

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 284

6 By: Marlatt

7 COMMITTEE SUBSTITUTE

8 An Act relating to law enforcement; amending 3 O.S.
9 2011, Section 65.8, which relates to municipal
10 airport jurisdiction; clarifying enforcement powers
11 of certain officers; amending 47 O.S. 2011, Section
12 2-314, which relates to the law enforcement
13 retirement system; authorizing certain airport public
14 trust to make certain retirement system election;
15 amending 74 O.S. 2011, Sections 360.16, 360.17 360.18
16 and 360.20, which relate to the Oklahoma Campus
17 Security Act; modifying certain definitions;
18 expanding jurisdiction of certain enforcement;
19 providing that trustees of a certain public trust be
20 deemed a public agency of the state; authorizing
21 certain public trusts to establish police
22 departments; providing terms for reference to certain
23 police departments; authorizing certain public trusts
24 to enter into jurisdictional agreements; and
providing an effective date.

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

SECTION 1. AMENDATORY 3 O.S. 2011, Section 65.8, is
amended to read as follows:

Section 65.8. (a) Scope. A municipality, which has
established or acquired or which may hereafter establish or acquire
an airport or air navigation facility, is authorized to adopt, amend

1 and repeal such reasonable ordinance, resolutions, rules,
2 regulations and orders as it shall deem necessary for the
3 management, government and use of such airport or air navigation
4 facility under its control, whether situated within or without the
5 territorial limits of the municipality. For the enforcement
6 thereof, the municipality, may, by ordinance or resolution, as may
7 by law be appropriate, appoint airport guards or police, with full
8 police powers, and fix penalties, within the limits prescribed by
9 law, for the violation of the aforesaid ordinances, resolutions,
10 rules, regulations and orders. Enforcement may also be conducted by
11 airport officers holding a commission from and employed by an
12 airport trust as defined in, and pursuant to and in accordance with,
13 the provisions and requirements of the Oklahoma Campus Security Act,
14 and who, as a result of which, hold full police powers. Said
15 penalties shall be enforced in the same manner in which penalties
16 prescribed by other ordinances, or resolutions of the municipality
17 are enforced. To the extent that an airport or other air navigation
18 facility controlled and operated by a municipality is located
19 outside the territorial limits of the municipality, it shall,
20 subject to federal and state laws, rules and regulations, be under
21 the jurisdiction and control of the municipality controlling or
22 operating it, and no other municipality shall have any authority to
23 charge or exact a license fee or occupation tax for operations
24 thereon.

1 (b) Conformity to Federal and State Law. All ordinances,
2 resolutions, rules, regulations or orders which are issued by the
3 municipality shall be kept in substantial conformity with the laws
4 of this state or any regulations promulgated or standards
5 established pursuant thereto, and, as nearly as may be, with the
6 federal laws governing aeronautics and the rules, regulations and
7 standards duly issued thereunder.

8 SECTION 2. AMENDATORY 47 O.S. 2011, Section 2-314, is
9 amended to read as follows:

10 Section 2-314. A. The Board of Regents of the University of
11 Oklahoma ~~and/or~~, the Board of Regents for the Oklahoma Agricultural
12 and Mechanical Colleges and/or an airport public trust as defined in
13 the Oklahoma Campus Security Act, may make an irrevocable written
14 election for the University of Oklahoma and/or Oklahoma State
15 University to become participating employers in the Oklahoma Law
16 Enforcement Retirement System for police officers who are CLEET
17 certified and employed by the University of Oklahoma and/or Oklahoma
18 State University. The Board of Regents of the University of
19 Oklahoma and/or the Board of Regents for the Oklahoma Agricultural
20 and Mechanical Colleges shall send written notice of the election to
21 the Oklahoma Law Enforcement Retirement System.

22 B. Beginning the following month after the System receives the
23 written notice, the University of Oklahoma ~~and/or~~, Oklahoma State
24 University and/or the board of trustees of such airport public

1 trusts and all active police officers who are CLEET certified and
2 hired on or after the date of the election shall participate in and
3 make contributions to the System as other participating employers
4 and members of the System.

