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THE STATE SENATE  
Tuesday, February 16, 2010

Senate Bill No. 2017  
As Amended

SENATE BILL NO. 2017 - By: Sykes of the Senate and Terrill of the House.

[ schools - Council on Law Enforcement Education and Training - adding penalty - effective date ]

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

SECTION 1. AMENDATORY 70 O.S. 2001, Section 3311, as last amended by Section 1, Chapter 131, O.S.L. 2009 (70 O.S. Supp. 2009, Section 3311), is amended to read as follows:

Section 3311. A. There is hereby created a Council on Law Enforcement Education and Training which shall be, and is hereby declared to be, a governmental law enforcement 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 necessary to ensure the professional training and continuing education of law enforcement officers in the State of Oklahoma. These rights, privileges and functions include, but are not limited to, those specified in Sections 3311 through 3311.10 of this title and in the Oklahoma Security Guard and Private Investigator Act. The Council shall be composed of nine (9) members, the Director of the Oklahoma State Bureau of Investigation,

1 one member appointed by the Governor who may be a lay person, and  
2 seven police or peace officers, one selected by each of the  
3 following: the Court of Criminal Appeals, the Commissioner of  
4 Public Safety, the Board of Directors of the Oklahoma Sheriffs and  
5 Peace Officers Association, the Oklahoma Association of Police  
6 Chiefs, the Board of Directors of the Oklahoma Sheriffs'  
7 Association, the Board of Directors of the Fraternal Order of Police  
8 and the Governor. All Council appointments and reappointments made  
9 after November 1, 2007, shall conform to the following Council  
10 composition and appointing authorities. The Council shall be  
11 composed of thirteen (13) members as follows:

12 1. The Commissioner of the Department of Public Safety, or  
13 designee;

14 2. The Director of the Oklahoma State Bureau of Narcotics and  
15 Dangerous Drugs Control, or designee;

16 3. The Director of the Oklahoma State Bureau of Investigation,  
17 or designee;

18 4. One member appointed by the Governor who shall be a law  
19 enforcement administrator representing a tribal law enforcement  
20 agency;

21 5. One member appointed by the Governor who shall be a chief of  
22 police of a municipality with a population over one hundred thousand  
23 (100,000), as determined by the latest Federal Decennial Census;

1           6. One member appointed by the Board of Directors of the  
2 Oklahoma Sheriffs' and Peace Officers Association who shall be a  
3 sheriff of a county with a population under fifty thousand (50,000),  
4 as determined by the latest Federal Decennial Census;

5           7. One member appointed by the Oklahoma Association of Police  
6 Chiefs who shall be a chief of police representing a municipality  
7 with a population over ten thousand (10,000), as determined by the  
8 latest Federal Decennial Census;

9           8. One member shall be appointed by the Board of Directors of  
10 the Oklahoma Sheriffs' Association who shall be a sheriff of a  
11 county with a population of one hundred thousand (100,000) or more,  
12 as determined by the latest Federal Decennial Census;

13           9. One member appointed by the Board of Directors of the  
14 Fraternal Order of Police who shall have experience as a training  
15 officer;

16           10. One member appointed by the Chancellor of Higher Education  
17 who shall be a representative of East Central University;

18           11. One member who is the immediate past chair of the Council  
19 on Law Enforcement Education and Training;

20           12. The President Pro Tempore of the Senate shall appoint one  
21 member from a list of three or more nominees submitted by a  
22 statewide organization representing cities and towns that is exempt  
23 from taxation under federal law and designated pursuant to the

1 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);  
2 and

3 13. The Speaker of the House of Representatives shall appoint  
4 one member from a list of three or more nominees submitted by an  
5 organization that assists in the establishment of accreditation  
6 standards and training programs for law enforcement agencies  
7 throughout the State of Oklahoma.

