An Act

ENROLLED HOUSE
BILL NO. 2246

By: Tibbs of the House

and

Barrington and Johnson
(Constance) of the Senate

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

SUBJECT: Oklahoma State Bureau of Investigation

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

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

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

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

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

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

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

Section 150.34 Of the full-time-equivalent employees authorized for the Oklahoma State Bureau of Investigation, one ~~senior agent~~ employee shall be employed for the purpose of conducting judicial background investigations requested by the Judicial Nominating Commission. When not conducting investigations for the Judicial Nominating Commission, the ~~senior agent~~ employee may be involved in

investigations as requested by the Council on Judicial Complaints and in other investigations as deemed appropriate by the Director of the Oklahoma State Bureau of Investigation; provided, however, the first priority of the ~~agent~~ employee will be to respond to requests of the Commission.

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

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

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

1. Every CART investigator shall:

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

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

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

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

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

C. The Bureau may promulgate rules, procedures and forms necessary to establish and implement the functions of the Child Abuse Response Team and to coordinate responsibilities with other persons or agencies having responsibilities relating to child abuse investigation and response to child abuse. Members of the Child Abuse Response Team are authorized, when available, to be involved

and utilized in investigations of crimes other than cases of physical and sexual abuse of a child.

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

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

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

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

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

_____
Presiding Officer of the House of Representatives

Passed the Senate the 19th day of April, 2012.

_____
Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Governor this_____

day of _____, **20**____,

at_____ **o'clock** _____**M.**

_____

By: _____

Approved by the Governor of the State of Oklahoma the_____**day of**

_____, **20**____, **at**_____ **o'clock** _____**M.**

_____
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Secretary of State this_____

_____**day of**_____, **20**____,

at_____ **o'clock** _____**M.**

_____

By: _____