5 C. Upon election by the Board, pursuant to subsection A of this
6 section, active CLEET certified police employed prior to the date of
7 the election and who were participating in the Teachers' Retirement
8 System of Oklahoma, may, within three (3) months of the date of the
9 election, make an irrevocable written election to participate in the
10 Oklahoma Law Enforcement Retirement System and file the written
11 election with the Teachers' Retirement System of Oklahoma and the
12 Oklahoma Law Enforcement Retirement System. Such police officers
13 who make the election to transfer shall be transferred to the
14 Oklahoma Law Enforcement Retirement System subject to the following:

15 1. Upon the date of election of the police officer, the police
16 officer shall cease accruing benefits in the Teachers' Retirement
17 System of Oklahoma and shall commence accruing benefits in the
18 Oklahoma Law Enforcement Retirement System;

19 2. Prior to the beginning of the month following receipt of the
20 police officers' election by Teachers' Retirement System of
21 Oklahoma, the Teachers' Retirement System of Oklahoma shall transfer
22 to the Oklahoma Law Enforcement Retirement System all employee
23 contributions and employer contributions plus accrued interest. The
24 Teachers' Retirement System of Oklahoma shall also send to the

1 Oklahoma Law Enforcement Retirement System the retirement records of
2 the transferring police officer;

3 3. To receive service credit accrued by such police officer
4 prior to the election, or prior to the date as of which the person
5 making the election ceases to be a member of the Teachers'
6 Retirement System of Oklahoma, whichever date occurs last, the
7 member shall pay the difference between the amount transferred by
8 the Teachers' Retirement System of Oklahoma to the Oklahoma Law
9 Enforcement Retirement System in paragraph 2 of this subsection and
10 the amount determined by the Board of Trustees pursuant to Section
11 2-307.5 of ~~Title 47 of the Oklahoma Statutes~~ this title. The police
12 officer shall elect to either pay any difference to receive full
13 credit for the years sought to be transferred or receive prorated
14 service credit for only the amount received from the Teachers'
15 Retirement System of Oklahoma pursuant to this subsection. Payments
16 made by electing police officers pursuant to this paragraph shall be
17 made pursuant to subsection B of Section 2-307.5 of ~~Title 47 of the~~
18 ~~Oklahoma Statutes~~ this title;

19 4. Service credit accrued by a police officer while a member of
20 the Teachers' Retirement System of Oklahoma shall be treated as
21 credited service for such transferring police officer in the
22 Teachers' Retirement System of Oklahoma if the police officer is not
23 receiving or eligible to receive service credit or benefits from
24 said service in any other public retirement system and the member

1 has not received service credit for the same years of service
2 pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of ~~Title 47 of the~~
3 ~~Oklahoma Statutes~~ this title. Provided further, that only
4 transferred credited service related to police service with the
5 University of Oklahoma or Oklahoma State University shall be
6 included in the determination of a police officer's normal
7 retirement date or vesting date; and

8 5. All service credit with the Teachers' Retirement System of
9 Oklahoma which is ineligible for transfer to the Oklahoma Law
10 Enforcement Retirement System shall be canceled.

11 D. Upon election by the Board, pursuant to subsection A of this
12 section, active CLEET certified police officers employed prior to
13 the date of the election and who were not participating in the
14 Teachers' Retirement System of Oklahoma, may, within three (3)
15 months of the date of the election, make an irrevocable written
16 election to participate in the Oklahoma Law Enforcement Retirement
17 System and file the written election with the Oklahoma Law
18 Enforcement Retirement System. Beginning the following month after
19 the System for such police officers receives the police officer's
20 written election, the University of Oklahoma ~~and/or~~, Oklahoma State
21 University, and/or such airport public trust and the electing police
22 officer shall participate and make contributions to the System as
23 other participating employers and members of the System.

