

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2569

6 By: Thomsen

7 COMMITTEE SUBSTITUTE

8 An Act relating to certified drug canine teams;
9 providing for the transfer of certain duties from the
10 Council on Law Enforcement Education and Training to
11 the Oklahoma State Bureau of Narcotics and Dangerous
12 Drugs Control; providing procedures for the transfer
13 of property and obligations; authorizing the Oklahoma
14 State Bureau of Narcotics and Dangerous Drugs Control
15 to certify drug canine teams for certain purpose;
16 providing procedures for certifying drug canine
17 teams; providing for the appointment of a Drug Dog
18 Advisory Council; requiring the promulgation of
19 certain rules; providing for membership on Advisory
20 Council; stating fees for certification and
21 recertification tests; directing deposit of fees into
22 certain revolving fund; amending 70 O.S. 2011,
23 Section 3311, as last amended by Section 1, Chapter
24 112, O.S.L. 2013 (70 O.S. Supp. 2013, Section 3311),
which relates to the Council on Law Enforcement
Education and Training; deleting duties relating to
the certification of drug canine teams; providing for
codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2-112 of Title 63, unless there
is created a duplication in numbering, reads as follows:

1 A. Effective January 1, 2015, all powers, duties and functions
2 relating to the certification or recertification of drug canines and
3 drug canine teams exercised by the Council on Law Enforcement
4 Education and Training (CLEET) pursuant to law are hereby
5 transferred to the Oklahoma State Bureau of Narcotics and Dangerous
6 Drugs Control.

7 B. CLEET shall deliver to the Oklahoma State Bureau of
8 Narcotics and Dangerous Drugs Control all books, papers, records and
9 property of the department and Advisory Councils pertaining to the
10 functions herein transferred to that office pursuant to this act.

11 C. For the purpose of succession to all functions, powers,
12 duties and obligations transferred and assigned to, devolved upon
13 and assumed by it pursuant to this act, the Oklahoma State Bureau of
14 Narcotics and Dangerous Drugs Control shall be deemed and held to
15 constitute the continuation of the drug canine and drug canine team
16 certification and recertification program administered by CLEET.

17 D. Any business, contracts or other matters undertaken or
18 commenced by CLEET pertaining to or connected with the functions,
19 powers, obligations and duties hereby transferred and assigned to
20 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
21 and pending on the effective date of this act, may be conducted and
22 completed by the Oklahoma State Bureau of Narcotics and Dangerous
23 Drugs Control in the same manner and under the same terms and
24 conditions and with the same effect as if conducted and completed by

1 the former department, commission or administrator. Any
2 encumbrances pertaining to said matters for which CLEET would have
3 been responsible shall be assumed by the Oklahoma State Bureau of
4 Narcotics and Dangerous Drugs Control.

5 E. All rules, regulations, acts, orders, determinations and
6 decisions of CLEET pertaining to the functions and powers herein
7 transferred and assigned to the Oklahoma State Bureau of Narcotics
8 and Dangerous Drugs Control, in force at the time of such transfer,
9 assignment, assumption or devolution shall continue in force and
10 effect as rules, regulations, acts, orders, determinations and
11 decisions of CLEET until duly modified or abrogated by the
12 appropriate body.

13 F. No existing right or remedy of any character shall be lost,
14 impaired or affected by reason of this act.

15 G. No action or proceeding pending at the time when this act
16 shall take effect, brought by or against CLEET relating to the
17 function, power or duty transferred to or devolved upon the Oklahoma
18 State Bureau of Narcotics and Dangerous Drugs Control shall be
19 affected by this act, but the same may be prosecuted or defended,
20 and upon application to the court, the appropriate body shall be
21 substituted as a party.

22 SECTION 2. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 2-113 of Title 63, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
2 Control is hereby authorized and directed to certify drug canine
3 teams, consisting of a dog and a handler working together as a team,
4 trained to detect controlled dangerous substances; provided, the dog
5 of a certified drug canine team shall not be certified at any time
6 as both a drug dog and a bomb dog, and any dog of a certified drug
7 canine team who has been previously certified as either a drug dog
8 or a bomb dog shall not be eligible at any time to be certified in
9 the other category.

10 B. Upon retiring the dog from the service it was certified to
11 perform, the law enforcement department that handled the dog shall
12 retain possession of the dog. The handler shall have first option
13 of adopting the dog. If that option is not exercised, the law
14 enforcement department shall provide for its adoption. Once adopted
15 the dog shall not be placed back into active service.

16 SECTION 3. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 2-114 of Title 63, unless there
18 is created a duplication in numbering, reads as follows:

19 A. Every drug canine team in the state trained to detect
20 controlled dangerous substances shall be certified, by test, in the
21 detection of such controlled dangerous substances and shall be
22 recertified annually so long as the canine is used for such
23 detection purposes. The certification test and annual
24 recertification test provisions of this subsection shall not be

1 applicable to canines that are owned by a law enforcement agency and
2 that are certified and annually recertified in the detection of
3 controlled dangerous substances by the United States Customs Service
4 or United States Military.

5 B. The Director of the Oklahoma State Bureau of Narcotics and
6 Dangerous Drugs Control shall appoint a Drug Dog Advisory Council to
7 appoint state certifiers, define minimum standards, determine
8 educational needs, and other matters imperative to the certification
9 of drug canines and drug canine teams trained to detect controlled
10 dangerous substances. The Oklahoma State Bureau of Narcotics and
11 Dangerous Drugs Control shall promulgate rules relevant to the
12 functions and operations of the Drug Dog Advisory Council. Members
13 of the Drug Dog Advisory Council shall include, but need not be
14 limited to, a commissioned officer with practical knowledge of such
15 canines and canine teams from each of the following:

- 16 1. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
17 Control;
- 18 2. The Department of Public Safety;
- 19 3. A police department; and
- 20 4. A sheriff's office.

21 The Drug Dog Advisory Council may include a commissioned officer
22 with practical knowledge of drug canines and drug canine teams from
23 a university or college campus police department.

