

1 **SENATE FLOOR VERSION**

2 March 1, 2011

3 SENATE BILL NO. 921

By: Sykes of the Senate

4 and

5 Sullivan of the House

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7
8 An Act relating to the Bureau of Narcotics and
9 Dangerous Drugs; amending 63 O.S. 2001, Section 2-
10 103, as last amended by Section 1, Chapter 445,
11 O.S.L. 2009 (63 O.S. Supp. 2010, Section 2-103),
12 which relates to the Uniform Controlled Dangerous
13 Substances Act; authorizing the appointment of
14 special reserve agents; providing for certain
15 training requirements; authorizing certain
16 expenditures; and providing an effective date.

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

18 SECTION 1. AMENDATORY 63 O.S. 2001, Section 2-103, as
19 last amended by Section 1, Chapter 445, O.S.L. 2009 (63 O.S. Supp.
20 2010, Section 2-103), is amended to read as follows:

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

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

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

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

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.

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

21 E. A commissioned employee of the Oklahoma State Bureau of
22 Narcotics and Dangerous Drugs Control shall be entitled to receive
23 upon retirement by reason of length of service, the continued
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1 custody and possession of the sidearm and badge carried by such
2 employee immediately prior to retirement.

3 ~~E.~~ 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 ~~F.~~ 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 ~~G.~~ 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 ~~H.~~ 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. This act shall become effective November 1, 2011.

21 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 2-24-11 - DO
22 PASS, As Coauthored.

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