24

1 SECTION 3. AMENDATORY 74 O.S. 2011, Section 360.16, is
2 amended to read as follows:

3 Section 360.16. As used in the Oklahoma Campus Security Act:

4 1. "Campus" means the real property, buildings and other
5 improvements within this state owned, leased or rented by an
6 institution of higher education ~~or~~, a public school district or an
7 airport public trust, as defined in this section;

8 2. "Campus police officer" means an individual holding a
9 commission from and employed by an institution of higher education
10 ~~or~~, a public school district or an airport public trust pursuant to
11 the Oklahoma Campus Security Act, who may also be known as a "campus
12 public safety officer", an "airport officer", an "airport police
13 officer" or an "airport security officer";

14 3. "Commission" means a certificate of appointment by the
15 governing board of an institution of higher education or a board of
16 education of a public school district of an individual certified as
17 a full-time police or peace officer pursuant to Section 3311 of
18 Title 70 of the Oklahoma Statutes;

19 4. "Governing board" means the board of regents or trustees
20 which determines management policy and has responsibility for the
21 general government of an institution of higher education or the
22 board of education of a public school district;

23 5. "Institution of higher education" means a college,
24 university, higher educational center, or other constituent agency

1 of The Oklahoma State System of Higher Education or a private
2 college or university in this state whose accreditation is
3 recognized by the Oklahoma State Regents for Higher Education
4 pursuant to Section 4103 of Title 70 of the Oklahoma Statutes; and

5 6. "Public school district" means all free schools supported by
6 public taxation and shall include K-12 schools and technology center
7 schools; and

8 7 "Airport public trust" means a public trust created under the
9 laws of this state which operates an airport and whose beneficiary
10 is an Oklahoma municipality or a combination of one or more Oklahoma
11 municipalities and/or one or more Oklahoma counties.

12 SECTION 4. AMENDATORY 74 O.S. 2011, Section 360.17, is
13 amended to read as follows:

14 Section 360.17. A. The jurisdiction of campus police officers
15 includes the campus and pursuant to an agreement authorized by this
16 act, the highways, streets, roads, alleys, easements, and other
17 public ways immediately adjacent to their campus and any other areas
18 authorized by such agreement. This delineation of jurisdiction,
19 however, shall not be understood as limiting the completion of any
20 necessary enforcement activities which began within these
21 jurisdictions and are in compliance with the agreements made with
22 the municipality or county sheriff pursuant to this act. In the
23 absence of an agreement, only those law enforcement activities which
24 began on campus may be completed off campus and such activities must

1 be completed in a timely manner. Such law enforcement activities
2 shall only be authorized if the campus police have coordinated the
3 activities with the local law enforcement agency having jurisdiction
4 in that off campus area. In addition, a campus police officer shall
5 have jurisdiction in other locations pursuant to an agreement
6 authorized by this act. Such agreement may authorize the chief
7 administrative officer of the law enforcement agency to request
8 assistance pursuant to the agreement. Campus police officers,
9 commissioned pursuant to this act, shall have the same powers,
10 liabilities, and immunities as sheriffs or police officers within
11 their jurisdiction.

12 B. As limited by law, the provisions of this section, and the
13 governing board, a CLEET certified campus police officer shall have
14 the authority to enforce:

- 15 1. State criminal statutes;
- 16 2. Municipal ordinances, if authorized by an agreement with the
17 municipality; and
- 18 3. Rules and regulations of the school ~~or~~, institution of
19 higher education or airport public trust or its beneficiary
20 employing such campus police officer.

21 C. As limited by law, the provisions of this section, and the
22 governing board, the campus police department shall have the same
23 authority as a municipal police department.

24

1 D. Campus police departments formed by private institutions of
2 higher education pursuant to this act shall be deemed to be public
3 agencies in the State of Oklahoma for the limited purposes of
4 enforcing the criminal statutes of Oklahoma and making agreements
5 with local law enforcement agencies or political subdivisions of the
6 state pursuant to this act provide that, the trustees of airport
7 public trusts shall also be deemed to be a public agency of this
8 state as provided in Section 179 of Title 60 of the Oklahoma
9 Statutes.

