

1 ENGROSSED HOUSE
2 BILL NO. 2246

By: Tibbs of the House

3 and

4 Barrington of the Senate

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6
7 An Act relating to state government; amending 74 O.S.
8 2011, Section 150.8, which relates to the appointment
9 of employees at the Oklahoma State Bureau of
10 Investigation; authorizing certain appointed position
11 to return to classified service; amending 74 O.S.
12 2011, Sections 150.34, 150.38 and 152.10, which
13 relate to investigative functions of the Oklahoma
14 State Bureau of Investigation; modifying employee
15 positions within the Oklahoma State Bureau of
16 Investigation; authorizing members of Child Abuse
17 Response Teams to investigate other crimes; repealing
18 74 O.S. 2011, Section 150.38a, which relates to the
19 employment and duties of child forensic interviewers
20 of the Oklahoma State Bureau of Investigation; and
21 providing an effective date.

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

23 SECTION 1. AMENDATORY 74 O.S. 2011, Section 150.8, is
24 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
(21) years of age and shall possess a bachelor's degree from an
accredited college or university.

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

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

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

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

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

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

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

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

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

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

14 1. Every CART investigator shall:

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

19 b. be currently certified as a peace officer by the
20 Council on Law Enforcement Education and Training
21 (CLEET),

22 c. have served as the primary criminal investigative
23 officer in a law enforcement agency or agencies with
24 experience as the primary investigative officer on at

1 least five hundred cases of physical or sexual abuse
2 of a child,

3 d. have graduated from an accredited college or
4 university with a bachelor degree with preference
5 given to a post-graduate degree, 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 investigator.

10 2. Every CART forensic interviewer shall:

11 a. have experience in conducting forensic interviews and
12 shall have conducted a minimum of five hundred child
13 forensic interviews in cases of physical or sexual
14 abuse of a child,

15 b. have graduated from an accredited college or
16 university with a bachelor degree with preference
17 given to a post-graduate degree,

18 c. have experience as an expert witness and shall have
19 been certified as an expert witness in cases of
20 physical or sexual abuse of a child in at least
21 twenty-five legal proceedings in a court of competent
22 jurisdiction,

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

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

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

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

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

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

6 SECTION 5. REPEALER 74 O.S. 2011, Section 150.38a, is
7 hereby repealed.

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

9 Passed the House of Representatives the 7th day of March, 2012.

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Presiding Officer of the House of
Representatives

Passed the Senate the ____ day of _____, 2012.

Presiding Officer of the Senate