24

1 C. The fee for the certification test shall be Two Hundred
2 Dollars (\$200.00) and the annual recertification test fee shall be
3 One Hundred Dollars (\$100.00) per canine team. A retest fee of
4 Fifty Dollars (\$50.00) will be charged if the team fails the test.
5 No such fee shall be charged to any local, state or federal
6 government agency. The fees provided for in this subsection shall
7 be deposited to the credit of the Bureau of Narcotics Revolving Fund
8 created pursuant to Section 2-107 of Title 63 of the Oklahoma
9 Statutes.

10 SECTION 4. AMENDATORY 70 O.S. 2011, Section 3311, as
11 last amended by Section 1, Chapter 112, O.S.L. 2013 (70 O.S. Supp.
12 2013, Section 3311), is amended to read as follows:

13 Section 3311. A. There is hereby created a Council on Law
14 Enforcement Education and Training which shall be, and is hereby
15 declared to be, a governmental law enforcement agency of the State
16 of Oklahoma, body politic and corporate, with powers of government
17 and with the authority to exercise the rights, privileges and
18 functions necessary to ensure the professional training and
19 continuing education of law enforcement officers in the State of
20 Oklahoma. These rights, privileges and functions include, but are
21 not limited to, those specified in Sections 3311 through 3311.10 of
22 this title and in the Oklahoma Security Guard and Private
23 Investigator Act. The Council shall be composed of nine (9)
24 members, the Director of the Oklahoma State Bureau of Investigation,

1 one member appointed by the Governor who may be a lay person, and
2 seven police or peace officers, one selected by each of the
3 following: the Court of Criminal Appeals, the Commissioner of
4 Public Safety, the Board of Directors of the Oklahoma Sheriffs and
5 Peace Officers Association, the Oklahoma Association of Police
6 Chiefs, the Board of Directors of the Oklahoma Sheriffs'
7 Association, the Board of Directors of the Fraternal Order of Police
8 and the Governor. All Council appointments and reappointments made
9 after November 1, 2007, shall conform to the following Council
10 composition and appointing authorities. The Council shall be
11 composed of thirteen (13) members as follows:

12 1. The Commissioner of the Department of Public Safety, or
13 designee;

14 2. The Director of the Oklahoma State Bureau of Narcotics and
15 Dangerous Drugs Control, or designee;

16 3. The Director of the Oklahoma State Bureau of Investigation,
17 or designee;

18 4. One member appointed by the Governor who shall be a law
19 enforcement administrator representing a tribal law enforcement
20 agency;

21 5. One member appointed by the Governor who shall be a chief of
22 police of a municipality with a population over one hundred thousand
23 (100,000), as determined by the latest Federal Decennial Census;

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1 6. One member appointed by the Board of Directors of the
2 Oklahoma Sheriffs' and Peace Officers Association who shall be a
3 sheriff of a county with a population under fifty thousand (50,000),
4 as determined by the latest Federal Decennial Census;

5 7. One member appointed by the Oklahoma Association of Police
6 Chiefs who shall be a chief of police representing a municipality
7 with a population over ten thousand (10,000), as determined by the
8 latest Federal Decennial Census;

9 8. One member shall be appointed by the Board of Directors of
10 the Oklahoma Sheriffs' Association who shall be a sheriff of a
11 county with a population of one hundred thousand (100,000) or more,
12 as determined by the latest Federal Decennial Census;

13 9. One member appointed by the Board of Directors of the
14 Fraternal Order of Police who shall have experience as a training
15 officer;

16 10. One member appointed by the Chancellor of Higher Education
17 who shall be a representative of East Central University;

18 11. One member who is the immediate past chair of the Council
19 on Law Enforcement Education and Training;

20 12. The President Pro Tempore of the Senate shall appoint one
21 member from a list of three or more nominees submitted by a
22 statewide organization representing cities and towns that is exempt
23 from taxation under federal law and designated pursuant to the
24

1 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
2 and

3 13. The Speaker of the House of Representatives shall appoint
4 one member from a list of three or more nominees submitted by an
5 organization that assists in the establishment of accreditation
6 standards and training programs for law enforcement agencies
7 throughout the State of Oklahoma.

8 The Director selected by the Council shall be an ex officio
9 member of the Council and shall act as Secretary. The Council on
10 Law Enforcement Education and Training shall select a chair and
11 vice-chair from among its members. Members of the Council on Law
12 Enforcement Education and Training shall not receive a salary for
13 duties performed as members of the Council, but shall be reimbursed
14 for their actual and necessary expenses incurred in the performance
15 of Council duties pursuant to the provisions of the State Travel
16 Reimbursement Act.

17 B. The Council on Law Enforcement Education and Training is
18 hereby authorized and directed to:

19 1. Appoint a larger Advisory Council to discuss problems and
20 hear recommendations concerning necessary research, minimum
21 standards, educational needs, and other matters imperative to
22 upgrading Oklahoma law enforcement to professional status;

23 2. Promulgate rules with respect to such matters as
24 certification, revocation, suspension, withdrawal and reinstatement

1 of certification, minimum courses of study, testing and test scores,
2 attendance requirements, equipment and facilities, minimum
3 qualifications for instructors, minimum standards for basic and
4 advanced in-service courses, and seminars for Oklahoma police and
5 peace officers;

6 3. Authorize research, basic and advanced courses, and seminars
7 to assist in program planning directly and through subcommittees;

8 4. Authorize additional staff and services necessary for
9 program expansion;

10 5. Recommend legislation necessary to upgrade Oklahoma law
11 enforcement to professional status;

12 6. Establish policies and regulations concerning the number,
13 geographic and police unit distribution, and admission requirements
14 of those receiving tuition or scholarship aid available through the
15 Council. Such waiver of costs shall be limited to duly appointed
16 members of legally constituted local, county, and state law
17 enforcement agencies on the basis of educational and financial need;

18 7. Appoint a Director and an Assistant Director to direct the
19 staff, inform the Council of compliance with the provisions of this
20 section and perform such other duties imposed on the Council by law.

