

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2246 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Sue Tibbs

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2246

By: Tibbs

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to state government; amending 74 O.S.
10 2011, Section 150.8, which relates to the appointment
11 of employees at the Oklahoma State Bureau of
12 Investigation; authorizing certain appointed position
13 to return to classified service; amending 74 O.S.
14 2011, Sections 150.34, 150.38 and 152.10, which
15 relate to investigative functions of the Oklahoma
16 State Bureau of Investigation; modifying employee
17 positions within the Oklahoma State Bureau of
18 Investigation; authorizing members of Child Abuse
19 Response Teams to investigate other crimes; repealing
20 74 O.S. 2011, Section 150.38a, which relates to the
21 employment and duties of child forensic interviewers
22 of the Oklahoma State Bureau of Investigation; and
23 providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.8, is
amended to read as follows:

Section 150.8 A. The Director shall appoint as employees only
persons of outstanding honesty, integrity and ability. An agent, at
the time of appointment to the Bureau, shall be at least twenty-one

1 (21) years of age and shall possess a bachelor's degree from an
2 accredited college or university.

3 B. The officers and agents of the Oklahoma State Bureau of
4 Investigation, and such other employees as the Director of the
5 Bureau of Investigation shall designate to perform duties in the
6 investigation and prevention of crime and the enforcement of the
7 criminal laws of the state, shall have and exercise all the powers
8 and authority of peace officers, including the right and power of
9 search and seizure.

10 C. Any Oklahoma State Bureau of Investigation employee
11 promoted, voluntarily demoted or transferred into an agent or
12 criminalist position within the Bureau shall serve a twelve-month
13 trial period. Any state employee in a classified position with an
14 agency other than the Bureau who is selected for an agent or
15 criminalist position within the Bureau shall resign his or her
16 position and be reinstated in accordance with the merit rules.

17 D. Any employee in a classified position under the Merit System
18 of Personnel Administration who is appointed Director, Deputy
19 Director, Acting Director ~~or~~, Acting Deputy Director, or Assistant
20 Director shall have a right to return to the classified service
21 without any loss of rights, privileges or benefits immediately upon
22 completion of the duties of the employee provided the employee is
23 not otherwise disqualified.

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1 E. All other employees of the State Bureau of Investigation
2 shall be in the classified service of the state and members of the
3 Merit System of Personnel Administration, unless otherwise provided
4 by law.

5 F. Appointment to any position in the State Bureau of
6 Investigation shall not jeopardize the rights of any person under
7 any other system under which peace officers of this state or its
8 subdivisions may become pensioned, provided that the individual
9 contributions are continued as if such person were in the original
10 organization within which the person qualified for such pension.

11 SECTION 2. AMENDATORY 74 O.S. 2011, Section 150.34, is
12 amended to read as follows:

13 Section 150.34 Of the full-time-equivalent employees authorized
14 for the Oklahoma State Bureau of Investigation, one ~~senior agent~~
15 employee shall be employed for the purpose of conducting judicial
16 background investigations requested by the Judicial Nominating
17 Commission. When not conducting investigations for the Judicial
18 Nominating Commission, the ~~senior agent~~ employee may be involved in
19 investigations as requested by the Council on Judicial Complaints
20 and in other investigations as deemed appropriate by the Director of
21 the Oklahoma State Bureau of Investigation; provided, however, the
22 first priority of the ~~agent~~ employee will be to respond to requests
23 of the Commission.

1 SECTION 3. AMENDATORY 74 O.S. 2011, Section 150.38, is
2 amended to read as follows:

3 Section 150.38 A. Subject to the availability of funds, there
4 is hereby established within the Oklahoma State Bureau of
5 Investigation the Child Abuse Response Team (CART) for the purpose
6 of investigating cases of physical and sexual abuse of a child. For
7 the purpose of implementing CART, the Bureau shall employ at least
8 one Child Abuse Response Team (CART) investigator and at least one
9 Child Abuse Response Team (CART) forensic interviewer which shall be
10 full-time-equivalent positions within the Bureau compensated at the
11 same pay rate as a senior level investigator agent.

12 B. In addition to any other law or rule specifying requirements
13 or qualifications for an OSBI agent to be employed by the Bureau,
14 the Child Abuse Response Team employees shall be qualified for the
15 respective positions as follows:

16 1. Every CART investigator shall:

17 a. have at least five (5) years' experience as a law
18 enforcement officer or criminal investigator in a law
19 enforcement agency or agencies with preference given
20 to additional years in law enforcement,

21 b. be currently certified as a peace officer by the
22 Council on Law Enforcement Education and Training
23 (CLEET),
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- c. have served as the primary criminal investigative officer in a law enforcement agency or agencies with experience as the primary investigative officer on at least five hundred cases of physical or sexual abuse of a child,
- d. have graduated from an accredited college or university with a bachelor degree with preference given to a post-graduate degree, and
- e. be not currently employed by the Oklahoma State Bureau of Investigation, nor employed by such agency within the previous six (6) months immediately preceding an application for the position of CART investigator.

2. Every CART forensic interviewer shall:

- a. have experience in conducting forensic interviews and shall have conducted a minimum of five hundred child forensic interviews in cases of physical or sexual abuse of a child,
- b. have graduated from an accredited college or university with a bachelor degree with preference given to a post-graduate degree,
- c. have experience as an expert witness and shall have been certified as an expert witness in cases of physical or sexual abuse of a child in at least

1 twenty-five legal proceedings in a court of competent
2 jurisdiction,

3 d. have completed at least one hundred (100) hours of
4 education or training on forensic interviewing of a
5 child, and

6 e. be not currently employed by the Oklahoma State Bureau
7 of Investigation, nor employed by such agency within
8 the previous six (6) months immediately preceding an
9 application for the position of CART forensic
10 interviewer.

11 3. If the director of the Oklahoma State Bureau of
12 Investigation is unable to find a person whose qualifications meet
13 or exceed the qualifications specified for the position of CART
14 investigator or CART forensic interviewer, the director is
15 authorized to offer such position to a person whose qualifications
16 substantially meet the qualifications specified for the position.

17 C. The Bureau may promulgate rules, procedures and forms
18 necessary to establish and implement the functions of the Child
19 Abuse Response Team and to coordinate responsibilities with other
20 persons or agencies having responsibilities relating to child abuse
21 investigation and response to child abuse. Members of the Child
22 Abuse Response Team are authorized, when available, to be involved
23 and utilized in investigations of crimes other than cases of
24 physical and sexual abuse of a child.

1 SECTION 4. AMENDATORY 74 O.S. 2011, Section 152.10, is
2 amended to read as follows:

3 Section 152.10 The Oklahoma State Bureau of Investigation,
4 subject to the availability of funds, shall be granted an additional
5 two full-time-equivalent employees to be employed for the ~~exclusive~~
6 purpose of conducting oil field theft and fraud investigations
7 except in cases of emergency.

8 SECTION 5. REPEALER 74 O.S. 2011, Section 150.38a, is
9 hereby repealed.

10 SECTION 6. This act shall become effective November 1, 2012.

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12 53-2-9343 GRS 02/09/12

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