

THE HOUSE OF REPRESENTATIVES
Wednesday, February 10, 2010

House Bill No. 2654

HOUSE BILL NO. 2654 - By: SULLIVAN of the House.

An Act relating to counties and county officers; amending 19 O.S. 2001, Section 547, as amended by Section 1, Chapter 366, O.S.L. 2008 (19 O.S. Supp. 2009, Section 547), which relates to deputizing certain persons; clarifying scope of mutual aid agreements; and providing an effective date.

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

1 SECTION 1. AMENDATORY 19 O.S. 2001, Section 547, as amended by
2 Section 1, Chapter 366, O.S.L. 2008 (19 O.S. Supp. 2009, Section 547), is amended to
3 read as follows:
4 Section 547. A. The sheriff shall be responsible for the official acts of the
5 undersheriff and deputy sheriffs, and may revoke such appointments at the pleasure of
6 the sheriff; provided, however, for counties with a population of five hundred thousand
7 (500,000) or more persons, according to the latest Federal Decennial Census, with the
8 exception of chief deputies and undersheriffs, all deputy sheriffs and detention officers
9 shall serve a five-year probationary period during which the deputy sheriff or detention
10 officer shall be considered an at-will employee. After the five-year probationary period,
11 such deputy sheriff or detention officer shall not be discharged except for just cause. The
12 sheriff or the undersheriff may in writing depute certain persons to do particular acts.

1 B. Each sheriff may appoint as many reserve force deputy sheriffs as are necessary
2 to preserve the peace and dignity of the county. A current list of each person holding
3 such appointment shall be maintained by the county sheriff and shall be available to the
4 public. Reserve force deputy sheriffs may perform duties which encompass a particular
5 act or a series of acts. A sheriff or salaried deputy sheriff shall accompany a reserve force
6 deputy sheriff in the performance of all duties assigned to such reserve force deputy
7 sheriff unless such reserve deputy has completed the required one-hundred-sixty-hour
8 basic police course. Reserve force deputies may receive compensation for their services.
9 The sheriff may pay reserve force deputies for travel expenses pursuant to the State
10 Travel Reimbursement Act. Such reserve deputy sheriffs shall complete a one-hundred-
11 sixty-hour basic police course within twelve (12) months after they have been
12 commissioned to be paid by the county as an individual reserve deputy. The sheriff may
13 pay for additional training courses attended by reserve force deputies.

14 C. 1. For counties with a population of two hundred thousand (200,000) or more
15 persons, according to the latest Federal Decennial Census, reserve force deputy sheriffs
16 with at least one hundred sixty (160) hours of training pursuant to Section 3311 of Title
17 70 of the Oklahoma Statutes shall not serve more than one hundred forty (140) hours per
18 calendar month.

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

1 D. The sheriff or a designee may deputize municipal police officers subject to an
2 interlocal governmental agreement to combine city and county law enforcement efforts
3 and to encourage cooperation between city and county law enforcement officials.
4 Liability for the conduct of any municipal police officers deputized under the terms and
5 conditions of an interlocal governmental agreement shall remain the responsibility of
6 their municipal employer.

7 E. The sheriff may enter into mutual aid agreements pursuant to the Interlocal
8 Cooperation Act, ~~Section 1002 et seq. of Title 74 of the Oklahoma Statutes,~~ to allow the
9 sheriff, deputy sheriffs and reserve deputy sheriffs to enforce ordinances within a
10 municipality or to assist or provide law enforcement services to any town, city, and
11 county within this state ~~and the.~~ The sheriff and deputies deputy sheriffs shall have law
12 enforcement authority within the jurisdiction making the request. The employing
13 governmental unit shall remain responsible for their officers or deputies pursuant to any
14 mutual aid agreement.

15 F. A sheriff of the county may respond to any request from any other jurisdiction
16 within the state for law enforcement assistance in cases of emergency. The sheriff,
17 deputy sheriffs and reserve deputy sheriffs serving in response to the emergency request
18 shall have the same powers and duties as though employed by the requesting law
19 enforcement agency, and when so acting they shall be deemed to be acting within the
20 scope of employment of the requesting law enforcement agency. Salaries, insurance and
21 other benefits shall be provided in the regular manner by the county in which the sheriff,
22 deputy sheriffs and reserve deputy sheriffs are regularly employed. As used in this

1 subsection, “emergency” means a sudden and unforeseeable occurrence or condition,
2 either as to its onset or its extent, of such severity or magnitude that immediate response
3 or action is necessary to assist law enforcement agencies having jurisdiction at the scene
4 of the emergency to carry out their functions.

5 G. A reserve force deputy sheriff shall be authorized to serve civil process pursuant
6 to Section 2004 of Title 12 of the Oklahoma Statutes.

7 SECTION 2. This act shall become effective November 1, 2010.

8 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-
9 09-10 - DO PASS.