



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

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

5 Section 3311. A. There is hereby created a Council on Law  
6 Enforcement Education and Training which shall be, and is hereby  
7 declared to be, a governmental law enforcement agency of the State  
8 of Oklahoma, body politic and corporate, with powers of government  
9 and with the authority to exercise the rights, privileges and  
10 functions necessary to ensure the professional training and  
11 continuing education of law enforcement officers in the State of  
12 Oklahoma. These rights, privileges and functions include, but are  
13 not limited to, those specified in Sections 3311 through 3311.10 of  
14 this title and in the Oklahoma Security Guard and Private  
15 Investigator Act. ~~The Council shall be composed of nine (9)~~  
16 ~~members, the Director of the Oklahoma State Bureau of Investigation,~~  
17 ~~one member appointed by the Governor who may be a lay person, and~~  
18 ~~seven police or peace officers, one selected by each of the~~  
19 ~~following: the Court of Criminal Appeals, the Commissioner of Public~~  
20 ~~Safety, the Board of Directors of the Oklahoma Sheriffs and Peace~~  
21 ~~Officers Association, the Oklahoma Association of Police Chiefs, the~~  
22 ~~Board of Directors of the Oklahoma Sheriffs' Association, the Board~~  
23 ~~of Directors of the Fraternal Order of Police and the Governor. All~~  
24 ~~Council appointments and reappointments made after November 1, 2007,~~

1 ~~shall conform to the following Council composition and appointing~~  
2 ~~authorities.~~ The Council shall be composed of thirteen (13) members  
3 as follows:

4 1. The Commissioner of the Department of Public Safety, or  
5 designee;

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

8 3. The Director of the Oklahoma State Bureau of Investigation,  
9 or designee;

10 4. One member appointed by the Governor who shall be a law  
11 enforcement administrator representing a tribal law enforcement  
12 agency;

13 5. One member appointed by the Governor who shall be a chief of  
14 police of a municipality with a population over one hundred thousand  
15 (100,000), as determined by the latest Federal Decennial Census;

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

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

24

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

5 9. One member appointed by the Board of Directors of the  
6 Fraternal Order of Police who shall have experience as a training  
7 officer;

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

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

12 12. The President Pro Tempore of the Senate shall appoint one  
13 member from a list of three or more nominees submitted by a  
14 statewide organization representing cities and towns that is exempt  
15 from taxation under federal law and designated pursuant to the  
16 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);  
17 and

18 13. The Speaker of the House of Representatives shall appoint  
19 one member from a list of three or more nominees submitted by an  
20 organization that assists in the establishment of accreditation  
21 standards and training programs for law enforcement agencies  
22 throughout the State of Oklahoma.

23 The Executive Director selected by the Council shall be an ex  
24 officio member of the Council and shall act as Secretary. The

1 Council on Law Enforcement Education and Training shall select a  
2 chair and vice-chair from among its members. Members of the Council  
3 on Law Enforcement Education and Training shall not receive a salary  
4 for duties performed as members of the Council, but shall be  
5 reimbursed for their actual and necessary expenses incurred in the  
6 performance of Council duties pursuant to the provisions of the  
7 State Travel Reimbursement Act.

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

10 1. Appoint a larger Advisory Council to discuss problems and  
11 hear recommendations concerning necessary research, minimum  
12 standards, educational needs, and other matters imperative to  
13 upgrading Oklahoma law enforcement to professional status;

14 2. Promulgate rules with respect to such matters as  
15 certification, revocation, suspension, withdrawal and reinstatement  
16 of certification, minimum courses of study, testing and test scores,  
17 attendance requirements, equipment and facilities, minimum  
18 qualifications for instructors, minimum standards for basic and  
19 advanced in-service courses, and seminars for Oklahoma police and  
20 peace officers;

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

23 4. Authorize additional staff and services necessary for  
24 program expansion;

1 5. Recommend legislation necessary to upgrade Oklahoma law  
2 enforcement to professional status;

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

9 7. Appoint a an Executive Director and an Assistant Director to  
10 direct the staff, inform the Council of compliance with the  
11 provisions of this section and perform such other duties imposed on  
12 the Council by law. ~~On November 1, 2007, any subsequent~~ An  
13 Executive Director appointed by the Council must qualify for the  
14 position with a bachelor or higher degree in law enforcement from an  
15 accredited college or university, or a bachelor or higher degree in  
16 a law-enforcement-related subject area, and a minimum of five (5)  
17 years of active law enforcement experience including, but not  
18 limited to, responsibility for enforcement, investigation,  
19 administration, training, or curriculum implementation.

