

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 SENATE BILL 1154

By: Sparks

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6 AS INTRODUCED

7 An Act relating to motor vehicles; amending 47 O.S.
8 2001, Section 2-105, as last amended by Section 6,
9 Chapter 62, O.S.L. 2007 (47 O.S. Supp. 2008, Section
10 2-105), which relates to Oklahoma Highway Patrol;
11 modifying age requirement; and providing an effective
12 date.

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

13 SECTION 1. AMENDATORY 47 O.S. 2001, Section 2-105, as
14 last amended by Section 6, Chapter 62, O.S.L. 2007 (47 O.S. Supp.
15 2008, Section 2-105), is amended to read as follows:

16 Section 2-105. A. The Commissioner of Public Safety, subject
17 to the Oklahoma Personnel Act, shall appoint:

18 1. A Chief of the Oklahoma Highway Patrol Division with the
19 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
20 Division with the rank of Lieutenant Colonel, and subordinate
21 officers and employees of the Oklahoma Highway Patrol Division,
22 including Majors, Captains, Lieutenants, and Highway Patrolmen with
23 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
24 Division of the Department of Public Safety; provided, any officer

1 appointed to a commissioned position prescribed in this paragraph
2 which is unclassified pursuant to Section 840-5.5 of Title 74 of the
3 Oklahoma Statutes shall have a right of return to the highest
4 previously held classified commissioned position within the Highway
5 Patrol Division of the Department of Public Safety without any loss
6 of rights, privileges or benefits immediately upon completion of the
7 duties in the unclassified commissioned position;

8 2. A Captain, Lieutenants, and Patrolmen who shall comprise the
9 Lake Patrol Section of the Oklahoma Highway Patrol Division of the
10 Department of Public Safety;

11 3. A Captain, Lieutenants, and Patrolmen, who shall comprise
12 the Capitol Patrol Section of the Oklahoma Highway Patrol Division
13 of the Department of Public Safety; and

14 4. A Director of the Communications Division with the rank of
15 Captain, Communications Coordinators with the rank of First
16 Lieutenant, Communications Superintendents with the rank of Second
17 Lieutenant, Communications Supervisors with the rank of Sergeant,
18 Communications Dispatchers, Radio Technicians and Tower Maintenance
19 Officers who shall comprise the Communications Division of the
20 Department of Public Safety.

21 B. 1. The Commissioner, when appointing commissioned officers
22 and employees to the positions set out in subsection A of this
23 section, shall determine, in consultation with the Administrator of
24 the Office of Personnel Management, minimum qualifications and shall

1 select such officers and employees only after examinations to
2 determine their physical and mental qualifications for such
3 positions. The content of the examinations shall be prescribed by
4 the Commissioner, and all such appointees shall satisfactorily
5 complete a course of training in operations and procedures as
6 prescribed by the Commissioner.

7 2. No person shall be appointed to any position set out in
8 subsection A of this section unless the person is a citizen of the
9 United States of America, of good moral character, and:

10 a. for commissioned officer positions, shall be at least
11 twenty-one (21) years of age but less than ~~forty-three~~
12 ~~(43)~~ forty-five (45) years of age, and shall possess:

13 (1) an associate's degree or a minimum of sixty-two
14 (62) successfully completed semester hours from a
15 college or university which is recognized by and
16 accepted by the American Association of
17 Collegiate Registrars and Admissions Officers and
18 whose hours are transferable between such
19 recognized institutions, and

20 (2) for any person appointed to the Oklahoma Highway
21 Patrol Division on or after July 1, 2010:

22 (a) a bachelor's degree from a college or
23 university which is recognized by and
24 accepted by the American Association of

1 Collegiate Registrars and Admissions
2 Officers and whose hours are transferable
3 between such recognized institutions, or

4 (b) an associate's degree or a minimum of sixty-
5 two (62) successfully completed semester
6 hours from a college or university which is
7 recognized by and accepted by the American
8 Association of Collegiate Registrars and
9 Admissions Officers and whose hours are
10 transferable between such recognized
11 institutions, and:

12 i. at least two (2) years' experience as a
13 law enforcement officer certified by
14 the Council on Law Enforcement
15 Education and Training (C.L.E.E.T.) or
16 by the equivalent state agency in
17 another state or by any law enforcement
18 agency of the federal government, or

19 ii. at least two (2) years of honorable
20 military service in an active or
21 reserve component of the United States
22 Armed Forces.