21 On November 1, 2007, any subsequent Director appointed by the
22 Council must qualify for the position with a bachelor or higher
23 degree in law enforcement from an accredited college or university,
24 or a bachelor or higher degree in a law-enforcement-related subject

1 area, and a minimum of five (5) years of active law enforcement
2 experience including, but not limited to, responsibility for
3 enforcement, investigation, administration, training, or curriculum
4 implementation;

5 8. Enter into contracts and agreements for the payment of
6 classroom space, food, and lodging expenses as may be necessary for
7 law enforcement officers attending any official course of
8 instruction approved or conducted by the Council. Such expenses may
9 be paid directly to the contracting agency or business
10 establishment. The food and lodging expenses for each law
11 enforcement officer shall not exceed the authorized rates as
12 provided for in the State Travel Reimbursement Act; provided,
13 however, the Council may provide food and lodging to law enforcement
14 officials attending any official course of instruction approved or
15 conducted by the Council rather than paying for the provision of
16 such food and lodging by an outside contracting agency or business
17 establishment;

18 9. a. Certify canine teams, consisting of a dog and a
19 handler working together as a team, trained to detect:
20 ~~(1) controlled dangerous substances, or~~
21 ~~(2) explosives, explosive materials, explosive~~
22 devices, or materials which could be used to
23 construct an explosive device;

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1 provided, the dog of a certified canine team shall not
2 be certified at any time as both a drug dog and a bomb
3 dog, and any dog of a certified canine team who has
4 been previously certified as either a drug dog or a
5 bomb dog shall not be eligible at any time to be
6 certified in the other category.

7 b. Upon retiring the dog from the service it was
8 certified to perform, the law enforcement department
9 that handled the dog shall retain possession of the
10 dog. The handler shall have first option of adopting
11 the dog. If that option is not exercised, the law
12 enforcement department shall provide for its adoption.
13 Once adopted the dog shall not be placed back into
14 active service;

15 10. Enter into a lease, loan or other agreement with the
16 Oklahoma Development Finance Authority or a local public trust for
17 the purpose of facilitating the financing of a new facility for its
18 operations and use and pledge, to the extent authorized by law, all
19 or a portion of its receipts of the assessment penalty herein
20 referenced for the payment of its obligations under such lease, loan
21 or other agreement. It is the intent of the Legislature to increase
22 the assessment penalty to such a level or appropriate sufficient
23 monies to the Council on Law Enforcement Education and Training to
24 make payments on the lease, loan or other agreement for the purpose

1 of retiring the bonds to be issued by the Oklahoma Development
2 Finance Authority or local public trust. Such lease, loan or other
3 agreement and the bonds issued to finance such facilities shall not
4 constitute an indebtedness of the State of Oklahoma or be backed by
5 the full faith and credit of the State of Oklahoma, and the lease,
6 loan or other agreement and the bonds shall contain a statement to
7 such effect;

8 11. Accept gifts, bequests, devises, contributions and grants,
9 public or private, of real or personal property;

10 12. Appoint an advisory committee composed of representatives
11 from security guard and private investigative agencies to advise the
12 Council concerning necessary research, minimum standards for
13 licensure, education, and other matters related to licensure of
14 security guards, security guard agencies, private investigators, and
15 private investigative agencies;

16 13. Enter into agreements with individuals, educational
17 institutions, agencies, and business and tribal entities for
18 professional services, the use of facilities and supplies, and staff
19 overtime costs incurred as a result of the user's requests to
20 schedule functions after-hours, on weekends, or anytime such
21 requests extend staff beyond its normal capacity, whereby
22 contracting individuals, educational institutions, agencies, and
23 business and tribal entities shall pay a fee to be determined by the
24 Council by rule. All fees collected pursuant to these agreements

1 shall be deposited to the credit of the C.L.E.E.T. Training Center
2 Revolving Fund created pursuant to Section 3311.6 of this title.
3 The Council is authorized to promulgate emergency rules to
4 effectuate the provisions of this paragraph;

5 14. Promulgate rules to establish a state firearms
6 requalification standard for active peace officers and meet any
7 requirements of the federal Law Enforcement Officers Safety Act of
8 2004 for peace officers to carry concealed weapons nationwide;

9 15. Set minimal criteria relating to qualifications for chief
10 of police administrative training pursuant to Section 34-102 of
11 Title 11 of the Oklahoma Statutes, assist in developing a course of
12 training for a Police Chief Administrative School, and approve all
13 police chief administrative training offered in this state;

14 16. Appoint a Curriculum Review Board to be composed of six (6)
15 members as follows:

16 a. one member shall be selected by the Chancellor for
17 Higher Education, who possesses a background of
18 creation and review of curriculum and experience
19 teaching criminal justice or law enforcement courses,
20 who shall serve an initial term of one (1) year,

21 b. one member shall represent a municipal jurisdiction
22 with a population of fifty thousand (50,000) or more
23 and who shall be a management-level CLEET-certified
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1 training officer, who shall serve an initial term of
2 two (2) years,

3 c. one member shall represent a county jurisdiction with
4 a population of fifty thousand (50,000) or more and
5 who shall be a management-level CLEET-certified
6 training officer, who shall serve an initial term of
7 three (3) years,

8 d. one member shall represent a municipal jurisdiction
9 with a population of less than fifty thousand (50,000)
10 and who shall be a CLEET-certified training officer,
11 who shall serve an initial term of two (2) years,

12 e. one member shall represent a county jurisdiction with
13 a population of less than fifty thousand (50,000) and
14 who shall be a CLEET-certified training officer, who
15 shall serve an initial term of one (1) year, and

16 f. one member selected by the Oklahoma Department of
17 Career and Technology Education from the Curriculum
18 Material and Instructional Material Center, who shall
19 serve an initial term of three (3) years.

