

ENROLLED SENATE
BILL NO. 187

By: Coates of the Senate
and
Sanders of the House

An Act relating to sheriffs; amending 19 O.S. 2001, Section 547, as last amended by Section 1, Chapter 125, O.S.L. 2010 (19 O.S. Supp. 2010, Section 547), which relates to deputy sheriffs and reserve force deputy sheriffs; authorizing the sheriff to perform certain duties; and providing an effective date.

SUBJECT: Duties of sheriffs.

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

SECTION 1. AMENDATORY 19 O.S. 2001, Section 547, as last amended by Section 1, Chapter 125, O.S.L. 2010 (19 O.S. Supp. 2010, Section 547), is amended to read as follows:

Section 547. A. The sheriff shall be responsible for the official acts of the undersheriff and deputy sheriffs, and may revoke such appointments at the pleasure of the sheriff; provided, however, for counties with a population of five hundred thousand (500,000) or more persons, according to the latest Federal Decennial Census, with the exception of chief deputies and undersheriffs, all deputy sheriffs and detention officers shall serve a five-year probationary period during which the deputy sheriff or detention officer shall be considered an at-will employee. After the five-year probationary period, such deputy sheriff or detention officer shall not be discharged except for just cause. The sheriff or the

undersheriff may in writing depute certain persons to do particular acts.

B. Each sheriff may appoint as many reserve force deputy sheriffs as are necessary to preserve the peace and dignity of the county. A current list of each person holding such appointment shall be maintained by the county sheriff and shall be available to the public. Reserve force deputy sheriffs may perform duties which encompass a particular act or a series of acts. A The sheriff or a CLEET-certified deputy sheriff shall accompany a reserve force deputy sheriff in the performance of all duties assigned to such reserve force deputy sheriff unless such reserve deputy has completed the required one-hundred-sixty-hour basic police course. Reserve force deputies may receive compensation for their services. The sheriff may pay reserve force deputies for travel expenses pursuant to the State Travel Reimbursement Act. Such reserve deputy sheriffs shall complete a one-hundred-sixty-hour basic police course within twelve (12) months after they have been commissioned to be paid by the county as an individual reserve deputy. The sheriff may pay for additional training courses attended by reserve force deputies.

C. Reserve force deputy sheriffs with at least one hundred sixty (160) hours of training pursuant to Section 3311 of Title 70 of the Oklahoma Statutes shall not serve more than one hundred forty (140) hours per calendar month.

D. The sheriff or a designee may deputize municipal police officers subject to an interlocal governmental agreement to combine city and county law enforcement efforts and to encourage cooperation between city and county law enforcement officials. Liability for the conduct of any municipal police officers deputized under the terms and conditions of an interlocal governmental agreement shall remain the responsibility of their municipal employer.

E. The sheriff may enter into mutual aid agreements pursuant to the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of the Oklahoma Statutes, to assist or provide law enforcement services to any town, city, and county within this state and the sheriff and deputies shall have law enforcement authority within the jurisdiction making the request. The employing governmental unit

shall remain responsible for their officers or deputies pursuant to any mutual aid agreement.

F. A sheriff of the county may respond to any request from any other jurisdiction within the state for law enforcement assistance in cases of emergency. The sheriff, deputy sheriffs and reserve deputy sheriffs serving in response to the emergency request shall have the same powers and duties as though employed by the requesting law enforcement agency, and when so acting they shall be deemed to be acting within the scope of employment of the requesting law enforcement agency. Salaries, insurance and other benefits shall be provided in the regular manner by the county in which the sheriff, deputy sheriffs and reserve deputy sheriffs are regularly employed. As used in this subsection, "emergency" means a sudden and unforeseeable occurrence or condition, either as to its onset or its extent, of such severity or magnitude that immediate response or action is necessary to assist law enforcement agencies having jurisdiction at the scene of the emergency to carry out their functions.

G. A reserve force deputy sheriff shall be authorized to serve civil process pursuant to Section 2004 of Title 12 of the Oklahoma Statutes.

SECTION 2. This act shall become effective November 1, 2011.

Passed the Senate the 7th day of March, 2011.

Presiding Officer of the Senate

Passed the House of Representatives the 30th day of March, 2011.

Presiding Officer of the House
of Representatives