reevaluated
11 for any subsequent employment as a peace officer
12 following retirement or any break in service as a
13 peace officer,

14 c. such person possesses a high school diploma or a GED
15 equivalency certificate, provided this requirement
16 shall not affect those persons who are already
17 employed as a police or peace officer prior to
18 November 1, 1985,

19 d. such person is not participating in a deferred
20 sentence agreement for a felony or a crime involving
21 moral turpitude,

22 e. such person has attained twenty-one (21) years of age
23 prior to certification as a peace officer,
24

1 f. such person has provided proof of United States
2 citizenship or resident alien status, pursuant to an
3 employment eligibility verification form from the
4 United States Citizenship and Immigration Services,
5 and

6 g. the name, gender, date of birth, and address of such
7 person have been presented to the Department of Mental
8 Health and Substance Abuse Services by the Council.

9 The Department of Mental Health and Substance Abuse
10 Services shall respond to the Council within ten (10)
11 days whether the computerized records of the
12 Department indicate the applicant has ever been
13 involuntarily committed to an Oklahoma state mental
14 institution. In the event that the Department of
15 Mental Health and Substance Abuse Services reports to
16 the Council that the applicant has been involuntarily
17 committed, the Council shall immediately inform the
18 employing agency,

19 and the Council has determined that such person has satisfactorily
20 completed a basic police course, or if applicable, the special class
21 peace officer course, approved by the Council. All basic police and
22 special class peace officer courses shall include a minimum of four
23 (4) hours of education and training in recognizing and managing a
24 person appearing to require mental health treatment or services.

1 The training shall include training in crime and drug prevention,
2 crisis intervention, youth and family intervention techniques,
3 recognizing, investigating and preventing abuse and exploitation of
4 elderly persons, mental health issues, and criminal jurisdiction on
5 Sovereign Indian Land.

6 Subject to the availability of funding, for full-time salaried
7 police or peace officers a basic police course academy shall be as
8 follows: any academy graduating after July 1, 2007, but before
9 December 31, 2007, shall have three hundred seventy-five (375)
10 hours; any academy graduating after January 1, 2008, but before June
11 30, 2008, shall have five hundred five (505) hours; any academy
12 graduating after July 1, 2008, but before June 30, 2009, shall have
13 five hundred seventy-six (576) hours; and any academy graduating
14 after July 1, 2009, shall have six hundred (600) hours.

15 For reserve deputies a basic police course shall be as follows:
16 any reserve academy approved by the Council prior to December 31,
17 2007, shall have one hundred sixty (160) hours; and any reserve
18 academy approved by the Council after January 1, 2008, shall have
19 two hundred forty (240) hours.

20 Any special class peace officer basic academy approved by the
21 Council shall have five hundred (500) hours.

22 3. Every person who has not been certified as a police or peace
23 officer and is duly appointed or elected as a police or peace
24 officer shall hold such position on a temporary basis only, and

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

23 4. The Council may certify officers who have completed a course
24 of study in another state deemed by the Council to meet standards

1 for Oklahoma peace officers providing the officer's certification in
2 the other state has not been revoked or voluntarily surrendered and
3 is not currently under suspension. The Council may certify persons
4 deemed by the Council to meet or exceed standards for special class
5 peace officers providing the person was previously certified as a
6 peace office in this state and has been continuously employed as a
7 probation-parole officer of the Department of Corrections, and such
8 certification has not been revoked or voluntarily surrendered and is
9 not currently under suspension.

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

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

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

22 H. 1. The Council is hereby authorized to provide to any
23 employing agency the following information regarding a person who is
24

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

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

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

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

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

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

21 J. It is unlawful for any person to willfully make any
22 statement in an application to CLEET knowing the statement is false
23 or intentionally commit fraud in any application to the Council for
24 attendance in any CLEET-conducted or CLEET-approved peace officer

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

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

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

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

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

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

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

- 15 a. there is reason to believe the person has violated any
16 provision of this subsection or any other provision of
17 law or rule, or
- 18 b. there is reason to believe the person has been
19 convicted of a felony, a crime involving moral
20 turpitude or a domestic violence offense or is
21 currently participating in a deferred sentence for
22 such offenses.

23 4. When the investigation of a complaint does not find the
24 person has violated any of the provisions of this subsection, or

1 finds that the person is sufficiently rehabilitated as provided in
2 subparagraph b or f of paragraph 1 of this subsection, no
3 disciplinary action shall be required and the person shall remain
4 certified as a police or peace officer or special class peace
5 officer. When the investigation of a complaint finds that the
6 person has violated any of the provisions of this subsection, the
7 matter shall be referred for disciplinary proceedings. The
8 disciplinary proceedings shall be in accordance with Articles I and
9 II of the Administrative Procedures Act.

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

23 6. The Council shall revoke the certification of any person
24 upon determining that such person has received a deferred sentence

1 for a felony, a crime involving moral turpitude or a domestic
2 violence offense.

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

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

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

23 b. No person who has had a police or peace officer
24 certification from another state revoked or

1 voluntarily surrendered shall be considered for
2 certification by CLEET within five (5) years of the
3 effective date of any such revocation or voluntary
4 surrender of certification.

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

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

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

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

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

- 20 a. the Oklahoma State Bureau of Narcotics and Dangerous
21 Drugs Control,
- 22 b. the Department of Public Safety,
- 23 c. a police department,
- 24 d. a sheriff's office, and

1 e. a university or college campus police department.

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

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

21 2. The Council shall appoint a Bomb Dog Advisory Council to
22 make recommendations concerning minimum standards, educational
23 needs, and other matters imperative to the certification of canines
24 and canine teams trained to detect explosives, explosive materials,

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

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

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

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

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

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

18 SECTION 4. This act shall become effective November 1, 2008.

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