

EHB 2602

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THE STATE SENATE
Wednesday, March 17, 2010

ENGROSSED

House Bill No. 2602

ENGROSSED HOUSE BILL NO. 2602 - By: Johnson, Sherrer and McAffrey of the House and Sykes of the Senate.

An Act relating to reserve officers; amending 11 O.S. 2001, Section 34-101, which relates to municipal police officers; deleting population requirement when calculating service hours of reserve municipal police 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; deleting population requirement when calculating service hours of reserve force deputy sheriffs; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2001, Section 34-101, is

amended to read as follows:

Section 34-101. A. A municipal police officer shall at all times have the power to make or order an arrest for any offense 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.

B. In addition to regular full-time municipal police officers, reserve municipal police officers may also be appointed by the chief of police. Reserve municipal police officers shall have the powers, duties and functions as set forth in law or ordinance for regular full-time municipal police officers, including serving as police

(Bold face denotes Committee Amendments)

1 officers in another municipality requesting assistance pursuant to
2 Section 34-103 of this title. A reserve municipal police officer
3 shall serve on a part-time basis and shall perform duties only while
4 on authorized duty. Noncompensated reserve municipal police
5 officers may serve as dispatchers or confinement officers at
6 municipal jails. ~~The calculation for part time~~ Part-time reserve
7 officers shall ~~be as follows:~~

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

11 ~~2. For cities having a total population of two hundred thousand~~
12 ~~(200,000) or more persons, a reserve officer shall serve not more~~
13 ~~than one hundred forty (140) hours per calendar month.~~

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

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

19 Section 547. A. The sheriff shall be responsible for the
20 official acts of the undersheriff and deputy sheriffs, and may
21 revoke such appointments at the pleasure of the sheriff; provided,
22 however, for counties with a population of five hundred thousand
23 (500,000) or more persons, according to the latest Federal Decennial

1 Census, with the exception of chief deputies and undersheriffs, all
2 deputy sheriffs and detention officers shall serve a five-year
3 probationary period during which the deputy sheriff or detention
4 officer shall be considered an at-will employee. After the five-
5 year probationary period, such deputy sheriff or detention officer
6 shall not be discharged except for just cause. The sheriff or the
7 undersheriff may in writing depute certain persons to do particular
8 acts.

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

1 county as an individual reserve deputy. The sheriff may pay for
2 additional training courses attended by reserve force deputies.

3 C. ~~1. For counties with a population of two hundred thousand~~
4 ~~(200,000) or more persons, according to the latest Federal Decennial~~
5 ~~Census, reserve Reserve force deputy sheriffs with at least one~~
6 hundred sixty (160) hours of training pursuant to Section 3311 of
7 Title 70 of the Oklahoma Statutes shall not serve more than one
8 hundred forty (140) hours per calendar month.

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

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

21 E. The sheriff may enter into mutual aid agreements pursuant to
22 the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of
23 the Oklahoma Statutes, to assist or provide law enforcement services

1 to any town, city, and county within this state and the sheriff and
2 deputies shall have law enforcement authority within the
3 jurisdiction making the request. The employing governmental unit
4 shall remain responsible for their officers or deputies pursuant to
5 any mutual aid agreement.

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

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

4 SECTION 3. This act shall become effective November 1, 2010.

5 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 3-15-10
6 - DO PASS.