SENATE FLOOR VERSION
February 27, 2012

COMMITTEE SUBSTITUTE
FOR
SENATE BILL NO. 284

By: Brinkley and Marlatt of the Senate

and

Derby of the House

An Act relating to law enforcement; amending 3 O.S. 2011, Section 65.8, which relates to municipal airport jurisdiction; clarifying enforcement powers of certain officers; amending 47 O.S. 2011, Section 2-314, which relates to the law enforcement retirement system; authorizing certain airport public trust to make certain retirement system election; amending 74 O.S. 2011, Sections 360.16, 360.17 360.18 and 360.20, which relate to the Oklahoma Campus Security Act; modifying certain definitions; expanding jurisdiction of certain enforcement; providing that trustees of a certain public trust be deemed a public agency of the state; authorizing certain public trusts to establish police departments; providing terms for reference to certain police departments; authorizing certain public trusts 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 and repeal such reasonable ordinance, resolutions, rules, regulations and orders as it shall deem necessary for the management, government and use of such airport or air navigation facility under its control, whether situated within or without the territorial limits of the municipality. For the enforcement thereof, the municipality, may, by ordinance or resolution, as may by law be appropriate, appoint airport guards or police, with full police powers, and fix penalties, within the limits prescribed by law, for the violation of the aforesaid ordinances, resolutions, rules, regulations and orders. Enforcement may also be conducted by airport officers holding a commission from and employed by an airport trust as defined in, and pursuant to and in accordance with, the provisions and requirements of the Oklahoma Campus Security Act, and who, as a result of which, hold full police powers. Said penalties shall be enforced in the same manner in which penalties prescribed by other ordinances, or resolutions of the municipality are enforced. To the extent that an airport or other air navigation facility controlled and operated by a municipality is located outside the territorial limits of the municipality, it shall, subject to federal and state laws, rules and regulations, be under the jurisdiction and control of the municipality controlling or operating it, and no other municipality shall have any authority to

charge or exact a license fee or occupation tax for operations thereon.

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

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

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

B. Beginning the following month after the System receives the written notice, the University of Oklahoma ~~and/or~~, Oklahoma State University and/or the board of trustees of such airport public trusts and all active police officers who are CLEET certified and hired on or after the date of the election shall participate in and make contributions to the System as other participating employers and members of the System.

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

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

2. Prior to the beginning of the month following receipt of the police officers' election by Teachers' Retirement System of Oklahoma, the Teachers' Retirement System of Oklahoma shall transfer

to the Oklahoma Law Enforcement Retirement System all employee contributions and employer contributions plus accrued interest. The Teachers' Retirement System of Oklahoma shall also send to the Oklahoma Law Enforcement Retirement System the retirement records of the transferring police officer;

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

4. Service credit accrued by a police officer while a member of the Teachers' Retirement System of Oklahoma shall be treated as credited service for such transferring police officer in the

Teachers' Retirement System of Oklahoma if the police officer is not receiving or eligible to receive service credit or benefits from said service in any other public retirement system and the member has not received service credit for the same years of service pursuant to Sections 2-307.1, 2-307.3 and 2-307.4 of ~~Title 47 of the Oklahoma Statutes~~ this title. Provided further, that only transferred credited service related to police service with the University of Oklahoma or Oklahoma State University shall be included in the determination of a police officer's normal retirement date or vesting date; and

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

D. Upon election by the Board, pursuant to subsection A of this section, active CLEET certified police officers employed prior to the date of the election and who were not participating in the Teachers' Retirement System of Oklahoma, may, within three (3) months of the date of the election, make an irrevocable written election to participate in the Oklahoma Law Enforcement Retirement System and file the written election with the Oklahoma Law Enforcement Retirement System. Beginning the following month after the System for such police officers receives the police officer's written election, the University of Oklahoma ~~and/or~~, Oklahoma State University, and/or such airport public trust and the electing police

officer shall participate and make contributions to the System as other participating employers and members of the System.