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

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

19 1. Appoint a larger Advisory Council to discuss problems and  
20 hear recommendations concerning necessary research, minimum  
21 standards, educational needs, and other matters imperative to  
22 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 On November 1, 2007, any subsequent Director appointed by the

1 Council must qualify for the position with a bachelor or higher  
2 degree in law enforcement from an accredited college or university,  
3 or a bachelor or higher degree in a law-enforcement-related subject  
4 area, and a minimum of five (5) years of active law enforcement  
5 experience including, but not limited to, responsibility for  
6 enforcement, investigation, administration, training, or curriculum  
7 implementation;

8 8. Enter into contracts and agreements for the payment of  
9 classroom space, food, and lodging expenses as may be necessary for  
10 law enforcement officers attending any official course of  
11 instruction approved or conducted by the Council. Such expenses may  
12 be paid directly to the contracting agency or business  
13 establishment. The food and lodging expenses for each law  
14 enforcement officer shall not exceed the authorized rates as  
15 provided for in the State Travel Reimbursement Act; provided,  
16 however, the Council may provide food and lodging to law enforcement  
17 officials attending any official course of instruction approved or  
18 conducted by the Council rather than paying for the provision of  
19 such food and lodging by an outside contracting agency or business  
20 establishment;

21 9. a. Certify canine teams, consisting of a dog and a  
22 handler working together as a team, trained to detect:  
23 (1) controlled dangerous substances, or

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

4 provided, the dog of a certified canine team shall not  
5 be certified at any time as both a drug dog and a bomb  
6 dog, and any dog of a certified canine team who has  
7 been previously certified as either a drug dog or a  
8 bomb dog shall not be eligible at any time to be  
9 certified in the other category.

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

18 10. Enter into a lease, loan or other agreement with the  
19 Oklahoma Development Finance Authority or a local public trust for  
20 the purpose of facilitating the financing of a new facility for its  
21 operations and use and pledge, to the extent authorized by law, all  
22 or a portion of its receipts of the assessment penalty herein  
23 referenced for the payment of its obligations under such lease, loan

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

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

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

20 13. Enter into agreements with individuals, educational  
21 institutions, agencies, and business and tribal entities for  
22 professional services, the use of facilities and supplies, and staff  
23 overtime costs incurred as a result of the user's requests to

1 schedule functions after-hours, on weekends, or anytime such  
2 requests extend staff beyond its normal capacity, whereby  
3 contracting individuals, educational institutions, agencies, and  
4 business and tribal entities shall pay a fee to be determined by the  
5 Council by rule. All fees collected pursuant to these agreements  
6 shall be deposited to the credit of the C.L.E.E.T. Training Center  
7 Revolving Fund created pursuant to Section 3311.6 of this title.  
8 The Council is authorized to promulgate emergency rules to  
9 effectuate the provisions of this paragraph;

10 14. Promulgate rules to establish a state firearms  
11 requalification standard for active peace officers and meet any  
12 requirements of the federal Law Enforcement Officers Safety Act of  
13 2004 for peace officers to carry concealed weapons nationwide;

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

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

21 a. one member shall be selected by the Chancellor for  
22 Higher Education, who possesses a background of  
23 creation and review of curriculum and experience

- 1 teaching criminal justice or law enforcement courses,  
2 who shall serve an initial term of one (1) year,
- 3 b. one member shall represent a municipal jurisdiction  
4 with a population of fifty thousand (50,000) or more  
5 and who shall be a management-level CLEET-certified  
6 training officer, who shall serve an initial term of  
7 two (2) years,
- 8 c. one member shall represent a county jurisdiction with  
9 a population of fifty thousand (50,000) or more and  
10 who shall be a management-level CLEET-certified  
11 training officer, who shall serve an initial term of  
12 three (3) years,
- 13 d. one member shall represent a municipal jurisdiction  
14 with a population of less than fifty thousand (50,000)  
15 and who shall be a CLEET-certified training officer,  
16 who shall serve an initial term of two (2) years,
- 17 e. one member shall represent a county jurisdiction with  
18 a population of less than fifty thousand (50,000) and  
19 who shall be a CLEET-certified training officer, who  
20 shall serve an initial term of one (1) year, and
- 21 f. one member selected by the Oklahoma Department of  
22 Career and Technology Education from the Curriculum

1                   Material and Instructional Material Center, who shall  
2                   serve an initial term of three (3) years.

