

1 ENGROSSED HOUSE AMENDMENT

TO

2 ENGROSSED SENATE BILL NO. 408

By: Paddack and Shortey of the
Senate

3

and

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Thomsen of the House

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An Act relating to the Council on Law Enforcement and
Education and Training (CLEET); amending 70 O.S.
2011, Section 3311.4, as amended by Section 1,
Chapter 85, O.S.L. 2012 (70 O.S. Supp. 2012, Section
3311.4), which relates to certain law enforcement
training; modifying training requirements for certain
inactive officers; authorizing the Director of CLEET
to waive certain requirements under certain
circumstances; and providing an effective date.

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AUTHORS: Add the following House Coauthors: Ritze, Roberts (Sean),
McCullough and Bennett

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AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

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"An Act relating to training by the Council on Law
Enforcement and Education and Training (CLEET);
amending 70 O.S. 2011, Section 3311.4, as amended by
Section 1, Chapter 85, O.S.L. 2012 (70 O.S. Supp.
2012, Section 3311.4), which relates to certain law
enforcement training; modifying training
requirements for certain inactive officers;
authorizing the Director of CLEET to waive certain
requirements under certain circumstances;
authorizing boards of education to allow for
participation in special reserve school resource

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1 officer academies; construing provision; making
2 participation voluntary; providing for payment of
3 academy training expenses; authorizing certain
4 persons to carry handgun on school property;
5 providing for statewide peace officer certification;
6 providing immunity from civil and criminal
7 liability; stating powers and duties of the Council
8 on Law Enforcement Education and Training; defining
9 term; amending 21 O.S. 2011, Sections 1277 and
10 1280.1, as amended by Sections 6 and 8, Chapter 259,
11 O.S.L. 2012 (21 O.S. Supp. 2012, Sections 1277 and
12 1280.1), which relate to carrying firearms on
13 certain property; allowing certain persons to carry
14 handguns on school property; providing for
15 codification; providing for noncodification; and
16 declaring an emergency.

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

18 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311.4, as
19 amended by Section 1, Chapter 85, O.S.L. 2012 (70 O.S. Supp. 2012,
20 Section 3311.4), is amended to read as follows:

21 Section 3311.4 A. Beginning January 1, 2008, and annually
22 thereafter, every active full-time peace officer, certified by the
23 Council on Law Enforcement Education and Training (CLEET) pursuant
24 to Section 3311 of this title, shall attend and complete a minimum
of twenty-five (25) hours of continuing law enforcement training
accredited or provided by CLEET which shall include a mandatory two
(2) hours on mental health issues. CLEET shall promulgate rules to
enforce the provisions of this section and shall enter into
contracts and agreements for the payment of classroom space,
training, food, and lodging expenses as may be necessary for law

1 enforcement officers attending such training in accordance with
2 subsection B of Section 3311 of this title. Such training and
3 seminars shall be conducted in all areas of this state at technology
4 center schools, institutions of higher education, or other approved
5 sites.

6 B. Every inactive full-time peace officer, certified by CLEET,
7 shall be exempt from these requirements during the inactive status.
8 Upon ~~re-entry~~ reentry to full-time active status, the peace officer
9 shall be required to comply with subsection A of this section. If a
10 full-time certified peace officer has been inactive for five (5) or
11 more years, the officer must complete ~~one hundred (100) hours of~~
12 refresher training as prescribed by CLEET and which shall include a
13 minimum of four (4) hours of mental health education and training,
14 within one (1) year of employment. If a certified reserve officer
15 has been inactive for five (5) or more years, the certified reserve
16 officer shall complete a legal update as prescribed by CLEET. The
17 Director of CLEET may waive these requirements based on review of
18 all records of employment and training.

19 C. Every tribal officer who is commissioned by an Oklahoma law
20 enforcement agency pursuant to a cross-deputization agreement with
21 the State of Oklahoma or any political subdivision of the State of
22 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
23 the Oklahoma Statutes shall comply with the provisions of this
24 section.