20 After the initial terms of office, all members shall be
21 appointed to serve three-year terms. Any member may be reappointed
22 to serve consecutive terms. Members shall serve without
23 compensation, but may be reimbursed for travel expenses pursuant to
24 the State Travel Reimbursement Act. The Board shall review and

1 establish curriculum for all CLEET academies and training courses
2 pursuant to procedures established by the Council on Law Enforcement
3 Education and Training;

4 17. Conduct review and verification of any records relating to
5 the statutory duties of CLEET;

6 18. Receive requested reports including investigative reports,
7 court documents, statements, or other applicable information from
8 local, county and state agencies and other agencies for use in
9 actions where a certification or license issued by CLEET may be
10 subject to disciplinary or other actions provided by law;

11 19. Summarily suspend a certification of a peace officer,
12 without prior notice but otherwise subject to administrative
13 proceedings, if CLEET finds that the actions of the certified peace
14 officer may present a danger to the peace officer, the public, a
15 family or household member, or involve a crime against a minor; and

16 20. Approve law enforcement agencies and police departments in
17 accordance with the following:

18 a. this section applies only to an entity authorized by
19 statute or by the Constitution to create a law
20 enforcement agency or police department and
21 commission, appoint, or employ officers that first
22 creates or reactivates an inactive law enforcement
23 agency or police department and first begins to
24

1 commission, appoint, or employ officers on or after
2 November 1, 2011,

3 b. the entity shall submit to CLEET, a minimum of sixty
4 (60) days prior to creation of the law enforcement
5 agency or police department, information regarding:

6 (1) the need for the law enforcement agency or police
7 department in the community,

8 (2) the funding sources for the law enforcement
9 agency or police department, and proof that no
10 more than fifty percent (50%) of the funding of
11 the entity will be derived from ticket revenue
12 and/or fines,

13 (3) the physical resources available to officers,

14 (4) the physical facilities that the law enforcement
15 agency or police department will operate,
16 including descriptions of the evidence room,
17 dispatch area, restroom facilities, and public
18 area,

19 (5) law enforcement policies of the law enforcement
20 agency or police department, including published
21 policies on:

22 (a) use of force,

23 (b) vehicle pursuit,

24 (c) mental health,

- (d) professional conduct of officers,
- (e) domestic abuse,
- (f) response to missing persons,
- (g) supervision of part-time officers, and
- (h) impartial policing,

- (6) the administrative structure of the law enforcement agency or police department,
- (7) liability insurance, and
- (8) any other information CLEET requires by rule,

c. within sixty (60) days of receiving an entity's request, CLEET will forward to the entity by certified mail, return receipt requested, a letter of authorization or denial to create a law enforcement agency or police department and commission, appoint, or employ officers, signed by the Director of CLEET, and

d. in cases of denial, the entity may appeal the decision of the Director to the full CLEET Council. The Director shall ensure that the final report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first meeting of the Council to occur after all members of the Council have received the report. The Council may, by majority vote:

- 1 (1) order additional information be provided,
- 2 (2) order confirmation of the Director's opinion, or
- 3 (3) order authorization of the entity.

4 C. 1. Payment of any fee provided for in this section may be
5 made by a nationally recognized credit or debit card issued to the
6 applicant. The Council may publicly post and collect a fee for the
7 acceptance of the nationally recognized credit or debit card not to
8 exceed five percent (5%) of the amount of the payment. For purposes
9 of this subsection, "nationally recognized credit card" means any
10 instrument or device, whether known as a credit card, credit plate,
11 charge plate, or by any other name, issued with or without fee by an
12 issuer for the use of the cardholder in obtaining goods, services,
13 or anything else of value and which is accepted by over one thousand
14 merchants in this state. "Debit card" means an identification card
15 or device issued to a person by a business organization which
16 permits such person to obtain access to or activate a consumer
17 banking electronic facility. The Council shall determine which
18 nationally recognized credit or debit cards will be accepted as
19 payment for fees.

20 2. Payment for any fee provided for in this title may be made
21 by a business check. The Council may:

- 22 a. add an amount equal to the amount of the service
23 charge incurred, not to exceed three percent (3%) of
24

1 the amount of the check as a service charge for the
2 acceptance and verification of the check, or

3 b. add an amount of no more than Five Dollars (\$5.00) as
4 a service charge for the acceptance and verification
5 of a check. For purposes of this subsection,
6 "business check" shall not mean a money order,
7 cashier's check, or bank certified check.

8 D. Failure of the Legislature to appropriate necessary funds to
9 provide for expenses and operations of the Council on Law
10 Enforcement Education and Training shall not invalidate other
11 provisions of this section relating to the creation and duties of
12 the Council.

13 E. 1. No person shall be eligible to complete a basic police
14 course approved by the Council until the Oklahoma State Bureau of
15 Investigation and the Federal Bureau of Investigation have reported
16 to the submitting agency that such person has no felony record, and
17 the employing agency has reported to the Council that such person
18 has undergone psychological testing as provided for in paragraph 2
19 of this subsection, and the applicant has certified the completion
20 of a high school diploma or a GED equivalency certificate and that
21 the applicant is not participating in a deferred sentence agreement
22 for a felony or a crime involving moral turpitude or is not
23 currently subject to an order of the Council revoking, suspending,
24 or accepting a voluntary surrender of peace officer certification

1 and that the applicant is not currently undergoing treatment for a
2 mental illness, condition, or disorder. For purposes of this
3 subsection, "currently undergoing treatment for mental illness,
4 condition, or disorder" means the person has been diagnosed by a
5 licensed physician or psychologist as being afflicted with a
6 substantial disorder of thought, mood, perception, psychological
7 orientation, or memory that significantly impairs judgment,
8 behavior, capacity to recognize reality, or ability to meet the
9 ordinary demands of life and such condition continues to exist.

10 2. On and after November 1, 2007, no person shall be certified
11 as a police or peace officer in this state unless the employing
12 agency has reported to the Council that:

- 13 a. the Oklahoma State Bureau of Investigation and the
14 Federal Bureau of Investigation have reported that
15 such person has no record of a conviction of a felony,
16 a crime involving moral turpitude, or a crime of
17 domestic violence,
- 18 b. such person has undergone psychological evaluation by
19 the employing agency using a psychological instrument
20 approved by the Council on Law Enforcement Education
21 and Training. The employing agency shall administer
22 the psychological instrument in accordance with
23 standards established within the test document. To
24 aid the evaluating psychologist in interpreting the