3           After the initial terms of office, all members shall be  
4 appointed to serve three-year terms. Any member may be reappointed  
5 to serve consecutive terms. Members shall serve without  
6 compensation, but may be reimbursed for travel expenses pursuant to  
7 the State Travel Reimbursement Act. The Board shall review and  
8 establish curriculum for all CLEET academies and training courses  
9 pursuant to procedures established by the Council on Law Enforcement  
10 Education and Training;

11           17. Conduct review and verification of any records relating to  
12 the statutory duties of CLEET;

13           18. Receive requested reports including investigative reports,  
14 court documents, statements, or other applicable information from  
15 local, county and state agencies and other agencies for use in  
16 actions where a certification or license issued by CLEET may be  
17 subject to disciplinary or other actions provided by law; and

18           19. Summarily suspend a certification of a peace officer,  
19 without prior notice but otherwise subject to administrative  
20 proceedings, if CLEET finds that the actions of the certified peace  
21 officer may present a danger to the peace officer, the public, a  
22 family or household member, or involve a crime against a minor.

1 C. 1. Payment of any fee provided for in this section may be  
2 made by a nationally recognized credit or debit card issued to the  
3 applicant. The Council may publicly post and collect a fee for the  
4 acceptance of the nationally recognized credit or debit card not to  
5 exceed five percent (5%) of the amount of the payment. For purposes  
6 of this subsection, "nationally recognized credit card" means any  
7 instrument or device, whether known as a credit card, credit plate,  
8 charge plate, or by any other name, issued with or without fee by an  
9 issuer for the use of the cardholder in obtaining goods, services,  
10 or anything else of value and which is accepted by over one thousand  
11 merchants in this state. "Debit card" means an identification card  
12 or device issued to a person by a business organization which  
13 permits such person to obtain access to or activate a consumer  
14 banking electronic facility. The Council shall determine which  
15 nationally recognized credit or debit cards will be accepted as  
16 payment for fees.

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

19 a. add an amount equal to the amount of the service  
20 charge incurred, not to exceed three percent (3%) of  
21 the amount of the check as a service charge for the  
22 acceptance and verification of the check, or

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

6           D. Failure of the Legislature to appropriate necessary funds to  
7 provide for expenses and operations of the Council on Law  
8 Enforcement Education and Training shall not invalidate other  
9 provisions of this section relating to the creation and duties of  
10 the Council.

11          E. 1. No person shall be eligible to complete a basic police  
12 course approved by the Council until the Oklahoma State Bureau of  
13 Investigation and the Federal Bureau of Investigation have reported  
14 to the submitting agency that such person has no felony record, and  
15 the employing agency has reported to the Council that such person  
16 has undergone psychological testing as provided for in paragraph 2  
17 of this subsection, and the applicant has certified the completion  
18 of a high school diploma or a GED equivalency certificate and that  
19 the applicant is not participating in a deferred sentence agreement  
20 for a felony or a crime involving moral turpitude or is not  
21 currently subject to an order of the Council revoking, suspending,  
22 or accepting a voluntary surrender of peace officer certification  
23 and that the applicant is not currently undergoing treatment for a

1 mental illness, condition, or disorder. For purposes of this  
2 subsection, "currently undergoing treatment for mental illness,  
3 condition, or disorder" means the person has been diagnosed by a  
4 licensed physician or psychologist as being afflicted with a  
5 substantial disorder of thought, mood, perception, psychological  
6 orientation, or memory that significantly impairs judgment,  
7 behavior, capacity to recognize reality, or ability to meet the  
8 ordinary demands of life and such condition continues to exist.

