

1 STATE OF OKLAHOMA

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

3 SENATE BILL 423

By: Corn

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5
6 AS INTRODUCED

7 An Act relating to the Council on Law Enforcement
8 Education and Training; amending 70 O.S. 2001,
9 Section 3311, as last amended by Section 1, Chapter
10 225, O.S.L. 2006 (70 O.S. Supp. 2006, Section 3311),
11 which relates to CLEET; deleting certain evaluation
12 instrument and use of additional techniques for
13 determining suitability as peace officer; requiring
14 psychological testing for peace officers; requiring
15 test instrument be approved by CLEET; providing for
16 certain agency statement and standards of testing;
17 requiring psychologist report to employing agency;
18 prohibiting additional procedures for evaluations;
19 and providing an effective date.

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

21 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3311, as
22 last amended by Section 1, Chapter 225, O.S.L. 2006 (70 O.S. Supp.
23 2006, Section 3311), is amended to read as follows:

24 Section 3311. A. There is hereby re-created a Council on Law
Enforcement Education and Training which shall be, and is hereby
declared to be, a governmental agency of the State of Oklahoma, body
politic and corporate, with powers of government and with the
authority to exercise the rights, privileges and functions specified

1 by Sections 3311 through 3311.10 of this title. The Council shall
2 be composed of nine (9) members, the Director of the Oklahoma State
3 Bureau of Investigation, one member appointed by the Governor who
4 may be a lay person, and seven police or peace officers, one
5 selected by each of the following: the Court of Criminal Appeals,
6 the Commissioner of Public Safety, the Board of Directors of the
7 Oklahoma Sheriffs and Peace Officers Association, the Oklahoma
8 Association of Police Chiefs, the Board of Directors of the Oklahoma
9 Sheriffs' Association, the Board of Directors of the Fraternal Order
10 of Police and the Governor. The Director selected by the Council
11 shall be an ex officio member of the Council and shall act as
12 Secretary. The Council on Law Enforcement Education and Training
13 shall select a chair and vice-chair from among its members. Members
14 of the Council on Law Enforcement Education and Training shall not
15 receive a salary for duties performed as members of the Council, but
16 shall be reimbursed for their actual and necessary expenses incurred
17 in the performance of Council duties pursuant to the provisions of
18 the State Travel Reimbursement Act.

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

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

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

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

10 4. Authorize additional staff and services necessary for
11 program expansion;

12 5. Recommend legislation necessary to upgrade Oklahoma law
13 enforcement to professional status;

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

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

23 8. Enter into contracts and agreements for the payment of
24 classroom space, food, and lodging expenses as may be necessary for

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

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

24

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

9 10. Enter into a lease, loan or other agreement with the
10 Oklahoma Development Finance Authority or a local public trust for
11 the purpose of facilitating the financing of a new facility for its
12 operations and use and pledge, to the extent authorized by law, all
13 or a portion of its receipts of the assessment penalty herein
14 referenced for the payment of its obligations under such lease, loan
15 or other agreement. It is the intent of the Legislature to increase
16 the assessment penalty to such a level or appropriate sufficient
17 monies to the Council on Law Enforcement Education and Training to
18 make payments on the lease, loan or other agreement for the purpose
19 of retiring the bonds to be issued by the Oklahoma Development
20 Finance Authority or local public trust. Such lease, loan or other
21 agreement and the bonds issued to finance such facilities shall not
22 constitute an indebtedness of the State of Oklahoma or be backed by
23 the full faith and credit of the State of Oklahoma, and the lease,
24

1 loan or other agreement and the bonds shall contain a statement to
2 such effect;

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

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

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

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

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

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

13 a. add an amount equal to the amount of the service
14 charge incurred, not to exceed three percent (3%) of
15 the amount of the check as a service charge for the
16 acceptance and verification of the check, or

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

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

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

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

24

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

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

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

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

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

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

21 d. such person is not participating in a deferred
22 sentence agreement for a felony or a crime involving
23 moral turpitude,
24

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

3 f. such person has provided proof of United States
4 citizenship or resident alien status, pursuant to an
5 employment eligibility verification form from the
6 United States Immigration and Naturalization Service,
7 and

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

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

21 and the Council has determined that such person has satisfactorily
22 completed a basic police course of not less than one hundred sixty
23 (160) hours of accredited instruction for reserve police officers
24 and reserve deputies and not less than three hundred (300) hours for

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

15 3. Every person who has not been certified as a police or peace
16 officer and is duly appointed or elected as a police or peace
17 officer shall hold such position on a temporary basis only, and
18 shall, within one (1) year from the date of appointment or taking
19 office, qualify as required in this subsection or forfeit such
20 position; provided, however, effective November 1, 2004, every
21 person who has not been certified as a police or peace officer and
22 is duly appointed or elected as a police or peace officer shall hold
23 such position on a temporary basis only, and shall, within six (6)
24 months from the date of appointment or taking office, qualify as

1 required in this subsection or forfeit such position. In computing
2 the time for qualification, all service shall be cumulative from
3 date of first appointment or taking office as a police or peace
4 officer with any department in this state. The Council may extend
5 the time requirement specified in this paragraph for good cause as
6 determined by the Council. An elected police or peace officer shall
7 be eligible to enroll in a basic police course in accordance with
8 this subsection upon being elected. A duty is hereby imposed upon
9 the employing agency to withhold payment of the compensation or wage
10 of said unqualified officer. If the police or peace officer fails
11 to forfeit the position or the employing agency fails to require the
12 officer to forfeit the position, the district attorney shall file
13 the proper action to cause the forfeiting of such position. The
14 district court of the county where the officer is employed shall
15 have jurisdiction to hear the case.

