

1 STATE OF OKLAHOMA

2 1st Session of the 54th Legislature (2013)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 197

By: Griffin of the Senate

and

Turner of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to municipal police chiefs; amending  
11 11 O.S. 2011, Section 34-102, which relates to  
12 municipal police departments; requiring certain  
13 training for municipal police chiefs; requiring  
14 development of certain training by certain police  
15 association; requiring approval of training program  
16 by Council on Law Enforcement Education and Training;  
17 providing for revocation of certain CLEET  
18 certification; requiring municipal police departments  
19 to adopt certain policies by certain date; stating  
20 requirements; requiring compliance by certain time  
21 period; stating exception; providing for  
22 codification; and providing an effective date.

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

24 SECTION 1. AMENDATORY 11 O.S. 2011, Section 34-102, is  
amended to read as follows:

Section 34-102. A. The chief of police of a municipality shall  
be a peace officer and shall enforce the municipal ordinances. The

1 chief of police of a municipality shall have such other powers,  
2 duties and functions as may be prescribed by law or ordinance.

3 B. Any person elected or appointed to the position of chief of  
4 police of a municipality shall meet the following qualifications:

5 1. Be at least twenty-one (21) years of age;

6 2. Be a citizen of the United States;

7 3. Possess at least a high school diploma or General Education  
8 Diploma (GED);

9 4. Be certified as a peace officer in this state by the Council  
10 on Law Enforcement Education and Training (CLEET), or meet all  
11 requirements necessary for CLEET certification and obtain such  
12 certification within six (6) months of assuming the position of  
13 chief of police or as otherwise allowed by Section 3311 of Title 70  
14 of the Oklahoma Statutes; and

15 5. Have successfully completed a course of training meeting at  
16 least the minimal criteria established by the Council on Law  
17 Enforcement Education and Training (CLEET) for police chief  
18 administration, successfully completed an approved police chief  
19 administrative school which has been developed by the Oklahoma  
20 Association of Chiefs of Police and approved by the Council, ~~or~~  
21 ~~successfully complete such course of training or school~~ within  
22 twelve (12) months of assuming the position of chief of police.

23 C. 1. Any person who does not meet the qualifications of  
24 paragraph 4 or 5 of subsection B of this section at the time of

1 election or appointment to the position of chief of police and who  
2 fails after assuming the position of chief of police to meet such  
3 qualifications within the time required shall have their CLEET  
4 certification revoked for the purpose of serving as chief and be  
5 removed from the position.

6 2. Any person assuming the position of chief of police without  
7 prior CLEET certification who fails to complete an approved course  
8 of training or police chief administration school within the time  
9 required shall be precluded from obtaining CLEET certification while  
10 in such position.

11 D. The Council on Law Enforcement Education and Training  
12 (CLEET) shall establish minimal criteria for the qualifications of  
13 paragraph 5 of subsection B of this section relating to a course of  
14 training and police chief administration schools and approve all  
15 training offered in this state relating to police chief  
16 administration. The Oklahoma Association of Chiefs of Police in  
17 consultation and cooperation with the Council is directed to develop  
18 a Police Chief Administrative School consisting of training courses  
19 that meet at least the minimal criteria established by the Council.

20 E. The provisions of this act relating to qualifications for a  
21 chief of police shall not apply to any person who has assumed the  
22 position of chief of police and is currently serving as the chief of  
23 police of a municipality on or before ~~the effective date of this act~~  
24 November 1, 2006.

1           SECTION 2.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 34-107 of Title 11, unless there  
3 is created a duplication in numbering, reads as follows:

4           A. Beginning January 1, 2016, every municipal police department  
5 shall have adopted policies in place that at a minimum address the  
6 following safety and liability issues, including but not limited to:

- 7           1. Search and seizure;
- 8           2. Arrest and alternatives to arrest;
- 9           3. Strip and body cavity searches;
- 10          4. Evidence and property management;
- 11          5. Inventories and audits;
- 12          6. Use of firearms and use of force;
- 13          7. Pursuit driving;
- 14          8. Impartial policing/racial profiling;
- 15          9. Mental health;
- 16          10. Professional conduct of officers;
- 17          11. Domestic abuse;
- 18          12. Response to missing persons; and
- 19          13. Supervision of part-time officers.

20          B. A complaint against a municipality for noncompliance with  
21 this section shall be submitted in writing to the Oklahoma  
22 Association of Chiefs of Police, the Director of CLEET and the  
23 municipality pursuant to the provisions of Section 22-103 of Title  
24 11 of the Oklahoma Statutes. Upon notification, the municipality

1 shall have six (6) months to come into compliance. If after six (6)  
2 months a municipality has not reached full compliance with the  
3 requirements of this section, the Oklahoma Association of Chiefs of  
4 Police may request the Director of CLEET for an additional six (6)  
5 months if it is determined the municipality is substantially  
6 attempting to comply with the requirements herein.

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

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