1 D. Any active full-time certified peace officer, or CLEET-
2 certified cross-deputized tribal officer who fails to meet the
3 annual training requirements specified in this section, shall be
4 subject to having the certification of the peace officer suspended,
5 after the peace officer and the employer have been given written
6 notice of noncompliance and a reasonable time, as defined by the
7 Council, to comply with the provisions of this section. A peace
8 officer shall not be employed in the capacity of a peace officer
9 during any period of suspension. The suspension period shall be for
10 a period of time until the officer files a statement attesting to
11 full compliance with the provisions of this section. Suspension of
12 peace officer certification shall be reported to the District
13 Attorney for the jurisdiction in which the officer is employed, the
14 liability insurance company of the law enforcement agency that
15 employed the peace officer, the chief elected official of the
16 governing body of the law enforcement agency and the chief law
17 enforcement officer of the law enforcement agency. Any officer
18 whose certification is suspended pursuant to this section may
19 request a hearing with CLEET. Such hearings shall be governed by
20 the Administrative Procedures Act except that the affected officer
21 has the burden to show CLEET why CLEET should not have the
22 certification of the officer suspended.

23 SECTION 2. NEW LAW A new section of law not to be
24 codified in the Oklahoma Statutes reads as follows:

1 Sections 2 through 5 of this act shall be known and may be cited
2 as the "Special Reserve School Resource Officer Act".

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 5-149 of Title 70, unless there
5 is created a duplication in numbering, reads as follows:

6 A. The board of education of a school district may, through a
7 majority vote of the board, allow any school personnel who has been
8 issued a handgun license pursuant to the Oklahoma Self-Defense Act
9 and who volunteers to attend a special reserve school resource
10 officer academy provided and developed by the Council on Law
11 Enforcement Education and Training (CLEET). The special reserve
12 school resource officer academy shall be conducted and governed by
13 CLEET and shall include a minimum of one hundred twenty (120) hours
14 of education and training. Nothing in this section shall be
15 construed to prohibit or limit the board of education of a school
16 district from requiring additional hours of special reserve school
17 resource officer education and training.

18 B. Participation in the special reserve school resource officer
19 academy by school personnel shall be voluntary and shall not in any
20 way be considered a requirement for continued employment with the
21 school district. The board of education of a school district shall
22 have the final authority to determine and select the school
23 personnel who will attend the special reserve school resource
24 officer academy as authorized in the provisions of this act.

1 C. The board of education of a school district that authorizes
2 school personnel to participate in a special reserve school resource
3 officer academy shall pay all necessary training, meal and lodging
4 expenses associated with the special reserve school resource officer
5 academy.

6 D. Upon successful completion of the special reserve school
7 resource officer academy, school personnel shall have statewide
8 peace officer certification while performing his or her official
9 duties as an employee of the school district and shall have the
10 authority to carry a concealed handgun anywhere in the state
11 including school property subject to and in compliance with the
12 policies established by the board of education of the school
13 district. When not performing official duties as an employee of the
14 school district, the special reserve school resource officer shall
15 not have statewide peace officer certification status. When
16 carrying a handgun pursuant to the provisions of this act, the
17 person shall at all times carry the handgun in a concealed manner
18 and shall be required to have the handgun loaded with frangible
19 ammunition. The board of education of a school district may
20 establish a policy that requires handguns carried by special reserve
21 school resource officers on school property to be placed in a locked
22 firearms repository for purposes of storage and safekeeping.

23 E. Any school personnel who has successfully completed the
24 special reserve school resource officer academy and while acting in

1 good faith shall be immune from civil and criminal liability for any
2 injury resulting from the carrying of a handgun onto school property
3 as provided for in subsection D of this section. Any board of
4 education of a school district or participating local law
5 enforcement agency shall be immune from civil and criminal liability
6 for any injury resulting from any act committed by school personnel
7 who have been authorized to carry a concealed handgun on school
8 property, pursuant to the provisions of this act.

9 F. In order to carry out the provisions of this section, the
10 board of education of a school district is authorized to enter into
11 a memorandum of understanding with local law enforcement entities.

12 G. CLEET shall have the following powers and duties:

13 1. Promulgate policies and procedures to carry out the
14 provisions of the Special Reserve School Resource Officer Act;

15 2. Establish and enforce standards governing the training and
16 education of school personnel pursuant to the Special Reserve School
17 Resource Officer Act;

18 3. Establish minimum curriculum requirements for special
19 reserve school resource officers which shall include firearms
20 training and education and shall, at a minimum, include one hundred
21 twenty (120) hours of instruction; and

22 4. Establish minimum curriculum requirements for annual,
23 mandatory continuing education and training for special reserve
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1 school resource officers which shall, at a minimum, include eight
2 (8) hours of instruction.

