

THE HOUSE OF REPRESENTATIVES
Thursday, February 19, 2009

House Bill No. 1306

HOUSE BILL NO. 1306 - By: LUTTRELL of the House and COATES of the Senate.

An Act relating to cities and towns; amending Section 1, Chapter 24, O.S.L. 2008 (11 O.S. Supp. 2008, Section 22-111.1), which relates to certification for employees enforcing cleaning and mowing provisions; adding requirement that certain municipal employees attend basic police course; amending Section 2, Chapter 24, O.S.L. 2008 (11 O.S. Supp. 2008, Section 22-112.1), which relates to certification for employees enforcing condemnation provisions; adding requirement that certain municipal employees attend basic police course; amending 70 O.S. 2001, Section 3311, as last amended by Section 1, Chapter 143, O.S.L. 2008 (70 O.S. Supp. 2008, Section 3311), which relates to law enforcement education and training; adding hours requirement for reserve academy attended by certain municipal employees; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 1, Chapter 24, O.S.L. 2008 (11 O.S.
2 Supp. 2008, Section 22-111.1), is amended to read as follows:

3 Section 22-111.1 A. Employees of a municipality employed or otherwise assigned to
4 enforce provisions of Section 22-111 of ~~Title 11 of the Oklahoma Statutes~~ this title shall
5 complete certification training specifically applicable to such section as adopted and
6 administered by the Oklahoma Code Enforcement Association, an internationally
7 recognized model code organization, career technical education program, or an institution
8 of higher education. The certification training shall be completed within one (1) year of
9 employment or assignment for such enforcement.

1 B. If required by the municipality, employees of a municipality employed or
2 otherwise assigned to enforce provisions of Section 22-111 of this title shall complete a
3 basic police course offered by the Council on Law Enforcement Education and Training.

4 SECTION 2. AMENDATORY Section 2, Chapter 24, O.S.L. 2008 (11 O.S.
5 Supp. 2008, Section 22-112.3), is amended to read as follows:

6 Section 22-112.3 A. Employees of a municipality assigned to enforce provisions of
7 Sections 22-112 and 22-112.1 of ~~Title 11 of the Oklahoma Statutes~~ this title shall
8 complete certification training specifically applicable to such section as adopted and
9 administered by the Oklahoma Code Enforcement Association, an internationally
10 recognized model code organization, career technical education program, or an institution
11 of higher education. The certification training shall be completed within one (1) year of
12 employment or assignment for such enforcement.

13 B. If required by the municipality, employees of a municipality employed or
14 otherwise assigned to enforce provisions of Sections 22-112 and 22-112.1 of this title shall
15 complete a basic police course offered by the Council on Law Enforcement Education and
16 Training.

17 SECTION 3. AMENDATORY 70 O.S. 2001, Section 3311, as last amended by
18 Section 1, Chapter 143, O.S.L. 2008 (70 O.S. Supp. 2008, Section 3311), is amended to
19 read as follows:

20 Section 3311. A. There is hereby re-created a Council on Law Enforcement
21 Education and Training which shall be, and is hereby declared to be, a governmental
22 agency of the State of Oklahoma, body politic and corporate, with powers of government

1 and with the authority to exercise the rights, privileges and functions specified by
2 Sections 3311 through 3311.10 of this title. The Council shall be composed of nine (9)
3 members, the Director of the Oklahoma State Bureau of Investigation, one member
4 appointed by the Governor who may be a lay person, and seven police or peace officers,
5 one selected by each of the following: the Court of Criminal Appeals, the Commissioner
6 of Public Safety, the Board of Directors of the Oklahoma Sheriffs and Peace Officers
7 Association, the Oklahoma Association of Police Chiefs, the Board of Directors of the
8 Oklahoma Sheriffs' Association, the Board of Directors of the Fraternal Order of Police
9 and the Governor. All Council appointments and reappointments made after the
10 effective date of this act shall conform to the following Council composition and
11 appointing authorities. The Council shall be composed of thirteen (13) members as
12 follows:

- 13 1. The Commissioner of the Department of Public Safety, or designee;
- 14 2. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
15 Control, or designee;
- 16 3. The Director of the Oklahoma State Bureau of Investigation, or designee;
- 17 4. One member appointed by the Governor who shall be a law enforcement
18 administrator representing a tribal law enforcement agency;
- 19 5. One member appointed by the Governor who shall be a chief of police of a
20 municipality with a population over one hundred thousand (100,000), as determined by
21 the latest Federal Decennial Census;