20 The Executive Director of the Council on Law Enforcement  
21 Education and Training may commission CLEET staff as peace officers  
22 for purposes consistent with the duties of CLEET as set out in state  
23 law. The powers and duties conferred on the Executive Director or  
24 any staff member appointed by the Executive Director as a peace

1 officer shall not limit the powers and duties of other peace  
2 officers of this state or any political subdivision thereof. The  
3 Executive Director or any staff member appointed by the Executive  
4 Director as a peace officer may, upon request, assist any federal,  
5 state, county or municipal law enforcement agency;

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

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

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  
24

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~~ 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 Executive Director of CLEET, and

d. in cases of denial, the entity may appeal the decision of the Executive Director to the full CLEET Council. The Executive 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

1 received the report. The Council may, by majority  
2 vote:

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

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

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

1 a. add an amount equal to the amount of the service  
2 charge incurred, not to exceed three percent (3%) of  
3 the amount of the check as a service charge for the  
4 acceptance and verification of the check, or

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

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

15 E. 1. No person shall be eligible ~~to complete a basic police~~  
16 ~~course approved by the Council~~ for employment as a peace officer or  
17 reserve peace officer until the employing law enforcement agency has  
18 conducted a background investigation of such person consisting of  
19 the following:

20 a. a fingerprint search submitted to the Oklahoma State  
21 Bureau of Investigation and the Federal Bureau of  
22 Investigation have reported to the submitting agency  
23 that such person has no felony record, and the  
24 employing agency has reported to the Council that such

1 ~~person has undergone psychological testing as provided~~  
2 ~~for in paragraph 2 of this subsection, and the~~  
3 ~~applicant has certified the completion of a high~~  
4 ~~school diploma or a CED equivalency certificate and~~  
5 ~~that the applicant is not participating in a deferred~~  
6 ~~sentence agreement for a felony or a crime involving~~  
7 ~~moral turpitude or is not currently subject to an~~  
8 ~~order of the Council revoking, suspending, or~~  
9 ~~accepting a voluntary surrender of peace officer~~  
10 ~~certification and that the applicant is not currently~~  
11 ~~undergoing treatment for a mental illness, condition,~~  
12 ~~or disorder. For purposes of this subsection,~~  
13 ~~"currently undergoing treatment for mental illness,~~  
14 ~~condition, or disorder" means the person has been~~  
15 ~~diagnosed by a licensed physician or psychologist as~~  
16 ~~being afflicted with a substantial disorder of~~  
17 ~~thought, mood, perception, psychological orientation,~~  
18 ~~or memory that significantly impairs judgment,~~  
19 ~~behavior, capacity to recognize reality, or ability to~~  
20 ~~meet the ordinary demands of life and such condition~~  
21 ~~continues to exist with a return report to the~~  
22 ~~submitting agency that such person has no felony~~  
23 ~~record,~~  
24

- 1        b. a fingerprint search submitted to the Federal Bureau  
2        of Investigation with a return report to the  
3        submitting agency that such person has no felony  
4        record,
- 5        c. such person has undergone psychological evaluation by  
6        a psychologist licensed by the State of Oklahoma and  
7        has been evaluated to be suitable to serve as a peace  
8        officer in the State of Oklahoma,
- 9        d. the employing agency has verified that such person has  
10       a high school diploma or a GED equivalency certificate  
11       as recognized by state law,
- 12       e. such person is not participating in a deferred  
13       sentence agreement for a felony, a crime involving  
14       moral turpitude, or a crime of domestic violence,
- 15       f. such person is not currently subject to an order of  
16       the Council revoking, suspending, or accepting a  
17       voluntary surrender of peace officer certification,
- 18       g. such person is not currently undergoing treatment for  
19       a mental illness, condition or disorder. For purposes  
20       of this subsection, "currently undergoing treatment  
21       for mental illness, condition or disorder" means the  
22       person has been diagnosed by a licensed physician or  
23       psychologist as being afflicted with a substantial  
24       disorder of thought, mood, perception, psychological

1 orientation or memory that significantly impairs  
2 judgment, behavior, capacity to recognize reality, or  
3 ability to meet the ordinary demands of life and such  
4 condition continues to exist,

5 h. such person is twenty-one (21) years of age.

6 Provided, this requirement shall not affect those  
7 persons who are already employed as a police or peace  
8 officer prior to November 1, 1985, and

9 i. such person has provided proof of United States  
10 citizenship or resident alien status, pursuant to an  
11 employment eligibility verification form from the  
12 United States Citizenship and Immigration Services.

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

16 ~~a. the Oklahoma State Bureau of Investigation and the~~  
17 ~~Federal Bureau of Investigation have reported that~~  
18 ~~such person has no record of a conviction of a felony,~~  
19 ~~a crime involving moral turpitude, or a crime of~~  
20 ~~domestic violence,~~

21 ~~b. such person has undergone psychological evaluation by~~  
22 ~~the employing agency using a psychological instrument~~  
23 ~~approved by the Council on Law Enforcement Education~~  
24 ~~and Training. The employing agency shall administer~~

1           ~~the psychological instrument in accordance with~~  
2           ~~standards established within the test document.~~

3           To aid the evaluating psychologist in interpreting the test  
4 results, including automated scoring and interpretations, the  
5 employing agency shall provide the psychologist a statement  
6 confirming the identity of the individual taking the test as the  
7 person who is employed or seeking employment as a peace officer of  
8 the agency and attesting that it administered the psychological  
9 instrument in accordance with standards within the test document.  
10 The psychologist shall report to the employing agency the evaluation  
11 of the assessment instrument and may include any additional  
12 recommendations to assist the employing agency in determining  
13 whether to certify to the Council on Law Enforcement Education and  
14 Training that the person being evaluated is suitable to serve as a  
15 peace officer in the State of Oklahoma. No additional procedures or  
16 requirements shall be imposed for performance of the psychological  
17 evaluation. The psychological instrument utilized shall be  
18 evaluated by a psychologist licensed by the State of Oklahoma, and  
19 the employing agency shall certify to the Council that the  
20 evaluation was conducted in accordance with this provision and that  
21 the ~~employee/applicant~~ employee or applicant is suitable to serve as  
22 a peace officer in the State of Oklahoma.