3 H. As used in this section, "school personnel" means a duly
4 certified or licensed person who is employed by a school district to
5 serve as an administrator, superintendent, principal, supervisor,
6 vice-principal, teacher, counselor, librarian, school bus driver,
7 school nurse or in any other instructional capacity.

8 SECTION 4. AMENDATORY 21 O.S. 2011, Section 1277, as
9 amended by Section 6, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
10 Section 1277), is amended to read as follows:

11 Section 1277.

12 UNLAWFUL CARRY IN CERTAIN PLACES

13 A. It shall be unlawful for any person in possession of a valid
14 handgun license issued pursuant to the provisions of the Oklahoma
15 Self-Defense Act to carry any concealed or unconcealed handgun into
16 any of the following places:

17 1. Any structure, building, or office space which is owned or
18 leased by a city, town, county, state, or federal governmental
19 authority for the purpose of conducting business with the public;

20 2. Any meeting of any city, town, county, state or federal
21 officials, school board members, legislative members, or any other
22 elected or appointed officials;

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1 3. Any prison, jail, detention facility or any facility used to
2 process, hold, or house arrested persons, prisoners or persons
3 alleged delinquent or adjudicated delinquent;

4 4. Any elementary or secondary school;

5 5. Any sports arena during a professional sporting event;

6 6. Any place where pari-mutuel wagering is authorized by law;

7 and

8 7. Any other place specifically prohibited by law.

9 B. For purposes of paragraphs 1, 2, 3, 5 and 6 of subsection A
10 of this section, the prohibited place does not include and
11 specifically excludes the following property:

12 1. Any property set aside for the use or parking of any
13 vehicle, whether attended or unattended, by a city, town, county,
14 state, or federal governmental authority;

15 2. Any property set aside for the use or parking of any
16 vehicle, whether attended or unattended, by any entity offering any
17 professional sporting event which is open to the public for
18 admission, or by any entity engaged in pari-mutuel wagering
19 authorized by law;

20 3. Any property adjacent to a structure, building, or office
21 space in which concealed or unconcealed weapons are prohibited by
22 the provisions of this section; and

23 4. Any property designated by a city, town, county, or state,
24 governmental authority as a park, recreational area, or fairgrounds;

1 provided, nothing in this paragraph shall be construed to authorize
2 any entry by a person in possession of a concealed or unconcealed
3 handgun into any structure, building, or office space which is
4 specifically prohibited by the provisions of subsection A of this
5 section.

6 Nothing contained in any provision of this subsection shall be
7 construed to authorize or allow any person in control of any place
8 described in paragraph 1, 2, 3, 5 or 6 of subsection A of this
9 section to establish any policy or rule that has the effect of
10 prohibiting any person in lawful possession of a handgun license
11 from possession of a handgun allowable under such license in places
12 described in paragraph 1, 2, 3 or 4 of this subsection.

13 C. Notwithstanding paragraph 4 of subsection A of this section,
14 a handgun may be carried into any elementary or secondary school by
15 school personnel who have successfully completed a special reserve
16 school resource officer academy as provided in Section 3 of this
17 act, provided a policy has been adopted by the board of education of
18 a school district that authorizes the carrying of a handgun into the
19 elementary or secondary school.

20 D. Any person violating the provisions of subsection A of this
21 section shall, upon conviction, be guilty of a misdemeanor
22 punishable by a fine not to exceed Two Hundred Fifty Dollars
23 (\$250.00). Any person convicted of violating the provisions of
24 subsection A of this section may be liable for an administrative

1 fine of Two Hundred Fifty Dollars (\$250.00) upon a hearing and
2 determination by the Oklahoma State Bureau of Investigation that the
3 person is in violation of the provisions of subsection A of this
4 section.

5 ~~D.~~ E. No person in possession of a valid handgun license issued
6 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
7 authorized to carry the handgun into or upon any college,
8 university, or technology center school property, except as provided
9 in this subsection. For purposes of this subsection, the following
10 property shall not be construed as prohibited for persons having a
11 valid handgun license:

12 1. Any property set aside for the use or parking of any
13 vehicle, whether attended or unattended, provided the handgun is
14 carried or stored as required by law and the handgun is not removed
15 from the vehicle without the prior consent of the college or
16 university president or technology center school administrator while
17 the vehicle is on any college, university, or technology center
18 school property;

19 2. Any property authorized for possession or use of handguns by
20 college, university, or technology center school policy; and

21 3. Any property authorized by the written consent of the
22 college or university president or technology center school
23 administrator, provided the written consent is carried with the
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1 handgun and the valid handgun license while on college, university,
2 or technology center school property.