23 Provided, such years of experience or service shall
24 have been consecutive and shall have been completed no

1 more than two (2) years prior to application for
2 appointment, or

3 b. for any such position in the Communications Division,
4 a person shall be at least twenty (20) years of age
5 and shall possess a high school diploma or General
6 Educational Development equivalency certificate; shall
7 possess either six (6) months of previous experience
8 as a dispatcher or fifteen (15) successfully completed
9 semester hours from a college or university which is
10 recognized by and accepted by the American Association
11 of Collegiate Registrars and Admissions Officers and
12 whose hours are transferable between such recognized
13 institutions.

14 3. No commissioned officer of the Department shall, while in
15 such position, be a candidate for any political office or take part
16 in or contribute any money or other thing of value, directly or
17 indirectly, to any political campaign or to any candidate for public
18 office. Anyone convicted of violating the provisions of this
19 paragraph shall be guilty of a misdemeanor and shall be punished as
20 provided by law.

21 4. The Commissioner or any employee of the Department shall not
22 be a candidate for any political office, or in any way be active or
23 participate in any political contest of any Primary, General, or
24 Special Election, except to cast a ballot. No commissioned officer

1 of the Department, while in the performance of the officer's
2 assigned duty of providing security and protection, shall be
3 considered as participating in a political campaign. The provisions
4 of this paragraph shall not be construed to preclude a commissioned
5 officer of the Oklahoma Highway Patrol Division of the Department of
6 Public Safety from being a candidate for a position on a local board
7 of education.

8 5. Drunkenness or being under the influence of intoxicating
9 substances shall be sufficient grounds for the removal of any
10 commissioned officer of the Department, in and by the manner
11 provided for in this section.

12 C. 1. Upon initial appointment to the position of Cadet
13 Highway Patrolman or Probationary Communications Dispatcher, the
14 appointed employee shall be required to serve an initial
15 probationary period of twelve (12) months. The Commissioner may
16 extend the probationary period for up to three (3) additional months
17 provided that the employee and the Office of Personnel Management
18 are notified in writing as to such action and the reasons therefor.
19 During such probationary period, the employee may be terminated at
20 any time and for any reason at the discretion of the Commissioner.
21 Retention in the service after expiration of the initial
22 probationary period shall entitle such employee to be classified as
23 a permanent employee and the employee shall be so classified. No

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1 permanent employee may be discharged or removed except as provided
2 for in this section.

3 2. A commissioned officer of the Oklahoma Highway Patrol
4 Division may be promoted during the initial probationary period if
5 such officer satisfactorily completes all training requirements
6 prescribed by the Commissioner.

7 D. 1. No permanent employee, as provided for in this section,
8 who is a commissioned officer of the Department, may be suspended
9 without pay or dismissed unless the employee has been notified in
10 writing by the Commissioner of such intended action and the reasons
11 therefor. No such notice shall be given by the Commissioner unless
12 sworn charges or statements have been obtained to justify the
13 action.

14 2. Whenever such charges are preferred, the Commissioner may
15 suspend the accused pending the hearing and final determination of
16 such charges. If the charges are not sustained in whole or in part,
17 the accused shall be entitled to pay during the period of such
18 suspension. If the charges are sustained in whole or in part, the
19 accused shall not receive any pay for the period of such suspension.

20 3. Commissioned officers of the Department of Public Safety are
21 not entitled to appeal intra-agency transfer to the Oklahoma Merit
22 Protection Commission pursuant to the Oklahoma Personnel Act unless
23 transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74
24 of the Oklahoma Statutes.

1 4. The Department of Public Safety shall follow the uniform
2 grievance procedure established and adopted by the Office of
3 Personnel Management for permanent classified employees, except for
4 those employees who are commissioned officers of the Department.
5 The Department of Public Safety shall establish and adopt a
6 proprietary grievance procedure for commissioned officers of the
7 Department which is otherwise in compliance with the provisions of
8 Section 840-6.2 of Title 74 of the Oklahoma Statutes.

9 E. 1. The Commissioner is hereby authorized to purchase and
10 issue uniforms and necessary equipment for all commissioned officers
11 of the Highway Patrol Division of the Department. All uniforms and
12 equipment shall be used only in the performance of the official
13 duties of such officers and shall remain the property of the
14 Department, except as provided in Section 2-150 of this title.

15 2. Each commissioned officer of the Highway Patrol Division of
16 the Department of Public Safety shall be entitled to reimbursement
17 of expenses pursuant to the State Travel Reimbursement Act while
18 away from the assigned area of the officer as designated by the
19 Chief of the Oklahoma Highway Patrol Division, when such expense is
20 incurred in the service of the state.