- 1 6. One member appointed by the Board of Directors of the Oklahoma Sheriffs' and
2 Peace Officers Association who shall be a sheriff of a county with a population under fifty
3 thousand (50,000), as determined by the latest Federal Decennial Census;
- 4 7. One member appointed by the Oklahoma Association of Police Chiefs who shall
5 be a chief of police representing a municipality with a population over ten thousand
6 (10,000), as determined by the latest Federal Decennial Census;
- 7 8. One member shall be appointed by the Board of Directors of the Oklahoma
8 Sheriffs' Association who shall be a sheriff of a county with a population of one hundred
9 thousand (100,000) or more, as determined by the latest Federal Decennial Census;
- 10 9. One member appointed by the Board of Directors of the Fraternal Order of Police
11 who shall have experience as a training officer;
- 12 10. One member appointed by the Chancellor of Higher Education who shall be a
13 representative of East Central University;
- 14 11. One member who is the immediate past chair of the Council on Law
15 Enforcement Education and Training;
- 16 12. The President Pro Tempore of the Senate shall appoint one member from a list
17 of three or more nominees submitted by a statewide organization representing cities and
18 towns that is exempt from taxation under federal law and designated pursuant to the
19 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a); and
- 20 13. The Speaker of the House of Representatives shall appoint one member from a
21 list of three or more nominees submitted by an organization that assists in the

1 establishment of accreditation standards and training programs for law enforcement
2 agencies throughout the State of Oklahoma.

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

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

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

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

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

- 1 4. Authorize additional staff and services necessary for program expansion;
- 2 5. Recommend legislation necessary to upgrade Oklahoma law enforcement to
- 3 professional status;
- 4 6. Establish policies and regulations concerning the number, geographic and police
- 5 unit distribution, and admission requirements of those receiving tuition or scholarship
- 6 aid available through the Council. Such waiver of costs shall be limited to duly
- 7 appointed members of legally constituted local, county, and state law enforcement
- 8 agencies on the basis of educational and financial need;
- 9 7. Appoint a Director and an Assistant Director to direct the staff, inform the
- 10 Council of compliance with the provisions of this section and perform such other duties
- 11 imposed on the Council by law. On the effective date of this act, any subsequent Director
- 12 appointed by the Council must qualify for the position with a bachelor or higher degree
- 13 in law enforcement from an accredited college or university, or a bachelor or higher
- 14 degree in a law-enforcement-related subject area, and a minimum of five (5) years of
- 15 active law enforcement experience including, but not limited to, responsibility for
- 16 enforcement, investigation, administration, training, or curriculum implementation;
- 17 8. Enter into contracts and agreements for the payment of classroom space, food,
- 18 and lodging expenses as may be necessary for law enforcement officers attending any
- 19 official course of instruction approved or conducted by the Council. Such expenses may
- 20 be paid directly to the contracting agency or business establishment. The food and
- 21 lodging expenses for each law enforcement officer shall not exceed the authorized rates
- 22 as provided for in the State Travel Reimbursement Act; provided, however, the Council

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BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 may provide food and lodging to law enforcement officials attending any official course of
2 instruction approved or conducted by the Council rather than paying for the provision of
3 such food and lodging by an outside contracting agency or business establishment;

4 9. a. Certify canine teams, consisting of a dog and a handler working
5 together as a team, trained to detect:

6 (1) controlled dangerous substances, or

7 (2) explosives, explosive materials, explosive devices, or materials
8 which could be used to construct an explosive device;

9 provided, the dog of a certified canine team shall not be certified at any
10 time as both a drug dog and a bomb dog, and any dog of a certified
11 canine team who has been previously certified as either a drug dog or a
12 bomb dog shall not be eligible at any time to be certified in the other
13 category.

14 b. Upon retiring the dog from the service it was certified to perform, the
15 law enforcement department that handled the dog shall retain
16 possession of the dog. The handler shall have first option of adopting
17 the dog. If that option is not exercised, the law enforcement
18 department shall provide for its adoption. Once adopted the dog shall
19 not be placed back into active service;

20 10. Enter into a lease, loan or other agreement with the Oklahoma Development
21 Finance Authority or a local public trust for the purpose of facilitating the financing of a
22 new facility for its operations and use and pledge, to the extent authorized by law, all or