1 test results, including automated scoring and
2 interpretations, the employing agency shall provide
3 the psychologist a statement confirming the identity
4 of the individual taking the test as the person who is
5 employed or seeking employment as a peace officer of
6 the agency and attesting that it administered the
7 psychological instrument in accordance with standards
8 within the test document. The psychologist shall
9 report to the employing agency the evaluation of the
10 assessment instrument and may include any additional
11 recommendations to assist the employing agency in
12 determining whether to certify to the Council on Law
13 Enforcement Education and Training that the person
14 being evaluated is suitable to serve as a peace
15 officer in the State of Oklahoma. No additional
16 procedures or requirements shall be imposed for
17 performance of the psychological evaluation. The
18 psychological instrument utilized shall be evaluated
19 by a psychologist licensed by the State of Oklahoma,
20 and the employing agency shall certify to the Council
21 that the evaluation was conducted in accordance with
22 this provision and that the employee/applicant is
23 suitable to serve as a peace officer in the State of
24 Oklahoma. Any person found not to be suitable for

1 employment or certification by the Council shall not
2 be employed, retained in employment as a peace
3 officer, or certified by the Council for at least one
4 (1) year, at which time the employee/applicant may be
5 reevaluated by a psychologist licensed by the State of
6 Oklahoma. This section shall also be applicable to
7 all reserve peace officers in the State of Oklahoma.
8 Any person who is certified by CLEET and has undergone
9 the psychological evaluation required by this
10 subparagraph and has been found to be suitable as a
11 peace officer shall not be required to be reevaluated
12 for any subsequent employment as a peace officer
13 following retirement or any break in service as a
14 peace officer, unless such break in service exceeds
15 five (5) years or the Council determines that a peace
16 officer may present a danger to himself or herself,
17 the public, or a family or household member,

18 c. such person possesses a high school diploma or a GED
19 equivalency certificate, provided this requirement
20 shall not affect those persons who are already
21 employed as a police or peace officer prior to
22 November 1, 1985,
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- 1 d. such person is not participating in a deferred
2 sentence agreement for a felony, a crime involving
3 moral turpitude, or a crime of domestic violence,
4 e. such person has attained twenty-one (21) years of age
5 prior to certification as a peace officer,
6 f. such person has provided proof of United States
7 citizenship or resident alien status, pursuant to an
8 employment eligibility verification form from the
9 United States Citizenship and Immigration Services,
10 and
11 g. the name, gender, date of birth, and address of such
12 person have been presented to the Department of Mental
13 Health and Substance Abuse Services by the Council.
14 The Department of Mental Health and Substance Abuse
15 Services shall respond to the Council within ten (10)
16 days whether the computerized records of the
17 Department indicate the applicant has ever been
18 involuntarily committed to an Oklahoma state mental
19 institution. In the event that the Department of
20 Mental Health and Substance Abuse Services reports to
21 the Council that the applicant has been involuntarily
22 committed, the Council shall immediately inform the
23 employing agency,
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1 and the Council has determined that such person has satisfactorily
2 completed a basic police course approved by the Council. All basic
3 police courses shall include a minimum of four (4) hours of
4 education and training in recognizing and managing a person
5 appearing to require mental health treatment or services. The
6 training shall include training in crime and drug prevention, crisis
7 intervention, youth and family intervention techniques, recognizing,
8 investigating and preventing abuse and exploitation of elderly
9 persons, mental health issues, and criminal jurisdiction on
10 Sovereign Indian Land.

11 Subject to the availability of funding, for full-time salaried
12 police or peace officers a basic police course academy shall be as
13 follows: any academy graduating after July 1, 2007, but before
14 December 31, 2007, shall have three hundred seventy-five (375)
15 hours; any academy graduating after January 1, 2008, but before June
16 30, 2008, shall have five hundred five (505) hours; any academy
17 graduating after July 1, 2008, but before June 30, 2009, shall have
18 five hundred seventy-six (576) hours; and any academy graduating
19 after July 1, 2009, shall have six hundred (600) hours.

20 For reserve deputies a basic police course shall be as follows:
21 any reserve academy approved by the Council prior to December 31,
22 2007, shall have one hundred sixty (160) hours; and any reserve
23 academy approved by the Council after January 1, 2008, shall have
24 two hundred forty (240) hours.

1 Beginning January 1, 2014, any reserve peace officer who has
2 completed the two-hundred-forty-hour reserve peace officer
3 certification program, and who has been in active service in that
4 capacity in the past two (2) years, shall be eligible to attend a
5 three-hundred-sixty-hour basic full-time training academy to become
6 certified as a full-time police or peace officer.

7 3. Every person who has not been certified as a police or peace
8 officer and is duly appointed or elected as a police or peace
9 officer shall hold such position on a temporary basis only, and
10 shall, within one (1) year from the date of appointment or taking
11 office, qualify as required in this subsection or forfeit such
12 position; provided, however, effective November 1, 2004, every
13 person who has not been certified as a police or peace officer and
14 is duly appointed or elected as a police or peace officer shall hold
15 such position on a temporary basis only, and shall, within six (6)
16 months from the date of appointment or taking office, qualify as
17 required in this subsection or forfeit such position. In computing
18 the time for qualification, all service shall be cumulative from
19 date of first appointment or taking office as a police or peace
20 officer with any department in this state. The Council may extend
21 the time requirement specified in this paragraph for good cause as
22 determined by the Council. An elected police or peace officer shall
23 be eligible to enroll in a basic police course in accordance with
24 this subsection upon being elected. A duty is hereby imposed upon

1 the employing agency to withhold payment of the compensation or wage
2 of said unqualified officer. If the police or peace officer fails
3 to forfeit the position or the employing agency fails to require the
4 officer to forfeit the position, the district attorney shall file
5 the proper action to cause the forfeiting of such position. The
6 district court of the county where the officer is employed shall
7 have jurisdiction to hear the case.

8 4. The Council may certify officers who have completed a course
9 of study in another state deemed by the Council to meet standards
10 for Oklahoma peace officers providing the officer's certification in
11 the other state has not been revoked or voluntarily surrendered and
12 is not currently under suspension.

13 5. For purposes of this section, a police or peace officer is
14 defined as a full-time duly appointed or elected officer who is paid
15 for working more than twenty-five (25) hours per week and whose
16 duties are to preserve the public peace, protect life and property,
17 prevent crime, serve warrants, and enforce laws and ordinances of
18 this state, or any political subdivision thereof; provided, elected
19 sheriffs and their deputies and elected, appointed, or acting chiefs
20 of police shall meet the requirements of this subsection within the
21 first six (6) months after assuming the duties of the office to
22 which they are elected or appointed or for which they are an acting
23 chief; provided further, that this section shall not apply to
24 persons designated by the Director of the Department of Corrections

1 as peace officers pursuant to Section 510 of Title 57 of the
2 Oklahoma Statutes.