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

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

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

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

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

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

5. "Institution of higher education" means a college, university, higher educational center, or other constituent agency of The Oklahoma State System of Higher Education or a private college or university in this state whose accreditation is recognized by the Oklahoma State Regents for Higher Education pursuant to Section 4103 of Title 70 of the Oklahoma Statutes; ~~and~~

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

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

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

Section 360.17. A. The jurisdiction of campus police officers includes the campus and pursuant to an agreement authorized by this act, the highways, streets, roads, alleys, easements, and other public ways immediately adjacent to their campus and any other areas authorized by such agreement. This delineation of jurisdiction, however, shall not be understood as limiting the completion of any necessary enforcement activities which began within these jurisdictions and are in compliance with the agreements made with the municipality or county sheriff pursuant to this act. In the

absence of an agreement, only those law enforcement activities which began on campus may be completed off campus and such activities must be completed in a timely manner. Such law enforcement activities shall only be authorized if the campus police have coordinated the activities with the local law enforcement agency having jurisdiction in that off campus area. In addition, a campus police officer shall have jurisdiction in other locations pursuant to an agreement authorized by this act. Such agreement may authorize the chief administrative officer of the law enforcement agency to request assistance pursuant to the agreement. Campus police officers, commissioned pursuant to this act, shall have the same powers, liabilities, and immunities as sheriffs or police officers within their jurisdiction.

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

1. State criminal statutes;

2. Municipal ordinances, if authorized by an agreement with the municipality; and

3. Rules and regulations of the school ~~or~~, institution of higher education or airport public trust or its beneficiary employing such campus police officer.

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

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

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

Section 360.18. A. Governing boards of institutions of higher education ~~and~~, boards of education of public school districts and airport public trusts are authorized to establish campus police departments pursuant to the provisions of the Oklahoma Campus Security Act. In the case of airport public trusts operating more than one airport, the board of trustees of such airport public trust is authorized to establish campus police departments at any airport it operates, but is not required to establish campus police departments at all airports operated by such airport public trust. These boards may employ and commission campus police officers and

may designate uniforms, badges and insignia to be worn by such officers and displayed on vehicles or other equipment of the department. Campus police departments shall use the following words or phrases, alone or in any combination, in conjunction with the uniform, badges, insignia or on vehicles utilized by these departments: university police, university public safety department, campus police department, campus police officer, campus public safety department, campus public safety officer, airport officer, airport police officer, airport security officer, airport public safety officer or any standardized title such as director, chief, major, captain, lieutenant, sergeant, or corporal. Upon appointment, each such officer shall be given a written commission, with a photo identification, evidencing the officer's appointment and authority. The form of this commission shall be prescribed by the governing boards specified in this act. Persons employed by a governing board which has established a campus police department but who are not campus police officers shall not be permitted to wear uniforms, badges or insignia specified in this subsection or receive commissions or photo identification of the type provided campus police officers.

B. The commission of a campus police officer may be suspended or revoked by the governing board for any reason. Such commission also may be suspended or revoked by the district attorney in whose district the officer is employed for cause related to the campus

police officer's ability to exercise the powers of such commission in the interest of public security or suspended or revoked by the district attorney upon conviction of the campus police officer for larceny, theft, embezzlement, false pretense, fraud, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, or any offense involving a firearm. The commission of a campus police officer convicted of a felony or of a crime involving moral turpitude shall be revoked by the district attorney upon conviction. The commission of a campus police officer no longer employed by the governing board, except an officer who is retiring, shall be relinquished to the board, or its representative, at the time of cessation of said employment. When a commission is revoked or relinquished, the campus police department shall take possession of all campus police officer insignia, badges, identification cards and weapons issued to the officer. A person who fails to relinquish said insignia, badges, identification cards or weapons, upon conviction, shall be deemed guilty of a misdemeanor and shall be punished by the imposition of a fine of not more than One Thousand Dollars ($1,000.00) or by imprisonment in the county jail for not to exceed one (1) year, or by both such fine and imprisonment.

C. Governing boards shall notify the Council on Law Enforcement Education and Training (CLEET) when an officer is commissioned or a

commission is relinquished or revoked. The governing boards shall provide CLEET with all information regarding commissioned officers requested by CLEET.

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

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-23-12 - DO PASS, As Amended and Coauthored.