3 The college, university, or technology center school may notify
4 the Oklahoma State Bureau of Investigation within ten (10) days of a
5 violation of any provision of this subsection by a licensee. Upon
6 receipt of a written notification of violation, the Bureau shall
7 give a reasonable notice to the licensee and hold a hearing. At the
8 hearing upon a determination that the licensee has violated any
9 provision of this subsection, the licensee may be subject to an
10 administrative fine of Two Hundred Fifty Dollars (\$250.00) and may
11 have the handgun license suspended for three (3) months.

12 Nothing contained in any provision of this subsection shall be
13 construed to authorize or allow any college, university, or
14 technology center school to establish any policy or rule that has
15 the effect of prohibiting any person in lawful possession of a
16 handgun license from possession of a handgun allowable under such
17 license in places described in paragraphs 1, 2 and 3 of this
18 subsection. Nothing contained in any provision of this subsection
19 shall be construed to limit the authority of any college or
20 university in this state from taking administrative action against
21 any student for any violation of any provision of this subsection.

22 E. F. The provisions of this section shall not apply to any
23 peace officer or to any person authorized by law to carry a pistol
24 in the course of employment. District judges, associate district

1 judges and special district judges, who are in possession of a valid
2 handgun license issued pursuant to the provisions of the Oklahoma
3 Self-Defense Act and whose names appear on a list maintained by the
4 Administrative Director of the Courts, shall be exempt from this
5 section when acting in the course and scope of employment within the
6 courthouses of this state. Private investigators with a firearms
7 authorization shall be exempt from this section when acting in the
8 course and scope of employment.

9 SECTION 5. AMENDATORY 21 O.S. 2011, Section 1280.1, as
10 amended by Section 8, Chapter 259, O.S.L. 2012 (21 O.S. Supp. 2012,
11 Section 1280.1), is amended to read as follows:

12 Section 1280.1

13 POSSESSION OF FIREARM ON SCHOOL PROPERTY

14 A. It shall be unlawful for any person to have in his or her
15 possession on any public or private school property or while in any
16 school bus or vehicle used by any school for transportation of
17 students or teachers any firearm or weapon designated in Section
18 1272 of this title, except as provided in subsection C of this
19 section or as otherwise authorized by law.

20 B. "School property" means any publicly or privately owned
21 property held for purposes of elementary, or secondary ~~or~~
22 ~~vocational-technical~~ education, and shall not include property owned
23 by public school districts or private educational entities where
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1 such property is leased or rented to an individual or corporation
2 and used for purposes other than educational.

3 C. Firearms and weapons are allowed on school property and
4 deemed not in violation of subsection A of this section as follows:

5 1. A gun or knife designed for hunting or fishing purposes kept
6 in a privately owned vehicle and properly displayed or stored as
7 required by law, or a handgun carried in a vehicle pursuant to a
8 valid handgun license authorized by the Oklahoma Self-Defense Act,
9 provided such vehicle containing said gun or knife is driven onto
10 school property only to transport a student to and from school and
11 such vehicle does not remain unattended on school property;

12 2. A gun or knife used for the purposes of participating in the
13 Oklahoma Department of Wildlife Conservation certified hunter
14 training education course or any other hunting, fishing, safety or
15 firearms training courses, or a recognized firearms sports event,
16 team shooting program or competition, or living history reenactment,
17 provided the course or event is approved by the principal or chief
18 administrator of the school where the course or event is offered,
19 and provided the weapon is properly displayed or stored as required
20 by law pending participation in the course, event, program or
21 competition; ~~and~~

22 3. Weapons in the possession of any peace officer or other
23 person authorized by law to possess a weapon in the performance of
24 their duties and responsibilities; or

1 4. A handgun carried onto school property by school personnel
2 who have successfully completed a special reserve school resource
3 officer academy as provided in Section 3 of this act, provided a
4 policy has been adopted by the board of education of a school
5 district that authorizes the carrying of a handgun onto school
6 property.

7 D. Any person violating the provisions of this section shall,
8 upon conviction, be guilty of a felony punishable by a fine not to
9 exceed Five Thousand Dollars (\$5,000.00), and imprisonment in the
10 custody of the Department of Corrections for not more than two (2)
11 years. Any person convicted of violating the provisions of this
12 section after having been issued a handgun license pursuant to the
13 provisions of the Oklahoma Self-Defense Act shall have the license
14 permanently revoked and shall be liable for an administrative fine
15 of One Hundred Dollars (\$100.00) upon a hearing and determination by
16 the Oklahoma State Bureau of Investigation that the person is in
17 violation of the provisions of this section.