10 SECTION 5. AMENDATORY 74 O.S. 2011, Section 360.18, is
11 amended to read as follows:

12 Section 360.18. A. Governing boards of institutions of higher
13 education ~~and,~~ boards of education of public school districts and
14 airport public trusts are authorized to establish campus police
15 departments pursuant to the provisions of the Oklahoma Campus
16 Security Act. In the case of airport public trusts operating more
17 than one airport, the board of trustees of such airport public trust
18 is authorized to establish campus police departments at any airport
19 it operates, but is not required to establish campus police
20 departments at all airports operated by such airport public trust.

21 These boards may employ and commission campus police officers and
22 may designate uniforms, badges and insignia to be worn by such
23 officers and displayed on vehicles or other equipment of the
24 department. Campus police departments shall use the following words

1 or phrases, alone or in any combination, in conjunction with the
2 uniform, badges, insignia or on vehicles utilized by these
3 departments: university police, university public safety
4 department, campus police department, campus police officer, campus
5 public safety department, campus public safety officer, airport
6 officer, airport police officer, airport security officer, airport
7 public safety officer or any standardized title such as director,
8 chief, major, captain, lieutenant, sergeant, or corporal. Upon
9 appointment, each such officer shall be given a written commission,
10 with a photo identification, evidencing the officer's appointment
11 and authority. The form of this commission shall be prescribed by
12 the governing boards specified in this act. Persons employed by a
13 governing board which has established a campus police department but
14 who are not campus police officers shall not be permitted to wear
15 uniforms, badges or insignia specified in this subsection or receive
16 commissions or photo identification of the type provided campus
17 police officers.

18 B. The commission of a campus police officer may be suspended
19 or revoked by the governing board for any reason. Such commission
20 also may be suspended or revoked by the district attorney in whose
21 district the officer is employed for cause related to the campus
22 police officer's ability to exercise the powers of such commission
23 in the interest of public security or suspended or revoked by the
24 district attorney upon conviction of the campus police officer for

1 larceny, theft, embezzlement, false pretense, fraud, any
2 nonconsensual sex offense, any offense involving a minor as a
3 victim, any offense involving the possession, use, distribution or
4 sale of a controlled dangerous substance, or any offense involving a
5 firearm. The commission of a campus police officer convicted of a
6 felony or of a crime involving moral turpitude shall be revoked by
7 the district attorney upon conviction. The commission of a campus
8 police officer no longer employed by the governing board, except an
9 officer who is retiring, shall be relinquished to the board, or its
10 representative, at the time of cessation of said employment. When a
11 commission is revoked or relinquished, the campus police department
12 shall take possession of all campus police officer insignia, badges,
13 identification cards and weapons issued to the officer. A person
14 who fails to relinquish said insignia, badges, identification cards
15 or weapons, upon conviction, shall be deemed guilty of a misdemeanor
16 and shall be punished by the imposition of a fine of not more than
17 One Thousand Dollars (\$1,000.00) or by imprisonment in the county
18 jail for not to exceed one (1) year, or by both such fine and
19 imprisonment.

20 C. Governing boards shall notify the Council on Law Enforcement
21 Education and Training (CLEET) when an officer is commissioned or a
22 commission is relinquished or revoked. The governing boards shall
23 provide CLEET with all information regarding commissioned officers
24 requested by CLEET.

1 D. A campus police officer employed pursuant to the Oklahoma
2 Campus Security Act shall not be able to participate in either the
3 Oklahoma Police Pension and Retirement System or the Oklahoma Law
4 Enforcement Retirement System, unless otherwise entitled to by law.

5 SECTION 6. AMENDATORY 74 O.S. 2011, Section 360.20, is
6 amended to read as follows:

7 Section 360.20. Municipalities and county sheriff departments
8 having overlapping or concurrent jurisdiction with a proposed campus
9 police department, may enter into agreements with the proposed
10 campus police department recognizing jurisdictional boundaries and
11 providing for mutual assistance. Any such agreements shall be
12 executed by the governing boards of the educational institution or
13 airport public trust and the governing body of the municipality or
14 sheriff, and shall not serve to prevent other law enforcement
15 agencies from having concurrent or overlapping jurisdiction.
16 Nothing in this act or any action pursuant to this act shall be
17 deemed to create an agent-principal relationship between any campus
18 police officer and any municipality or county.

19 SECTION 7. This act shall become effective November 1, 2012.

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