3 F. No person shall be certified as a police or peace officer by
4 the Council or be employed by the state, a county, a city, or any
5 political subdivision thereof, who is currently subject to an order
6 of the Council revoking, suspending, or accepting a voluntary
7 surrender of peace officer certification or who has been convicted
8 of a felony, a crime involving moral turpitude, or a crime of
9 domestic violence, unless a full pardon has been granted by the
10 proper agency; however, any person who has been trained and
11 certified by the Council on Law Enforcement Education and Training
12 and is actively employed as a full-time peace officer as of November
13 1, 1985, shall not be subject to the provisions of this subsection
14 for convictions occurring prior to November 1, 1985.

15 G. Every person employed as a police or peace officer in this
16 state shall be fingerprinted by the employing law enforcement
17 agency. One set of fingerprint impressions shall be mailed to the
18 Oklahoma State Bureau of Investigation and one set to the Federal
19 Bureau of Investigation, Washington, D.C., within ten (10) days from
20 the initial date of employment.

21 H. 1. The Council is hereby authorized to provide to any
22 employing agency the following information regarding a person who is
23 or has applied for employment as a police or peace officer of such
24 employing agency:

- a. Oklahoma State Bureau of Investigation and Federal Bureau of Investigation reports,
- b. administration of the psychological tests provided for herein,
- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

2. An employing agency shall not be liable in any action arising out of the release of contents of personnel information relevant to the qualifications or ability of a person to perform the duties of a police or peace officer when such information is released pursuant to written authorization for release of information signed by such person and is provided to another employing agency which has employed or has received an application for employment from such person.

3. As used in this subsection, "employing agency" means a political subdivision or law enforcement agency which either has employed or received an employment application from a person who, if employed, would be subject to this section.

I. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the

1 Council at a time established by the Council. Failure to comply
2 with the provisions of this subsection may disqualify a law
3 enforcement agency from participating in training programs sponsored
4 by the Council. Every law enforcement agency employing police or
5 peace officers in this state shall submit to CLEET on or before
6 October 1 of each calendar year a complete list of all commissioned
7 employees with a current mailing address and phone number for each
8 such employee.

9 2. A tribal law enforcement agency that has peace officers
10 commissioned by an Oklahoma law enforcement agency pursuant to a
11 cross-deputization agreement with the State of Oklahoma or any
12 political subdivision of the State of Oklahoma pursuant to the
13 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
14 shall report the commissioning, resignation, or termination of
15 commission for any reason of a cross-deputized tribal police or
16 peace officer to CLEET within ten (10) days of the commissioning,
17 resignation, or termination. Failure to comply with the provisions
18 of this subsection may disqualify a tribal law enforcement agency
19 from participating in training programs sponsored by the Council.

20 J. It is unlawful for any person to willfully make any
21 statement in an application to CLEET knowing the statement is false
22 or intentionally commit fraud in any application to the Council for
23 attendance in any CLEET-conducted or CLEET-approved peace officer
24 academy or Collegiate Officer Program or for the purpose of

1 obtaining peace officer certification or reinstatement. It is
2 unlawful for any person to willfully submit false or fraudulent
3 documents relating to continuing education rosters, transcripts or
4 certificates, or any canine license application. Any person
5 convicted of a violation of this subsection shall be guilty of a
6 felony punishable by imprisonment in the Department of Corrections
7 for a term of not less than two (2) years nor more than five (5)
8 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
9 or by both such fine and imprisonment.

10 K. 1. A police or peace officer shall be subject to
11 disciplinary action to include a denial, suspension, revocation or
12 acceptance of voluntary surrender of peace officer certification
13 upon a showing of clear and convincing evidence for the following:

- 14 a. conviction of a felony or a crime of domestic
15 violence,
- 16 b. conviction of a misdemeanor involving moral turpitude;
17 provided, if the conviction is a single isolated
18 incident that occurred more than five (5) years ago
19 and the Council is satisfied that the person has been
20 sufficiently rehabilitated, the Council may certify
21 such person providing that all other statutory
22 requirements have been met,
- 23 c. a verdict of guilt or entry of a plea of guilty or
24 nolo contendere for a deferred sentence for a felony

1 offense, a crime of moral turpitude, or a crime of
2 domestic violence,

3 d. falsification or a willful misrepresentation of
4 information in an employment application or
5 application to the Council on Law Enforcement
6 Education and Training, records of evidence, or in
7 testimony under oath,

8 e. revocation or voluntary surrender of police or peace
9 officer certification in another state for a violation
10 of any law or rule or in settlement of any
11 disciplinary action in such state,

12 f. involuntary commitment of a reserve or peace officer
13 in a mental institution or licensed private mental
14 health facility for any mental illness, condition or
15 disorder that is diagnosed by a licensed physician or
16 psychologist as a substantial disorder of thought,
17 mood, perception, psychological orientation, or memory
18 that significantly impairs judgment, behavior,
19 capacity to recognize reality, or ability to meet the
20 ordinary demands of life. Provided, the peace officer
21 certification may be reinstated upon the Council
22 receiving notification of a psychological evaluation
23 conducted by a licensed physician or psychologist
24 which attests and states by affidavit that the officer

1 and the evaluation test data of the officer have been
2 examined and that, in the professional opinion of the
3 physician or psychologist, the officer is
4 psychologically suitable to return to duty as a peace
5 officer,

6 g. abuse of office, or

7 h. entry of a final order of protection against applicant
8 or officer.

9 2. Disciplinary proceedings shall be commenced by filing a
10 complaint with the Council on a form approved by the Council. Any
11 employing agency or other person having information may submit such
12 information to the Council for consideration as provided in this
13 subsection.