9 2. On and after November 1, 2007, no person shall be certified  
10 as a police or peace officer in this state unless the employing  
11 agency has reported to the Council that:

12 a. the Oklahoma State Bureau of Investigation and the  
13 Federal Bureau of Investigation have reported that  
14 such person has no record of a conviction of a felony,  
15 a crime involving moral turpitude, or a crime of  
16 domestic violence,

17 b. such person has undergone psychological evaluation by  
18 the employing agency using a psychological instrument  
19 approved by the Council on Law Enforcement Education  
20 and Training. The employing agency shall administer  
21 the psychological instrument in accordance with  
22 standards established within the test document. To  
23 aid the evaluating psychologist in interpreting the

1 test results, including automated scoring and  
2 interpretations, the employing agency shall provide  
3 the psychologist a statement confirming the identity  
4 of the individual taking the test as the person who is  
5 employed or seeking employment as a peace officer of  
6 the agency and attesting that it administered the  
7 psychological instrument in accordance with standards  
8 within the test document. The psychologist shall  
9 report to the employing agency the evaluation of the  
10 assessment instrument and may include any additional  
11 recommendations to assist the employing agency in  
12 determining whether to certify to the Council on Law  
13 Enforcement Education and Training that the person  
14 being evaluated is suitable to serve as a peace  
15 officer in the State of Oklahoma. No additional  
16 procedures or requirements shall be imposed for  
17 performance of the psychological evaluation. The  
18 psychological instrument utilized shall be evaluated  
19 by a psychologist licensed by the State of Oklahoma,  
20 and the employing agency shall certify to the Council  
21 that the evaluation was conducted in accordance with  
22 this provision and that the employee/applicant is  
23 suitable to serve as a peace officer in the State of

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

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 Citizenship and Immigration Services,  
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 approved by the Council. All basic  
23 police courses shall include a minimum of four (4) hours of

1 education and training in recognizing and managing a person  
2 appearing to require mental health treatment or services. The  
3 training shall include training in crime and drug prevention, crisis  
4 intervention, youth and family intervention techniques, recognizing,  
5 investigating and preventing abuse and exploitation of elderly  
6 persons, mental health issues, and criminal jurisdiction on  
7 Sovereign Indian Land.

8 Subject to the availability of funding, for full-time salaried  
9 police or peace officers a basic police course academy shall be as  
10 follows: any academy graduating after July 1, 2007, but before  
11 December 31, 2007, shall have three hundred seventy-five (375)  
12 hours; any academy graduating after January 1, 2008, but before June  
13 30, 2008, shall have five hundred five (505) hours; any academy  
14 graduating after July 1, 2008, but before June 30, 2009, shall have  
15 five hundred seventy-six (576) hours; and any academy graduating  
16 after July 1, 2009, shall have six hundred (600) hours.

17 For reserve deputies a basic police course shall be as follows:  
18 any reserve academy approved by the Council prior to December 31,  
19 2007, shall have one hundred sixty (160) hours; and any reserve  
20 academy approved by the Council after January 1, 2008, shall have  
21 two hundred forty (240) hours.

22 3. Every person who has not been certified as a police or peace  
23 officer and is duly appointed or elected as a police or peace

1 officer shall hold such position on a temporary basis only, and  
2 shall, within one (1) year from the date of appointment or taking  
3 office, qualify as required in this subsection or forfeit such  
4 position; provided, however, effective November 1, 2004, every  
5 person who has not been certified as a police or peace officer and  
6 is duly appointed or elected as a police or peace officer shall hold  
7 such position on a temporary basis only, and shall, within six (6)  
8 months from the date of appointment or taking office, qualify as  
9 required in this subsection or forfeit such position. In computing  
10 the time for qualification, all service shall be cumulative from  
11 date of first appointment or taking office as a police or peace  
12 officer with any department in this state. The Council may extend  
13 the time requirement specified in this paragraph for good cause as  
14 determined by the Council. An elected police or peace officer shall  
15 be eligible to enroll in a basic police course in accordance with  
16 this subsection upon being elected. A duty is hereby imposed upon  
17 the employing agency to withhold payment of the compensation or wage  
18 of said unqualified officer. If the police or peace officer fails  
19 to forfeit the position or the employing agency fails to require the  
20 officer to forfeit the position, the district attorney shall file  
21 the proper action to cause the forfeiting of such position. The  
22 district court of the county where the officer is employed shall  
23 have jurisdiction to hear the case.