21 F. 1. The positions with the rank of Colonel and Lieutenant
22 Colonel of the Oklahoma Highway Patrol Division shall be filled from
23 the body of commissioned officers of the Oklahoma Highway Patrol
24 Division and appointment to said position shall be based on

1 qualifications, previous record as a commissioned officer of the
2 Oklahoma Highway Patrol Division, length of service, years of
3 experience within the Oklahoma Highway Patrol Division or other
4 service as prescribed in this subsection, and efficiency of service
5 performed.

6 2. In addition to the requirements of paragraph 1 of this
7 subsection, the position of Chief of the Oklahoma Highway Patrol
8 Division shall be based on one of the following:

9 a. one (1) year of experience in any combination:

- 10 (1) as Commissioner of Public Safety,
- 11 (2) as Assistant Commissioner of Public Safety, or
- 12 (3) as Assistant Chief,

13 b. two (2) years of experience in any combination:

- 14 (1) as Deputy Chief or higher rank, or
- 15 (2) if the experience was prior to the effective date
16 of this act, as Major or higher rank,

17 c. four (4) years of experience in any combination:

- 18 (1) as Major or higher rank, or
- 19 (2) if the experience was prior to the effective date
20 of this act, as Captain or higher rank, or

21 d. six (6) years of experience in any combination:

- 22 (1) as Captain or higher rank, or
- 23 (2) if the experience was prior to the effective date
24 of this act, as First Lieutenant or higher rank.

1 3. In addition to the requirements of paragraph 1 of this
2 subsection, the position of Deputy Chief of the Oklahoma Highway
3 Patrol Division shall be based on one of the following:

4 a. one (1) year of experience in any combination:

5 (1) as Commissioner of Public Safety,

6 (2) as Assistant Commissioner of Public Safety, or

7 (3) as Colonel,

8 b. two (2) years of experience in any combination:

9 (1) as Major or higher rank, or

10 (2) if the experience was prior to the effective date
11 of this act, as Captain or higher rank, or

12 c. four (4) years of experience in any combination:

13 (1) as Captain or higher rank, or

14 (2) if the experience was prior to the effective date
15 of this act, as Highway Patrol First Lieutenant
16 or higher rank.

17 G. The Commissioner of Public Safety is hereby authorized to
18 send employees of the Department of Public Safety to schools such as
19 Northwestern University Center for Public Safety, Southern Police
20 Institute, the FBI National Academy, the Institute of Police
21 Technology and Management, or to any other schools of similar
22 training which would be conducive to improving the efficiency of the
23 Oklahoma Highway Patrol Division and the Department of Public
24 Safety. While an employee is attending a school, the Commissioner

1 is authorized to permit the employee to use a state-owned vehicle
2 and to use a fuel-purchasing card for any expenses related to the
3 operation of the vehicle. In addition, while an employee is
4 attending the FBI National Academy, a one-time expense allowance of
5 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room
6 and board, and other related expenses shall be paid to the employee
7 by the Department; provided, the employee shall not be further
8 compensated through the State Travel Reimbursement Act, and, if any
9 other agency reimburses the employee for any expenses, the
10 reimbursement shall be given to the Department. All purchases made
11 by the employee with the expense allowance shall be considered
12 property of the employee.

13 H. 1. Any former commissioned officer of the Department whose
14 separation from the Department was at such officer's own request and
15 not a result of such officer's own actions contrary to the policy of
16 the Department or was not as a result of the retirement of that
17 officer from the Department may make application for reinstatement
18 as a commissioned officer of the division or section of the
19 Department in which such officer was previously employed, provided
20 such reinstated officer will be able to complete twenty (20) years
21 of credited service by the time the reinstated officer reaches
22 sixty-two (62) years of age. The Commissioner may waive the
23 requirements of possessing the number of semester hours or degree as
24 required in subsection B of this section for any former commissioned

1 officer making application for reinstatement as a commissioned
2 officer of the Department. The Commissioner may require the
3 applicant for reinstatement to attend selected courses of
4 instruction, as prescribed by the Commissioner.

5 2. In the event of future hostilities wherein the Congress of
6 the United States declares this nation in a state of war with a
7 foreign nation, including military service brought about by the
8 Vietnam War, any period of military service served by a commissioned
9 officer of the Department shall be considered as continued service
10 with such Department, provided such commissioned officer returns to
11 duty with the Department within sixty (60) days after release from
12 military service.

13 SECTION 2. This act shall become effective November 1, 2009.

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