

1 ENGROSSED HOUSE
2 BILL NO. 2602

By: Johnson, Sherrer and
McAffrey of the House

3 and

4 Sykes of the Senate
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8 An Act relating to reserve officers; amending 11 O.S.
9 2001, Section 34-101, which relates to municipal
10 police officers; deleting population requirement when
11 calculating service hours of reserve municipal police
12 officers; amending 19 O.S. 2001, Section 547, as
13 amended by Section 1, Chapter 366, O.S.L. 2008 (19
14 O.S. Supp. 2009, Section 547), which relates to
15 deputizing certain persons; deleting population
16 requirement when calculating service hours of reserve
17 force deputy sheriffs; and providing an effective
18 date.

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

20 SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-101, is
21 amended to read as follows:

22 Section 34-101. A. A municipal police officer shall at all
23 times have the power to make or order an arrest for any offense
24 against the laws of this state or the ordinances of the
municipality. The officer shall have such other powers, duties and
functions as may be prescribed by law or ordinance.

1 B. In addition to regular full-time municipal police officers,
2 reserve municipal police officers may also be appointed by the chief
3 of police. Reserve municipal police officers shall have the powers,
4 duties and functions as set forth in law or ordinance for regular
5 full-time municipal police officers, including serving as police
6 officers in another municipality requesting assistance pursuant to
7 Section 34-103 of this title. A reserve municipal police officer
8 shall serve on a part-time basis and shall perform duties only while
9 on authorized duty. Noncompensated reserve municipal police
10 officers may serve as dispatchers or confinement officers at
11 municipal jails. ~~The calculation for part-time~~ Part-time reserve
12 officers shall ~~be as follows:~~

13 ~~1. For cities having a total population of less than two~~
14 ~~hundred thousand (200,000) persons, a reserve officer shall serve~~
15 ~~not more than one hundred ten (110) hours per calendar month; and~~

16 ~~2. For cities having a total population of two hundred thousand~~
17 ~~(200,000) or more persons, a reserve officer shall serve not more~~
18 than one hundred forty (140) hours per calendar month.

19 Such reserve municipal police officers must meet the minimum
20 requirements of Section 3311 of Title 70 of the Oklahoma Statutes.

21 SECTION 2. AMENDATORY 19 O.S. 2001, Section 547, as
22 amended by Section 1, Chapter 366, O.S.L. 2008 (19 O.S. Supp. 2009,
23 Section 547), is amended to read as follows:

24

1 Section 547. A. The sheriff shall be responsible for the
2 official acts of the undersheriff and deputy sheriffs, and may
3 revoke such appointments at the pleasure of the sheriff; provided,
4 however, for counties with a population of five hundred thousand
5 (500,000) or more persons, according to the latest Federal Decennial
6 Census, with the exception of chief deputies and undersheriffs, all
7 deputy sheriffs and detention officers shall serve a five-year
8 probationary period during which the deputy sheriff or detention
9 officer shall be considered an at-will employee. After the five-
10 year probationary period, such deputy sheriff or detention officer
11 shall not be discharged except for just cause. The sheriff or the
12 undersheriff may in writing depute certain persons to do particular
13 acts.

14 B. Each sheriff may appoint as many reserve force deputy
15 sheriffs as are necessary to preserve the peace and dignity of the
16 county. A current list of each person holding such appointment
17 shall be maintained by the county sheriff and shall be available to
18 the public. Reserve force deputy sheriffs may perform duties which
19 encompass a particular act or a series of acts. A sheriff or
20 salaried deputy sheriff shall accompany a reserve force deputy
21 sheriff in the performance of all duties assigned to such reserve
22 force deputy sheriff unless such reserve deputy has completed the
23 required one-hundred-sixty-hour basic police course. Reserve force
24 deputies may receive compensation for their services. The sheriff

1 may pay reserve force deputies for travel expenses pursuant to the
2 State Travel Reimbursement Act. Such reserve deputy sheriffs shall
3 complete a one-hundred-sixty-hour basic police course within twelve
4 (12) months after they have been commissioned to be paid by the
5 county as an individual reserve deputy. The sheriff may pay for
6 additional training courses attended by reserve force deputies.

7 C. 1. ~~For counties with a population of two hundred thousand~~
8 ~~(200,000) or more persons, according to the latest Federal Decennial~~
9 ~~Census, reserve Reserve force deputy sheriffs with at least one~~
10 ~~hundred sixty (160) hours of training pursuant to Section 3311 of~~
11 ~~Title 70 of the Oklahoma Statutes shall not serve more than one~~
12 ~~hundred forty (140) hours per calendar month.~~

13 2. ~~For counties with a population of less than two hundred~~
14 ~~thousand (200,000) persons, according to the latest Federal~~
15 ~~Decennial Census, reserve force deputy sheriffs with at least one~~
16 ~~hundred sixty (160) hours of training shall not serve more than one~~
17 ~~hundred ten (110) hours per calendar month.~~

18 D. The sheriff or a designee may deputize municipal police
19 officers subject to an interlocal governmental agreement to combine
20 city and county law enforcement efforts and to encourage cooperation
21 between city and county law enforcement officials. Liability for
22 the conduct of any municipal police officers deputized under the
23 terms and conditions of an interlocal governmental agreement shall
24 remain the responsibility of their municipal employer.

1 E. The sheriff may enter into mutual aid agreements pursuant to
2 the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of
3 the Oklahoma Statutes, to assist or provide law enforcement services
4 to any town, city, and county within this state and the sheriff and
5 deputies shall have law enforcement authority within the
6 jurisdiction making the request. The employing governmental unit
7 shall remain responsible for their officers or deputies pursuant to
8 any mutual aid agreement.

9 F. A sheriff of the county may respond to any request from any
10 other jurisdiction within the state for law enforcement assistance
11 in cases of emergency. The sheriff, deputy sheriffs and reserve
12 deputy sheriffs serving in response to the emergency request shall
13 have the same powers and duties as though employed by the requesting
14 law enforcement agency, and when so acting they shall be deemed to
15 be acting within the scope of employment of the requesting law
16 enforcement agency. Salaries, insurance and other benefits shall be
17 provided in the regular manner by the county in which the sheriff,
18 deputy sheriffs and reserve deputy sheriffs are regularly employed.
19 As used in this subsection, "emergency" means a sudden and
20 unforeseeable occurrence or condition, either as to its onset or its
21 extent, of such severity or magnitude that immediate response or
22 action is necessary to assist law enforcement agencies having
23 jurisdiction at the scene of the emergency to carry out their
24 functions.