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

6           5. For purposes of this section, a police or peace officer is  
7 defined as a full-time duly appointed or elected officer who is paid  
8 for working more than twenty-five (25) hours per week and whose  
9 duties are to preserve the public peace, protect life and property,  
10 prevent crime, serve warrants, and enforce laws and ordinances of  
11 this state, or any political subdivision thereof; provided, elected  
12 sheriffs and their deputies and elected, appointed, or acting chiefs  
13 of police shall meet the requirements of this subsection within the  
14 first six (6) months after assuming the duties of the office to  
15 which they are elected or appointed or for which they are an acting  
16 chief; provided further, that this section shall not apply to  
17 persons designated by the Director of the Department of Corrections  
18 as peace officers pursuant to Section 510 of Title 57 of the  
19 Oklahoma Statutes.

20           F. No person shall be certified as a police or peace officer by  
21 the Council or be employed by the state, a county, a city, or any  
22 political subdivision thereof, who is currently subject to an order  
23 of the Council revoking, suspending, or accepting a voluntary

1 surrender of peace officer certification or who has been convicted  
2 of a felony, a crime involving moral turpitude, or a crime of  
3 domestic violence, unless a full pardon has been granted by the  
4 proper agency; however, any person who has been trained and  
5 certified by the Council on Law Enforcement Education and Training  
6 and is actively employed as a full-time peace officer as of November  
7 1, 1985, shall not be subject to the provisions of this subsection  
8 for convictions occurring prior to November 1, 1985.

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

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

- 19 a. Oklahoma State Bureau of Investigation and Federal  
20 Bureau of Investigation reports,  
21 b. administration of the psychological tests provided for  
22 herein,

- 1           c.    performance in the course of study or other basis of
- 2                    certification,
- 3           d.    previous certifications issued, and
- 4           e.    any administrative or judicial determination denying
- 5                    certification.

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

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

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

1 enforcement agency from participating in training programs sponsored  
2 by the Council.

3       2. A tribal law enforcement agency that has peace officers  
4 commissioned by an Oklahoma law enforcement agency pursuant to a  
5 cross-deputization agreement with the State of Oklahoma or any  
6 political subdivision of the State of Oklahoma pursuant to the  
7 provisions of Section 1221 of Title 74 of the Oklahoma Statutes  
8 shall report the commissioning, resignation, or termination of  
9 commission for any reason of a cross-deputized tribal police or  
10 peace officer to CLEET within ten (10) days of the commissioning,  
11 resignation, or termination. Failure to comply with the provisions  
12 of this subsection may disqualify a tribal law enforcement agency  
13 from participating in training programs sponsored by the Council.

14       J. It is unlawful for any person to willfully make any  
15 statement in an application to CLEET knowing the statement is false  
16 or intentionally commit fraud in any application to the Council for  
17 attendance in any CLEET-conducted or CLEET-approved peace officer  
18 academy or Collegiate Officer Program or for the purpose of  
19 obtaining peace officer certification or reinstatement. It is  
20 unlawful for any person to willfully submit false or fraudulent  
21 documents relating to continuing education rosters, transcripts or  
22 certificates, or any canine license application. Any person  
23 convicted of a violation of this subsection shall be guilty of a

1 felony punishable by imprisonment in the Department of Corrections  
2 for a term of not less than two (2) years nor more than five (5)  
3 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
4 or by both such fine and imprisonment.

5 K. 1. A police or peace officer shall be subject to  
6 disciplinary action to include a denial, suspension, revocation or  
7 acceptance of voluntary surrender of peace officer certification  
8 upon a showing of clear and convincing evidence for the following:

- 9 a. conviction of a felony or a crime of domestic  
10 violence,
- 11 b. conviction of a misdemeanor involving moral turpitude;  
12 provided, if the conviction is a single isolated  
13 incident that occurred more than five (5) years ago  
14 and the Council is satisfied that the person has been  
15 sufficiently rehabilitated, the Council may certify  
16 such person providing that all other statutory  
17 requirements have been met,
- 18 c. a verdict of guilt or entry of a plea of guilty or  
19 nolo contendere for a deferred sentence for a felony  
20 offense, a crime of moral turpitude, or a crime of  
21 domestic violence,
- 22 d. falsification or a willful misrepresentation of  
23 information in an employment application or