1 a portion of its receipts of the assessment penalty herein referenced for the payment of
2 its obligations under such lease, loan or other agreement. It is the intent of the
3 Legislature to increase the assessment penalty to such a level or appropriate sufficient
4 monies to the Council on Law Enforcement Education and Training to make payments
5 on the lease, loan or other agreement for the purpose of retiring the bonds to be issued by
6 the Oklahoma Development Finance Authority or local public trust. Such lease, loan or
7 other agreement and the bonds issued to finance such facilities shall not constitute an
8 indebtedness of the State of Oklahoma or be backed by the full faith and credit of the
9 State of Oklahoma, and the lease, loan or other agreement and the bonds shall contain a
10 statement to such effect;

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

13 12. Appoint an advisory committee composed of representatives from security
14 guard and private investigative agencies to advise the Council concerning necessary
15 research, minimum standards for licensure, education, and other matters related to
16 licensure of security guards, security guard agencies, private investigators, and private
17 investigative agencies;

18 13. Enter into agreements with individuals, educational institutions, agencies, and
19 business and tribal entities for professional services, the use of facilities and supplies,
20 and staff overtime costs incurred as a result of the user's requests to schedule functions
21 after-hours, on weekends, or anytime such requests extend staff beyond its normal
22 capacity, whereby contracting individuals, educational institutions, agencies, and

1 business and tribal entities shall pay a fee to be determined by the Council by rule. All
2 fees collected pursuant to these agreements shall be deposited to the credit of the
3 C.L.E.E.T. Training Center Revolving Fund created pursuant to Section 3311.6 of this
4 title. The Council is authorized to promulgate emergency rules to effectuate the
5 provisions of this paragraph;

6 14. Promulgate rules to establish a state firearms requalification standard for
7 active peace officers and meet any requirements of the federal Law Enforcement Officers
8 Safety Act of 2004 for peace officers to carry concealed weapons nationwide;

9 15. Set minimal criteria relating to qualifications for chief of police administrative
10 training pursuant to Section 34-102 of Title 11 of the Oklahoma Statutes, assist in
11 developing a course of training for a Police Chief Administrative School, and approve all
12 police chief administrative training offered in this state; and

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

- 15 a. one member shall be selected by the Chancellor for Higher Education,
16 who possesses a background of creation and review of curriculum and
17 experience teaching criminal justice or law enforcement courses, who
18 shall serve an initial term of one (1) year,
- 19 b. one member shall represent a municipal jurisdiction with a population
20 of fifty thousand (50,000) or more and who shall be a management-
21 level CLEET-certified training officer, who shall serve an initial term
22 of two (2) years,

- 1 c. one member shall represent a county jurisdiction with a population of
2 fifty thousand (50,000) or more and who shall be a management-level
3 CLEET-certified training officer, who shall serve an initial term of
4 three (3) years,
- 5 d. one member shall represent a municipal jurisdiction with a population
6 of less than fifty thousand (50,000) and who shall be a CLEET-certified
7 training officer, who shall serve an initial term of two (2) years,
- 8 e. one member shall represent a county jurisdiction with a population of
9 less than fifty thousand (50,000) and who shall be a CLEET-certified
10 training officer, who shall serve an initial term of one (1) year, and
11 f. one member selected by the Oklahoma Department of Career and
12 Technology Education from the Curriculum Material and Instructional
13 Material Center, who shall serve an initial term of three (3) years.

14 After the initial terms of office, all members shall be appointed to serve three-year
15 terms. Any member may be reappointed to serve consecutive terms. Members shall
16 serve without compensation, but may be reimbursed for travel expenses pursuant to the
17 State Travel Reimbursement Act. The Board shall review and establish curriculum for
18 all CLEET academies and training courses pursuant to procedures established by the
19 Council on Law Enforcement Education and Training.

20 C. 1. Payment of any fee provided for in this section may be made by a nationally
21 recognized credit or debit card issued to the applicant. The Council may publicly post
22 and collect a fee for the acceptance of the nationally recognized credit or debit card not to

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

10 2. Payment for any fee provided for in this title may be made by a business check.

11 The Council may:

- 12 a. add an amount equal to the amount of the service charge incurred, not
13 to exceed three percent (3%) of the amount of the check as a service
14 charge for the acceptance and verification of the check, or
15 b. add an amount of no more than Five Dollars (\$5.00) as a service charge
16 for the acceptance and verification of a check. For purposes of this
17 subsection, "business check" shall not mean a money order, cashier's
18 check, or bank certified check.

19 D. Failure of the Legislature to appropriate necessary funds to provide for expenses
20 and operations of the Council on Law Enforcement Education and Training shall not
21 invalidate other provisions of this section relating to the creation and duties of the
22 Council.