14 3. Upon the filing of the complaint, a preliminary
15 investigation shall be conducted to determine whether:

16 a. there is reason to believe the person has violated any
17 provision of this subsection or any other provision of
18 law or rule, or

19 b. there is reason to believe the person has been
20 convicted of a felony, a crime involving moral
21 turpitude or a domestic violence offense or is
22 currently participating in a deferred sentence for
23 such offenses.

24

1 4. When the investigation of a complaint does not find the
2 person has violated any of the provisions of this subsection, or
3 finds that the person is sufficiently rehabilitated as provided in
4 subparagraph b or f of paragraph 1 of this subsection, no
5 disciplinary action shall be required and the person shall remain
6 certified as a police or peace officer. When the investigation of a
7 complaint finds that the person has violated any of the provisions
8 of this subsection, the matter shall be referred for disciplinary
9 proceedings. The disciplinary proceedings shall be in accordance
10 with Articles I and II of the Administrative Procedures Act.

11 5. The Council shall revoke the certification of any person
12 upon determining that such person has been convicted of a felony or
13 a crime involving moral turpitude or a domestic violence offense;
14 provided, that if the conviction has been reversed, vacated or
15 otherwise invalidated by an appellate court, such conviction shall
16 not be the basis for revocation of certification; provided further,
17 that any person who has been trained and certified by the Council on
18 Law Enforcement Education and Training and is actively employed as a
19 full-time peace officer as of November 1, 1985, shall not be subject
20 to the provisions of this subsection for convictions occurring prior
21 to November 1, 1985. The sole issue to be determined at the hearing
22 shall be whether the person has been convicted of a felony, a crime
23 involving moral turpitude or a domestic violence offense.

24

1 6. The Council shall revoke the certification of any person
2 upon determining that such person has received a deferred sentence
3 for a felony, a crime involving moral turpitude or a domestic
4 violence offense.

5 7. The Council may suspend the certification of any person upon
6 a determination that such person has been involuntarily committed to
7 a mental institution or mental health facility for a mental illness,
8 condition or disorder as provided in subparagraph f of paragraph 1
9 of this subsection.

10 8. Every law enforcement agency in this state shall, within
11 thirty (30) days of a final order of termination or resignation
12 while under investigation of a CLEET-certified peace officer, report
13 such order or resignation in writing to the Director of the Council.
14 Any report, upon receipt by the Council, shall be considered as
15 personnel records and shall be afforded confidential protection
16 pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma
17 Statutes. The Director shall ensure that the report is provided to
18 all members of the Council. The Council shall review and make
19 recommendations concerning the report at the first meeting of the
20 Council to occur after all members of the Council have received the
21 report. The Council may, by a majority vote, order the suspension,
22 for a given period of time, or revocation of the CLEET certification
23 of the peace officer in question if there are grounds for such
24 actions pursuant to this section and the peace officer in question

1 has been provided with notice and an opportunity for a hearing
2 pursuant to the Administrative Procedures Act. Suspension or
3 revocation of CLEET certification pursuant to this paragraph shall
4 be reported to the district attorney for the jurisdiction in which
5 the peace officer was employed, to the liability insurance company
6 of the law enforcement agency that employed the peace officer, the
7 chief elected official of the governing body of the law enforcement
8 agency and the chief law enforcement officer of the law enforcement
9 agency.

10 9. For all other violations of this subsection, the hearing
11 examiner shall take into consideration the severity of the
12 violation, any mitigating circumstances offered by the person
13 subject to disciplinary action, and any other evidence relevant to
14 the person's character to determine the appropriate disciplinary
15 action.

16 10. a. A police or peace officer may voluntarily surrender
17 and relinquish the peace officer certification to
18 CLEET. Pursuant to such surrender or relinquishment,
19 the person surrendering the certification shall be
20 prohibited from applying to CLEET for reinstatement
21 within five (5) years of the date of the surrender or
22 relinquishment, unless otherwise provided by law for
23 reinstatement.

24

1 b. No person who has had a police or peace officer
2 certification from another state revoked or
3 voluntarily surrendered shall be considered for
4 certification by CLEET within five (5) years of the
5 effective date of any such revocation or voluntary
6 surrender of certification.

7 c. Any person seeking reinstatement of police or peace
8 officer certification which has been suspended,
9 revoked, or voluntarily surrendered may apply for
10 reinstatement pursuant to promulgated CLEET rules
11 governing reinstatement. Except as provided in this
12 subsection, any person whose certification has been
13 revoked, suspended or voluntarily surrendered for any
14 reason, including failure to comply with mandatory
15 education and training requirements, shall pay a
16 reinstatement fee of One Hundred Fifty Dollars
17 (\$150.00) to be deposited to the credit of the Peace
18 Officer Revolving Fund created pursuant to Section
19 3311.7 of this title.

20 11. A duty is hereby imposed upon the district attorney who, on
21 behalf of the State of Oklahoma, prosecutes a person holding police
22 or peace officer certification for a felony, a crime involving moral
23 turpitude, or a crime of domestic violence in which a plea of
24 guilty, nolo contendere, or other finding of guilt is entered by,

1 against or on behalf of a certified police or peace officer to
2 report such plea, agreement, or other finding of guilt to the
3 Council on Law Enforcement Education and Training within ten (10)
4 days of such plea agreement or the finding of guilt.

5 12. Any person or agency required or authorized to submit
6 information pursuant to this section to the Council shall be immune
7 from liability arising from the submission of the information as
8 long as the information was submitted in good faith and without
9 malice.

10 13. Any peace officer employed by a law enforcement agency in
11 this state which has internal discipline policies and procedures on
12 file with CLEET shall be exempt from the disciplinary proceedings
13 and actions provided for in this subsection; provided, however, such
14 exemption shall not apply if the peace officer has been convicted of
15 a felony crime, a crime of moral turpitude, or a crime of domestic
16 violence.

17 14. As used in this subsection:

18 a. "law enforcement agency" means any department or
19 agency of the state, a county, a municipality, or
20 political subdivision thereof, with the duties to
21 maintain public order, make arrests, and enforce the
22 criminal laws of this state or municipal ordinances,
23 which employs CLEET-certified personnel,

24

1 b. "final order of termination" means a final notice of
2 dismissal from employment provided after all
3 grievance, arbitration, and court actions have been
4 completed, and

5 c. "resignation while under investigation" means the
6 resignation from employment of a peace officer who is
7 under investigation for any felony violation of law, a
8 crime of moral turpitude, a crime of domestic
9 violence, or the resignation from employment of a
10 peace officer as part of an arbitration or plea
11 agreement.

