

1 **SENATE FLOOR VERSION**

2 February 22, 2012

3 As Amended

4 SENATE BILL NO. 1734

5 By: Sykes of the Senate

6 and

7 Jordan of the House

8 An Act relating to the Uniform Controlled Dangerous
9 Substances Act; amending 63 O.S. 2011, Section 2-103,
10 which relates to the Director of the Oklahoma State
11 Bureau of Narcotics and Dangerous Drugs Control;
12 modifying certain investigative authority; amending
13 63 O.S. 2011, Section 2-501, which relates to
14 enforcement and administrative provisions;
15 authorizing certain arrests under certain
16 circumstances; and providing an effective date.

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

18 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-103, is
19 amended to read as follows:

20 Section 2-103. A. The Director shall be appointed by the
21 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
22 Commission. The Director of Narcotics and Dangerous Drugs Control
23 on January 1, 1984, shall be initially appointed as Director. The
24 succeeding Director shall, at the time of the appointment, have a
Bachelor's Degree from an accredited college or university and at
least five (5) years of experience in drug law enforcement. The

1 Director may appoint necessary assistants, agents, and other
2 personnel to perform the work of the office and may prescribe their
3 titles and duties and fix their compensation, other than the
4 salaries established in subsection A of Section 2-103a of this
5 title, pursuant to Merit System rules. The Director may appoint
6 employees to the positions of Chief of Law Enforcement Information
7 and Technology, Public Information/Education Officer, Training
8 Officer, Program Administrators, Grants Administrator, Criminal
9 Analysts, Legal Secretary, and Typist Clerk/Spanish
10 Transcriptionists. The positions shall be unclassified and exempt
11 from the rules and procedures of the Office of Personnel Management,
12 except leave regulations. The office of the Director shall be
13 located at a suitable place in Oklahoma City, Oklahoma.

14 B. 1. Agents appointed by the Director shall have the powers
15 of peace officers generally; provided, the Director may appoint
16 special agents and reserve special agents, who shall be unclassified
17 employees of the state, to meet specific investigatory need.
18 Special agents and reserve special agents shall not be required to
19 meet the age and educational requirements as specified in this
20 section.

21 2. Agents appointed on and after November 1, 1998, shall be at
22 least twenty-one (21) years of age and shall have a Bachelor's
23 Degree from an accredited college or university.

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1 3. Each entering agent, with the exception of special agents,
2 shall be required to serve one (1) year in a probationary status as
3 a prerequisite to being placed on permanent status.

4 C. Agents appointed pursuant to the provisions of this section
5 shall have the responsibility of investigating alleged violations
6 and shall have the authority to arrest those suspected of having
7 violated the provisions of the Uniform Controlled Dangerous
8 Substances Act, as well as the crimes of money laundering and human
9 trafficking, as otherwise set forth by laws of this state.

10 D. The Director may appoint reserve special agents who shall
11 not be considered employees of the state and shall serve at the will
12 of the Director. Reserve special agents shall complete a minimum of
13 one hundred sixty (160) hours of training pursuant to Section 3311
14 of Title 70 of the Oklahoma Statutes and may not serve more than one
15 hundred forty (140) hours per calendar month. Upon completion of
16 training, reserve special agents appointed by the Director shall
17 have general peace officer powers and the authority to arrest those
18 suspected of having violated the provisions of the Uniform
19 Controlled Dangerous Substances Act. The agency may expend funds
20 related to training and special reserve agents may receive travel
21 expenses pursuant to the State Travel Reimbursement Act.

22 E. A commissioned employee of the Oklahoma State Bureau of
23 Narcotics and Dangerous Drugs Control shall be entitled to receive
24 upon retirement by reason of length of service, the continued

1 custody and possession of the sidearm and badge carried by such
2 employee immediately prior to retirement.

3 F. A commissioned employee of the Bureau may be entitled to
4 receive, upon retirement by reason of disability, the continued
5 custody and possession of the sidearm and badge carried by such
6 employee immediately prior to retirement upon written approval of
7 the Director.

8 G. Custody and possession of the sidearm and badge of a
9 commissioned employee killed in the line of duty may be awarded by
10 the Director to the spouse or next of kin of the deceased employee.

11 H. Custody and possession of the sidearm and badge of a
12 commissioned employee who dies while employed at the Oklahoma State
13 Bureau of Narcotics and Dangerous Drugs Control may be awarded by
14 the Director to the spouse or next of kin of the deceased employee.

15 I. Any Director appointed on or after July 1, 2003, shall be
16 eligible to participate in either the Oklahoma Public Employees
17 Retirement System or in the Oklahoma Law Enforcement Retirement
18 System and shall make an irrevocable election in writing to
19 participate in one of the two retirement systems.

20 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-501, is
21 amended to read as follows:

22 Section 2-501. Any peace officer may:

23 1. Carry firearms;

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1 2. Execute search warrants, arrest warrants, subpoenas, and
2 summonses issued under the authority of this state;

3 3. Make an arrest without warrant of any person the officer has
4 probable cause for believing has committed any felony under the
5 Uniform Controlled Dangerous Substances Act or a violation of
6 Section 2-402 of this title;

7 4. Make seizures of property pursuant to the provisions of the
8 Uniform Controlled Dangerous Substances Act; ~~and~~

9 5. Perform such other lawful duties as are required to carry
10 out the provisions of the Uniform Controlled Dangerous Substances
11 Act;

12 6. Conduct investigations and make an arrest of any person the
13 officer has probable cause to believe is involved in money
14 laundering activities, as otherwise set forth by laws of this state;

15 **and**

16 7. Conduct investigations and make an arrest of any persons the
17 officer has probable cause to believe is involved in human
18 trafficking activities, as otherwise set forth by laws of this
19 state.

20 SECTION 3. This act shall become effective November 1, 2012.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-16-12 - DO
22 PASS, As Amended and Coauthored.