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

17 2. On and after the effective date of this act, no person shall be certified as a police
18 or peace officer in this state unless the employing agency has reported to the Council
19 that:

20 a. the Oklahoma State Bureau of Investigation and the Federal Bureau
21 of Investigation have reported that such person has no record of a

1 conviction of a felony, a crime involving moral turpitude, or a crime of
2 domestic violence,
3 b. such person has undergone psychological evaluation by the employing
4 agency using a psychological instrument approved by the Council on
5 Law Enforcement Education and Training. The employing agency
6 shall administer the psychological instrument in accordance with
7 standards established within the test document. To aid the evaluating
8 psychologist in interpreting the test results, including automated
9 scoring and interpretations, the employing agency shall provide the
10 psychologist a statement confirming the identity of the individual
11 taking the test as the person who is employed or seeking employment
12 as a peace officer of the agency and attesting that it administered the
13 psychological instrument in accordance with standards within the test
14 document. The psychologist shall report to the employing agency the
15 evaluation of the assessment instrument and may include any
16 additional recommendations to assist the employing agency in
17 determining whether to certify to the Council on Law Enforcement
18 Education and Training that the person being evaluated is suitable to
19 serve as a peace officer in the State of Oklahoma. No additional
20 procedures or requirements shall be imposed for performance of the
21 psychological evaluation. The psychological instrument utilized shall
22 be evaluated by a psychologist licensed by the State of Oklahoma, and

1 the employing agency shall certify to the Council that the evaluation
2 was conducted in accordance with this provision and that the
3 employee/applicant is suitable to serve as a peace officer in the State of
4 Oklahoma. Any person found not to be suitable for employment or
5 certification by the Council shall not be employed, retained in
6 employment as a peace officer, or certified by the Council for at least
7 one (1) year, at which time the employee/applicant may be reevaluated
8 by a psychologist licensed by the State of Oklahoma. This section shall
9 also be applicable to all reserve peace officers in the State of
10 Oklahoma. Any person who is certified by CLEET and has undergone
11 the psychological evaluation required by this subparagraph and has
12 been found to be suitable as a peace officer shall not be required to be
13 reevaluated for any subsequent employment as a peace officer
14 following retirement or any break in service as a peace officer,
15 c. such person possesses a high school diploma or a GED equivalency
16 certificate, provided this requirement shall not affect those persons
17 who are already employed as a police or peace officer prior to
18 November 1, 1985,
19 d. such person is not participating in a deferred sentence agreement for a
20 felony, a crime involving moral turpitude, or a crime of domestic
21 violence,

1 e. such person has attained twenty-one (21) years of age prior to
2 certification as a peace officer,
3 f. such person has provided proof of United States citizenship or resident
4 alien status, pursuant to an employment eligibility verification form
5 from the United States Citizenship and Immigration Services, and
6 g. the name, gender, date of birth, and address of such person have been
7 presented to the Department of Mental Health and Substance Abuse
8 Services by the Council. The Department of Mental Health and
9 Substance Abuse Services shall respond to the Council within ten (10)
10 days whether the computerized records of the Department indicate the
11 applicant has ever been involuntarily committed to an Oklahoma state
12 mental institution. In the event that the Department of Mental Health
13 and Substance Abuse Services reports to the Council that the applicant
14 has been involuntarily committed, the Council shall immediately
15 inform the employing agency,
16 and the Council has determined that such person has satisfactorily completed a basic
17 police course approved by the Council. All basic police courses shall include a minimum
18 of four (4) hours of education and training in recognizing and managing a person
19 appearing to require mental health treatment or services. The training shall include
20 training in crime and drug prevention, crisis intervention, youth and family intervention
21 techniques, recognizing, investigating and preventing abuse and exploitation of elderly
22 persons, mental health issues, and criminal jurisdiction on Sovereign Indian Land.

1 Subject to the availability of funding, for full-time salaried police or peace officers a
2 basic police course academy shall be as follows: any academy graduating after July 1,
3 2007, but before December 31, 2007, shall have three hundred seventy-five (375) hours;
4 any academy graduating after January 1, 2008, but before June 30, 2008, shall have five
5 hundred five (505) hours; any academy graduating after July 1, 2008, but before June 30,
6 2009, shall have five hundred seventy-six (576) hours; and any academy graduating after
7 July 1, 2009, shall have six hundred (600) hours.