12 L. ~~1. Every canine team in the state trained to detect~~
13 ~~controlled dangerous substances shall be certified, by test, in the~~
14 ~~detection of such controlled dangerous substances and shall be~~
15 ~~recertified annually so long as the canine is used for such~~
16 ~~detection purposes. The certification test and annual~~
17 ~~recertification test provisions of this subsection shall not be~~
18 ~~applicable to canines that are owned by a law enforcement agency and~~
19 ~~that are certified and annually recertified in the detection of~~
20 ~~controlled dangerous substances by the United States Customs~~
21 ~~Service.~~

22 ~~2. The Council shall appoint a Drug Dog Advisory Council to~~
23 ~~make recommendations concerning minimum standards, educational~~
24 ~~needs, and other matters imperative to the certification of canines~~

1 ~~and canine teams trained to detect controlled dangerous substances.~~
2 ~~The Council shall promulgate rules based upon the recommendations of~~
3 ~~the Advisory Council. Members of the Advisory Council shall~~
4 ~~include, but need not be limited to, a commissioned officer with~~
5 ~~practical knowledge of such canines and canine teams from each of~~
6 ~~the following:~~

- 7 a. ~~the Oklahoma State Bureau of Narcotics and Dangerous~~
- 8 ~~Drugs Control,~~
- 9 b. ~~the Department of Public Safety,~~
- 10 c. ~~a police department,~~
- 11 d. ~~a sheriff's office, and~~
- 12 e. ~~a university or college campus police department.~~

13 ~~3. The fee for the certification test shall be Two Hundred~~
14 ~~Dollars (\$200.00) and the annual recertification test fee shall be~~
15 ~~One Hundred Dollars (\$100.00) per canine team. A retest fee of~~
16 ~~Fifty Dollars (\$50.00) will be charged if the team fails the test.~~
17 ~~No such fee shall be charged to any local, state or federal~~
18 ~~government agency. The fees provided for in this paragraph shall be~~
19 ~~deposited to the credit of the CLEET Fund created pursuant to~~
20 ~~Section 1313.2 of Title 20 of the Oklahoma Statutes.~~

21 ~~M. 1. Every canine team in the state trained to detect~~
22 ~~explosives, explosive materials, explosive devices, and materials~~
23 ~~which could be used to construct an explosive device shall be~~
24 ~~certified, by test, in the detection of such explosives and~~

1 materials and shall be recertified annually so long as the canine is
2 used for such detection purposes. The certification test and annual
3 recertification test provisions of this subsection shall not be
4 applicable to canines that are owned by a law enforcement agency if
5 such canines are certified and annually recertified in the detection
6 of explosives and materials by the United States Department of
7 Defense.

8 2. The Council shall appoint a Bomb Dog Advisory Council to
9 make recommendations concerning minimum standards, educational
10 needs, and other matters imperative to the certification of canines
11 and canine teams trained to detect explosives, explosive materials,
12 explosive devices and materials which could be used to construct an
13 explosive device. The Council shall promulgate rules based upon the
14 recommendations of the Advisory Council. Members of the Advisory
15 Council shall include, but need not be limited to, a commissioned
16 officer with practical knowledge of such canines and canine teams
17 from each of the following:

- 18 a. the Department of Public Safety,
- 19 b. a police department,
- 20 c. a sheriff's office, and
- 21 d. a university or college campus police department.

22 3. The fee for the certification test shall be Two Hundred
23 Dollars (\$200.00) and the annual recertification test fee shall be
24 One Hundred Dollars (\$100.00) per canine team. A retest fee of

1 Fifty Dollars (\$50.00) will be charged if the team fails the test.
2 No such fee shall be charged to any local, state or federal
3 government agency. The fees provided for in this paragraph shall be
4 deposited to the credit of the CLEET Fund created pursuant to
5 Section 1313.2 of Title 20 of the Oklahoma Statutes.

6 ~~N.~~ M. All tribal police officers of any Indian tribe or nation
7 who have been commissioned by an Oklahoma law enforcement agency
8 pursuant to a cross-deputization agreement with the State of
9 Oklahoma or any political subdivision of the State of Oklahoma
10 pursuant to the provisions of Section 1221 of Title 74 of the
11 Oklahoma Statutes shall be eligible for peace officer certification
12 under the same terms and conditions required of members of the law
13 enforcement agencies of the State of Oklahoma and its political
14 subdivisions. CLEET shall issue peace officer certification to
15 tribal police officers who, as of July 1, 2003, are commissioned by
16 an Oklahoma law enforcement agency pursuant to a cross-deputization
17 agreement with the State of Oklahoma or any political subdivision of
18 the State of Oklahoma pursuant to the provisions of Section 1221 of
19 Title 74 of the Oklahoma Statutes and have met the training and
20 qualification requirements of this section.

21 ~~Θ.~~ N. If an employing law enforcement agency in this state has
22 paid the salary of a person while that person is completing in this
23 state a basic police course approved by the Council and if within
24 one (1) year after certification that person resigns and is hired by

1 another law enforcement agency in this state, the second agency or
2 the person receiving the training shall reimburse the original
3 employing agency for the salary paid to the person while completing
4 the basic police course by the original employing agency.

5 ~~P.~~ O. The Council on Law Enforcement Education and Training, in
6 its discretion, may waive all or part of any moneys due to the
7 Council, if deemed uncollectable by the Council.

8 ~~Q.~~ P. Peace officers, reserve peace officers and tribal peace
9 officers shall maintain with the Council current residential
10 addresses and shall notify the Council, in writing, of any change of
11 name. Notification of change of name shall require certified copies
12 of any marriage license or other court document which reflects the
13 change of name. Notice of change of address or telephone number
14 must be made within ten (10) days of the effected change. Notices
15 shall not be accepted over the phone.

16 SECTION 5. This act shall become effective November 1, 2014.

18 54-2-10023 GRS 02/12/14

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