18 SECTION 6. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval."
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1 ENGROSSED SENATE
2 BILL NO. 408

By: Paddack and Shortey of the
Senate

3 and

4 Thomsen of the House
5
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7 An Act relating to the Council on Law Enforcement and
8 Education and Training (CLEET); amending 70 O.S.
9 2011, Section 3311.4, as amended by Section 1,
10 Chapter 85, O.S.L. 2012 (70 O.S. Supp. 2012, Section
11 3311.4), which relates to certain law enforcement
12 training; modifying training requirements for certain
13 inactive officers; authorizing the Director of CLEET
14 to waive certain requirements under certain
15 circumstances; and providing an effective date.

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

17 SECTION 7. AMENDATORY 70 O.S. 2011, Section 3311.4, as
18 amended by Section 1, Chapter 85, O.S.L. 2012 (70 O.S. Supp. 2012,
19 Section 3311.4), is amended to read as follows:

20 Section 3311.4. A. Beginning January 1, 2008, and annually
21 thereafter, every active full-time peace officer, certified by the
22 Council on Law Enforcement Education and Training (CLEET) pursuant
23 to Section 3311 of this title, shall attend and complete a minimum
24 of twenty-five (25) hours of continuing law enforcement training
accredited or provided by CLEET which shall include a mandatory two
(2) hours on mental health issues. CLEET shall promulgate rules to

1 enforce the provisions of this section and shall enter into
2 contracts and agreements for the payment of classroom space,
3 training, food, and lodging expenses as may be necessary for law
4 enforcement officers attending such training in accordance with
5 subsection B of Section 3311 of this title. Such training and
6 seminars shall be conducted in all areas of this state at technology
7 center schools, institutions of higher education, or other approved
8 sites.

9 B. Every inactive full-time peace officer, certified by CLEET,
10 shall be exempt from these requirements during the inactive status.
11 Upon ~~re-entry~~ reentry to full-time active status, the peace officer
12 shall be required to comply with subsection A of this section. If a
13 full-time certified peace officer has been inactive for five (5) or
14 more years, the officer must complete ~~one hundred (100) hours of~~
15 refresher training as prescribed by CLEET and which shall include a
16 minimum of four (4) hours of mental health education and training,
17 within one (1) year of employment. If a certified reserve officer
18 has been inactive for five (5) or more years, the certified reserve
19 officer shall complete a legal update as prescribed by CLEET. The
20 Director of CLEET may waive these requirements based on review of
21 all records of employment and training.

22 C. Every tribal officer who is commissioned by an Oklahoma law
23 enforcement agency pursuant to a cross-deputization agreement with
24 the State of Oklahoma or any political subdivision of the State of

1 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
2 the Oklahoma Statutes shall comply with the provisions of this
3 section.

4 D. Any active full-time certified peace officer, or CLEET-
5 certified cross-deputized tribal officer who fails to meet the
6 annual training requirements specified in this section, shall be
7 subject to having the certification of the peace officer suspended,
8 after the peace officer and the employer have been given written
9 notice of noncompliance and a reasonable time, as defined by the
10 Council, to comply with the provisions of this section. A peace
11 officer shall not be employed in the capacity of a peace officer
12 during any period of suspension. The suspension period shall be for
13 a period of time until the officer files a statement attesting to
14 full compliance with the provisions of this section. Suspension of
15 peace officer certification shall be reported to the District
16 Attorney for the jurisdiction in which the officer is employed, the
17 liability insurance company of the law enforcement agency that
18 employed the peace officer, the chief elected official of the
19 governing body of the law enforcement agency and the chief law
20 enforcement officer of the law enforcement agency. Any officer
21 whose certification is suspended pursuant to this section may
22 request a hearing with CLEET. Such hearings shall be governed by
23 the Administrative Procedures Act except that the affected officer

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1 has the burden to show CLEET why CLEET should not have the
2 certification of the officer suspended.

3 SECTION 8. This act shall become effective November 1, 2013.

4 Passed the Senate the 5th day of March, 2013.

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Presiding Officer of the Senate

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8 Passed the House of Representatives the ____ day of _____,
9 2013.

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Presiding Officer of the House
of Representatives

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