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

12 Municipal employees employed or otherwise assigned to enforce the provisions of
13 Sections 22-111 or 22-112 and 22-112.1 of Title 11 of the Oklahoma Statutes, who are
14 required to attend a basic police course, shall attend any reserve academy approved by
15 the Council after November 1, 2009.

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

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

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

16 5. For purposes of this section, a police or peace officer is defined as a full-time duly
17 appointed or elected officer who is paid for working more than twenty-five (25) hours per
18 week and whose duties are to preserve the public peace, protect life and property,
19 prevent crime, serve warrants, and enforce laws and ordinances of this state, or any
20 political subdivision thereof; provided, elected sheriffs and their deputies and elected,
21 appointed, or acting chiefs of police shall meet the requirements of this subsection within
22 the first six (6) months after assuming the duties of the office to which they are elected or

1 appointed or for which they are an acting chief; provided further, that this section shall
2 not apply to persons designated by the Director of the Department of Corrections as
3 peace officers pursuant to Section 510 of Title 57 of the Oklahoma Statutes.

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

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

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

- 21 a. Oklahoma State Bureau of Investigation and Federal Bureau of
22 Investigation reports,

- b. administration of the psychological tests provided for herein,
- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

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

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

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

2. A tribal law enforcement agency that has peace officers commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization agreement with the State of Oklahoma or any political subdivision of the State of Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma Statutes shall report the

1 commissioning, resignation, or termination of commission for any reason of a cross-
2 deputized tribal police or peace officer to CLEET within ten (10) days of the
3 commissioning, resignation, or termination. Failure to comply with the provisions of this
4 subsection may disqualify a tribal law enforcement agency from participating in training
5 programs sponsored by the Council.

6 J. It is unlawful for any person to willfully make any statement in an application to
7 CLEET knowing the statement is false or intentionally commit fraud in any application
8 to the Council for attendance in any CLEET-conducted or CLEET-approved peace officer
9 academy or Collegiate Officer Program or for the purpose of obtaining peace officer
10 certification or reinstatement. It is unlawful for any person to willfully submit false or
11 fraudulent documents relating to continuing education rosters, transcripts or certificates,
12 or any canine license application. Any person convicted of a violation of this subsection
13 shall be guilty of a felony punishable by imprisonment in the Department of Corrections
14 for a term of not less than two (2) years nor more than five (5) years, or by a fine not
15 exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment.

16 K. 1. A police or peace officer shall be subject to disciplinary action to include a
17 denial, suspension, revocation or acceptance of voluntary surrender of peace officer
18 certification upon a showing of clear and convincing evidence for the following:
19 a. conviction of a felony or a crime of domestic violence,
20 b. conviction of a misdemeanor involving moral turpitude; provided, if the
21 conviction is a single isolated incident that occurred more than five (5)
22 years ago and the Council is satisfied that the person has been

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

1 data of the officer have been examined and that, in the professional
2 opinion of the physician or psychologist, the officer is psychologically
3 suitable to return to duty as a peace officer.

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

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

10 a. there is reason to believe the person has violated any provision of this
11 subsection or any other provision of law or rule, or

12 b. there is reason to believe the person has been convicted of a felony, a
13 crime involving moral turpitude or a domestic violence offense or is
14 currently participating in a deferred sentence for such offenses.

15 4. When the investigation of a complaint does not find the person has violated any
16 of the provisions of this subsection, or finds that the person is sufficiently rehabilitated
17 as provided in subparagraph b or f of paragraph 1 of this subsection, no disciplinary
18 action shall be required and the person shall remain certified as a police or peace officer.
19 When the investigation of a complaint finds that the person has violated any of the
20 provisions of this subsection, the matter shall be referred for disciplinary proceedings.
21 The disciplinary proceedings shall be in accordance with Articles I and II of the
22 Administrative Procedures Act.

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

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

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

18 8. Every law enforcement agency in this state shall, within thirty (30) days of a
19 final order of termination or resignation while under investigation of a CLEET-certified
20 peace officer, report such order or resignation in writing to the Director of the Council.
21 Any report, upon receipt by the Council, shall be considered as personnel records and
22 shall be afforded confidential protection pursuant to Sections 24A.7 and 24A.8 of Title 51

1 of the Oklahoma Statutes. The Director shall ensure that the report is provided to all
2 members of the Council. The Council shall review and make recommendations
3 concerning the report at the first meeting of the Council to occur after all members of the
4 Council have received the report. The Council may, by a majority vote, order the
5 suspension, for a given period of time, or revocation of the CLEET certification of the
6 peace officer in question if there are grounds for such actions pursuant to subsection J of
7 this section and the peace officer in question has been provided with notice and an
8 opportunity for a hearing. Suspension or revocation of CLEET certification pursuant to
9 this paragraph shall be reported to the district attorney for the jurisdiction in which the
10 peace officer was employed, to the liability insurance company of the law enforcement
11 agency that employed the peace officer, the chief elected official of the governing body of
12 the law enforcement agency and the chief law enforcement officer of the law enforcement
13 agency.