1 application to the Council on Law Enforcement  
2 Education and Training, records of evidence, or in  
3 testimony under oath,  
4 e. revocation or voluntary surrender of police or peace  
5 officer certification in another state for a violation  
6 of any law or rule or in settlement of any  
7 disciplinary action in such state,  
8 f. involuntary commitment of a police or peace officer in  
9 a mental institution or licensed private mental health  
10 facility for any mental illness, condition or disorder  
11 that is diagnosed by a licensed physician or  
12 psychologist as a substantial disorder of thought,  
13 mood, perception, psychological orientation, or memory  
14 that significantly impairs judgment, behavior,  
15 capacity to recognize reality, or ability to meet the  
16 ordinary demands of life. Provided, the peace officer  
17 certification may be reinstated upon the Council  
18 receiving notification of a psychological evaluation  
19 conducted by a licensed physician or psychologist  
20 which attests and states by affidavit that the officer  
21 and the evaluation test data of the officer have been  
22 examined and that, in the professional opinion of the  
23 physician or psychologist, the officer is



1 certified as a police or peace officer. When the investigation of a  
2 complaint finds that the person has violated any of the provisions  
3 of this subsection, the matter shall be referred for disciplinary  
4 proceedings. The disciplinary proceedings shall be in accordance  
5 with Articles I and II of the Administrative Procedures Act.

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

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

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

6           8. Every law enforcement agency in this state shall, within  
7 thirty (30) days of a final order of termination or resignation  
8 while under investigation of a CLEET-certified peace officer, report  
9 such order or resignation in writing to the Director of the Council.  
10 Any report, upon receipt by the Council, shall be considered as  
11 personnel records and shall be afforded confidential protection  
12 pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma  
13 Statutes. The Director shall ensure that the report is provided to  
14 all members of the Council. The Council shall review and make  
15 recommendations concerning the report at the first meeting of the  
16 Council to occur after all members of the Council have received the  
17 report. The Council may, by a majority vote, order the suspension,  
18 for a given period of time, or revocation of the CLEET certification  
19 of the peace officer in question if there are grounds for such  
20 actions pursuant to subsection J of this section and the peace  
21 officer in question has been provided with notice and an opportunity  
22 for a hearing. Suspension or revocation of CLEET certification  
23 pursuant to this paragraph shall be reported to the district

1 attorney for the jurisdiction in which the peace officer was  
2 employed, to the liability insurance company of the law enforcement  
3 agency that employed the peace officer, the chief elected official  
4 of the governing body of the law enforcement agency and the chief  
5 law enforcement officer of the law enforcement agency.

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

12 10. a. A police or peace officer may voluntarily surrender  
13 and relinquish the peace officer certification to  
14 CLEET. Pursuant to such surrender or relinquishment,  
15 the person surrendering the certification shall be  
16 prohibited from applying to CLEET for reinstatement  
17 within five (5) years of the date of the surrender or  
18 relinquishment, unless otherwise provided by law for  
19 reinstatement.

20 b. No person who has had a police or peace officer  
21 certification from another state revoked or  
22 voluntarily surrendered shall be considered for  
23 certification by CLEET within five (5) years of the

1 effective date of any such revocation or voluntary  
2 surrender of certification.

3 c. Any person seeking reinstatement of police or peace  
4 officer certification which has been suspended,  
5 revoked, or voluntarily surrendered may apply for  
6 reinstatement pursuant to promulgated CLEET rules  
7 governing reinstatement. Any person whose  
8 certification has been revoked, suspended or  
9 voluntarily surrendered for any reason, including  
10 failure to comply with mandatory education and  
11 training requirements, shall pay a reinstatement fee  
12 into the CLEET Peace Officer Revolving Fund pursuant  
13 to Section 3311.7 of this title in the amount of One  
14 Hundred Fifty Dollars (\$150.00), except as set out in  
15 this subsection.

16 11. A duty is hereby imposed upon the district attorney who, on  
17 behalf of the State of Oklahoma, prosecutes a person holding police  
18 or peace officer certification for a felony, a crime involving moral  
19 turpitude, or a crime of domestic violence in which a plea of  
20 guilty, nolo contendere, or other finding of guilt is entered by,  
21 against or on behalf of a certified police or peace officer to  
22 report such plea, agreement, or other finding of guilt to the

1 Council on Law Enforcement Education and Training within ten (10)  
2 days of such plea agreement or the finding of guilt.