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

21 5. For purposes of this section, a police or peace officer is
22 defined as a full-time duly appointed or elected officer who is paid
23 for working more than twenty-five (25) hours per week and whose
24 duties are to preserve the public peace, protect life and property,

1 prevent crime, serve warrants, and enforce laws and ordinances of
2 this state, or any political subdivision thereof; provided, elected
3 sheriffs and their deputies and elected, appointed, or acting chiefs
4 of police shall meet the requirements of this subsection within the
5 first six (6) months after assuming the duties of the office to
6 which they are elected or appointed or for which they are an acting
7 chief; provided further, that this section shall not apply to
8 persons designated by the Director of the Department of Corrections
9 as peace officers pursuant to Section 510 of Title 57 of the
10 Oklahoma Statutes.

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

23 G. Every person employed as a police or peace officer in this
24 state shall be fingerprinted by the employing law enforcement

1 agency. One set of fingerprint impressions shall be mailed to the
2 Oklahoma State Bureau of Investigation and one set to the Federal
3 Bureau of Investigation, Washington, D.C., within ten (10) days from
4 the initial date of employment.

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

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

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

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

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

14 2. A tribal law enforcement agency that has peace officers
15 commissioned by an Oklahoma law enforcement agency pursuant to a
16 cross-deputization agreement with the State of Oklahoma or any
17 political subdivision of the State of Oklahoma pursuant to the
18 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
19 shall report the commissioning, resignation, or termination of
20 commission for any reason of a cross-deputized tribal police or
21 peace officer to CLEET within ten (10) days of the commissioning,
22 resignation, or termination. Failure to comply with the provisions
23 of this subsection may disqualify a tribal law enforcement agency
24 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
24 and the Council is satisfied that the person has been

1 sufficiently rehabilitated, the Council may certify
2 such person providing that all other statutory
3 requirements have been met,

4 c. a verdict of guilt or entry of a plea of guilty or
5 nolo contendere for a deferred sentence for a felony
6 offense, a crime of moral turpitude, or a crime of
7 domestic violence,

8 d. falsification or a willful misrepresentation of
9 information in an employment application or
10 application to the Council on Law Enforcement
11 Education and Training, records of evidence, or in
12 testimony under oath,

13 e. revocation or voluntary surrender of police or peace
14 officer certification in another state for a violation
15 of any law or rule or in settlement of any
16 disciplinary action in such state, or

17 f. involuntary commitment of a police or peace officer in
18 a mental institution or licensed private mental health
19 facility for any mental illness, condition or disorder
20 that is diagnosed by a licensed physician or
21 psychologist as a substantial disorder of thought,
22 mood, perception, psychological orientation, or memory
23 that significantly impairs judgment, behavior,
24 capacity to recognize reality, or ability to meet the

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

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

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

- 18 a. there is reason to believe the person has violated any
19 provision of this subsection or any other provision of
20 law or rule, or
21 b. there is reason to believe the person has been
22 convicted of a felony, a crime involving moral
23 turpitude or a domestic violence offense or is
24

1 currently participating in a deferred sentence for
2 such offenses.

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

13 5. The Council shall revoke the certification of any person
14 upon determining that such person has been convicted of a felony or
15 a crime involving moral turpitude or a domestic violence offense;
16 provided, that if the conviction has been reversed, vacated or
17 otherwise invalidated by an appellate court, such conviction shall
18 not be the basis for revocation of certification; provided further,
19 that any person who has been trained and certified by the Council on
20 Law Enforcement Education and Training and is actively employed as a
21 full-time peace officer as of November 1, 1985, shall not be subject
22 to the provisions of this subsection for convictions occurring prior
23 to November 1, 1985. The sole issue to be determined at the hearing
24

1 shall be whether the person has been convicted of a felony, a crime
2 involving moral turpitude or a domestic violence offense.

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

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

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

18 9. a. A police or peace officer may voluntarily surrender
19 and relinquish the peace officer certification to
20 CLEET. Pursuant to such surrender or relinquishment,
21 the person surrendering the certification shall be
22 prohibited from applying to CLEET for reinstatement
23 within five (5) years of the date of the surrender or
24

1 relinquishment, unless otherwise provided by law for
2 reinstatement.

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

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

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

23 11. Any person or agency required or authorized to submit
24 information pursuant to this section to the Council shall be immune

1 from liability arising from the submission of the information as
2 long as the information was submitted in good faith and without
3 malice.

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

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

23 a. the Oklahoma State Bureau of Narcotics and Dangerous
24 Drugs Control,

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

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

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

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

- 11 a. the Department of Public Safety,
- 12 b. a police department,
- 13 c. a sheriff's office, and
- 14 d. a university or college campus police department.

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

23 N. All tribal police officers of any Indian tribe or nation who
24 have been commissioned by an Oklahoma law enforcement agency

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

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

1 | employing agency for the salary paid to the person while completing
2 | the basic police course by the original employing agency.

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

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