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

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

1 years of the date of the surrender or relinquishment, unless otherwise
2 provided by law for reinstatement.

- 3 b. No person who has had a police or peace officer certification from
4 another state revoked or voluntarily surrendered shall be considered
5 for certification by CLEET within five (5) years of the effective date of
6 any such revocation or voluntary surrender of certification.
- 7 c. Any person seeking reinstatement of police or peace officer certification
8 which has been suspended, revoked, or voluntarily surrendered may
9 apply for reinstatement pursuant to promulgated CLEET rules
10 governing reinstatement.

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

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

1 13. Any peace officer employed by a law enforcement agency in this state which has
2 internal discipline policies and procedures on file with CLEET shall be exempt from the
3 disciplinary proceedings and actions provided for in this subsection; provided, however,
4 such exemption shall not apply if the peace officer has been convicted of a felony crime, a
5 crime of moral turpitude, or a crime of domestic violence.

6 14. As used in this subsection:

- 7 a. "law enforcement agency" means any department or agency of the
8 state, a county, a municipality, or political subdivision thereof, with
9 the duties to maintain public order, make arrests, and enforce the
10 criminal laws of this state or municipal ordinances, which employs
11 CLEET-certified personnel,
- 12 b. "final order of termination" means a final notice of dismissal from
13 employment provided after all grievance, arbitration, and court actions
14 have been completed, and
- 15 c. "resignation while under investigation" means the resignation from
16 employment of a peace officer who is under investigation for any felony
17 violation of law, a crime of moral turpitude, a crime of domestic
18 violence, or the resignation from employment of a peace officer as part
19 of an arbitration or plea agreement.

20 L. 1. Every canine team in the state trained to detect controlled dangerous
21 substances shall be certified, by test, in the detection of such controlled dangerous
22 substances and shall be recertified annually so long as the canine is used for such

1 detection purposes. The certification test and annual recertification test provisions of
2 this subsection shall not be applicable to canines that are owned by a law enforcement
3 agency and that are certified and annually recertified in the detection of controlled
4 dangerous substances by the United States Customs Service.

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

- 12 a. the Oklahoma State Bureau of Narcotics and Dangerous Drugs
- 13 Control,
- 14 b. the Department of Public Safety,
- 15 c. a police department,
- 16 d. a sheriff's office, and
- 17 e. a university or college campus police department.

18 3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the
19 annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team.
20 A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee
21 shall be charged to any local, state or federal government agency. The fees provided for

1 in this paragraph shall be deposited to the credit of the CLEET Fund created pursuant to
2 Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

11 2. The Council shall appoint a Bomb Dog Advisory Council to make
12 recommendations concerning minimum standards, educational needs, and other matters
13 imperative to the certification of canines and canine teams trained to detect explosives,
14 explosive materials, explosive devices and materials which could be used to construct an
15 explosive device. The Council shall promulgate rules based upon the recommendations of
16 the Advisory Council. Members of the Advisory Council shall include, but need not be
17 limited to, a commissioned officer with practical knowledge of such canines and canine
18 teams from each of the following:

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

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

7 N. All tribal police officers of any Indian tribe or nation who have been
8 commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization
9 agreement with the State of Oklahoma or any political subdivision of the State of
10 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma
11 Statutes shall be eligible for peace officer certification under the same terms and
12 conditions required of members of the law enforcement agencies of the State of
13 Oklahoma and its political subdivisions. CLEET shall issue peace officer certification to
14 tribal police officers who, as of July 1, 2003, are commissioned by an Oklahoma law
15 enforcement agency pursuant to a cross-deputization agreement with the State of
16 Oklahoma or any political subdivision of the State of Oklahoma pursuant to the
17 provisions of Section 1221 of Title 74 of the Oklahoma Statutes and have met the
18 training and qualification requirements of this section.

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

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

3 SECTION 4. This act shall become effective November 1, 2009.

4 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-
5 18-09 - DO PASS, As Coauthored.