3 12. Any person or agency required or authorized to submit  
4 information pursuant to this section to the Council shall be immune  
5 from liability arising from the submission of the information as  
6 long as the information was submitted in good faith and without  
7 malice.

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

15 14. As used in this subsection:

16 a. "law enforcement agency" means any department or  
17 agency of the state, a county, a municipality, or  
18 political subdivision thereof, with the duties to  
19 maintain public order, make arrests, and enforce the  
20 criminal laws of this state or municipal ordinances,  
21 which employs CLEET-certified personnel,

22 b. "final order of termination" means a final notice of  
23 dismissal from employment provided after all

1 grievance, arbitration, and court actions have been  
2 completed, and

3 c. "resignation while under investigation" means the  
4 resignation from employment of a peace officer who is  
5 under investigation for any felony violation of law, a  
6 crime of moral turpitude, a crime of domestic  
7 violence, or the resignation from employment of a  
8 peace officer as part of an arbitration or plea  
9 agreement.

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

20 2. The Council shall appoint a Drug Dog Advisory Council to  
21 make recommendations concerning minimum standards, educational  
22 needs, and other matters imperative to the certification of canines  
23 and canine teams trained to detect controlled dangerous substances.

1 The Council shall promulgate rules based upon the recommendations of  
2 the Advisory Council. Members of the Advisory Council shall  
3 include, but need not be limited to, a commissioned officer with  
4 practical knowledge of such canines and canine teams from each of  
5 the following:

- 6 a. the Oklahoma State Bureau of Narcotics and Dangerous  
7 Drugs Control,
- 8 b. the Department of Public Safety,
- 9 c. a police department,
- 10 d. a sheriff's office, and
- 11 e. a university or college campus police department.

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

20 M. 1. Every canine team in the state trained to detect  
21 explosives, explosive materials, explosive devices, and materials  
22 which could be used to construct an explosive device shall be  
23 certified, by test, in the detection of such explosives and

1 materials and shall be recertified annually so long as the canine is  
2 used for such detection purposes. The certification test and annual  
3 recertification test provisions of this subsection shall not be  
4 applicable to canines that are owned by a law enforcement agency if  
5 such canines are certified and annually recertified in the detection  
6 of explosives and materials by the United States Department of  
7 Defense.

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

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

22       3. The fee for the certification test shall be Two Hundred  
23 Dollars (\$200.00) and the annual recertification test fee shall be

1 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
2 Fifty Dollars (\$50.00) will be charged if the team fails the test.  
3 No such fee shall be charged to any local, state or federal  
4 government agency. The fees provided for in this paragraph shall be  
5 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  
8 have been commissioned by an Oklahoma law enforcement agency  
9 pursuant to a cross-deputization agreement with the State of  
10 Oklahoma or any political subdivision of the State of Oklahoma  
11 pursuant to the provisions of Section 1221 of Title 74 of the  
12 Oklahoma Statutes shall be eligible for peace officer certification  
13 under the same terms and conditions required of members of the law  
14 enforcement agencies of the State of Oklahoma and its political  
15 subdivisions. CLEET shall issue peace officer certification to  
16 tribal police officers who, as of July 1, 2003, are commissioned by  
17 an Oklahoma law enforcement agency pursuant to a cross-deputization  
18 agreement with the State of Oklahoma or any political subdivision of  
19 the State of Oklahoma pursuant to the provisions of Section 1221 of  
20 Title 74 of the Oklahoma Statutes and have met the training and  
21 qualification requirements of this section.

22 O. If an employing law enforcement agency in this state has  
23 paid the salary of a person while that person is completing in this

1 state a basic police course approved by the Council and if within  
2 one (1) year after certification that person resigns and is hired by  
3 another law enforcement agency in this state, the second agency or  
4 the person receiving the training shall reimburse the original  
5 employing agency for the salary paid to the person while completing  
6 the basic police course by the original employing agency.

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

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-10-10 - DO  
9 PASS, As Amended and Coauthored.