

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 53rd Legislature (2012)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2246

By: Tibbs of the House

and

7 Barrington of the Senate

8  
9  
10 COMMITTEE SUBSTITUTE

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

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

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

3 Section 150.8 A. The Director shall appoint as employees only  
4 persons of outstanding honesty, integrity and ability. An agent, at  
5 the time of appointment to the Bureau, shall be at least twenty-one  
6 (21) years of age and shall possess a bachelor's degree from an  
7 accredited college or university.

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

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

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

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

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

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

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

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

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

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

21 1. Every CART investigator shall:

22 a. have at least five (5) years' experience as a law  
23 enforcement officer or criminal investigator in a law  
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- 1 enforcement agency or agencies with preference given  
2 to additional years in law enforcement,
- 3 b. be currently certified as a peace officer by the  
4 Council on Law Enforcement Education and Training  
5 (CLEET),
- 6 c. have served as the primary criminal investigative  
7 officer in a law enforcement agency or agencies with  
8 experience as the primary investigative officer on at  
9 least five hundred cases of physical or sexual abuse  
10 of a child,
- 11 d. have graduated from an accredited college or  
12 university with a bachelor degree with preference  
13 given to a post-graduate degree, and
- 14 e. be not currently employed by the Oklahoma State Bureau  
15 of Investigation, nor employed by such agency within  
16 the previous six (6) months immediately preceding an  
17 application for the position of CART investigator.

18 2. Every CART forensic interviewer shall:

- 19 a. have experience in conducting forensic interviews and  
20 shall have conducted a minimum of five hundred child  
21 forensic interviews in cases of physical or sexual  
22 abuse of a child,
- 23  
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- 1           b.    have graduated from an accredited college or  
2                    university with a bachelor degree with preference  
3                    given to a post-graduate degree,  
4           c.    have experience as an expert witness and shall have  
5                    been certified as an expert witness in cases of  
6                    physical or sexual abuse of a child in at least  
7                    twenty-five legal proceedings in a court of competent  
8                    jurisdiction,  
9           d.    have completed at least one hundred (100) hours of  
10                   education or training on forensic interviewing of a  
11                   child, and  
12           e.    be not currently employed by the Oklahoma State Bureau  
13                   of Investigation, nor employed by such agency within  
14                   the previous six (6) months immediately preceding an  
15                   application for the position of CART forensic  
16                   interviewer.

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

1 C. The Bureau may promulgate rules, procedures and forms  
2 necessary to establish and implement the functions of the Child  
3 Abuse Response Team and to coordinate responsibilities with other  
4 persons or agencies having responsibilities relating to child abuse  
5 investigation and response to child abuse. Members of the Child  
6 Abuse Response Team are authorized, when available, to be involved  
7 and utilized in investigations of crimes other than cases of  
8 physical and sexual abuse of a child.

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

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

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

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

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20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/01/2012 -  
21 DO PASS, As Amended and Coauthored.

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