23           a. Any person found not to be suitable for employment or  
24           certification by the Council shall not be employed,

1 retained in employment as a peace officer, or  
2 certified by the Council for at least one (1) year, at  
3 which time the ~~employee/applicant~~ employee or  
4 applicant may be reevaluated by a psychologist  
5 licensed by the State of Oklahoma. This section shall  
6 also be applicable to all reserve peace officers in  
7 the State of Oklahoma.

8 b. 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~~7.~~

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,~~

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 All persons seeking certification shall have their~~  
12 ~~name, gender, date of birth, and address of such~~  
13 ~~person have been presented submitted to the Department~~  
14 ~~of Mental Health and Substance Abuse Services by the~~  
15 ~~Council. The Department of Mental Health and~~  
16 ~~Substance Abuse Services shall respond to the Council~~  
17 ~~within ten (10) days whether the computerized records~~  
18 ~~of the Department indicate the applicant has ever been~~  
19 ~~involuntarily committed to an Oklahoma state mental~~  
20 ~~institution. In the event that the Department of~~  
21 ~~Mental Health and Substance Abuse Services reports to~~  
22 ~~the Council that the applicant has been involuntarily~~  
23 ~~committed, the Council shall immediately inform the~~  
24 ~~employing agency.~~

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~~ consist of a  
20 minimum of six hundred (600) hours.

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

1 ~~two hundred forty (240) hours~~ reserve academy shall consist of a  
2 minimum of two hundred forty (240) hours.

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

9 3. Every person who has not been certified as a police or peace  
10 officer and is duly appointed or elected as a police or peace  
11 officer shall hold such position on a temporary basis only, and  
12 shall, ~~within one (1) year from the date of appointment or taking~~  
13 ~~office, qualify as required in this subsection or forfeit such~~  
14 ~~position; provided, however, effective November 1, 2004, every~~  
15 ~~person who has not been certified as a police or peace officer and~~  
16 ~~is duly appointed or elected as a police or peace officer shall hold~~  
17 ~~such position on a temporary basis only, and shall, within six (6)~~  
18 months from the date of appointment or taking office, qualify as  
19 required in this subsection or forfeit such position. In computing  
20 the time for qualification, all service shall be cumulative from  
21 date of first appointment or taking office as a police or peace  
22 officer with any department in this state.

23 a. The Council may extend the time requirement specified  
24 in this paragraph for good cause as determined by the

1 Council. ~~An elected police or peace officer shall be~~  
2 ~~eligible to enroll in a basic police course in~~  
3 ~~accordance with this subsection upon being elected.~~

4 b. A duty is hereby imposed upon the employing agency to  
5 withhold payment of the compensation or wage of ~~said~~  
6 such unqualified officer.

7 c. If the police or peace officer fails to forfeit the  
8 position or the employing agency fails to require the  
9 officer to forfeit the position, the district attorney  
10 shall file the proper action to cause the forfeiting  
11 of such position. The district court of the county  
12 where the officer is employed shall have jurisdiction  
13 to hear the case.

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

19 5. For purposes of this section, a police or peace officer is  
20 defined as a full-time duly appointed or elected officer who is paid  
21 for working more than twenty-five (25) hours per week and whose  
22 duties are to preserve the public peace, protect life and property,  
23 prevent crime, serve warrants, transport prisoners, and enforce laws  
24 and ordinances of this state, or any political subdivision thereof;

1 provided, elected sheriffs and their deputies and elected,  
2 appointed, or acting chiefs of police shall meet the requirements of  
3 this subsection within the first six (6) months after assuming the  
4 duties of the office to which they are elected or appointed or for  
5 which they are an acting chief; provided further, that this section  
6 shall not apply to persons designated by the Director of the  
7 Department of Corrections as peace officers pursuant to Section 510  
8 of Title 57 of the Oklahoma Statutes.

9 F. No person shall be certified as a police or peace officer by  
10 the Council or be employed by the state, a county, a city, or any  
11 political subdivision thereof, who is currently subject to an order  
12 of the Council revoking, suspending, or accepting a voluntary  
13 surrender of peace officer certification or who has been convicted  
14 of a felony, a crime involving moral turpitude, or a crime of  
15 domestic violence, unless a full pardon has been granted by the  
16 proper agency; however, any person who has been trained and  
17 certified by the Council on Law Enforcement Education and Training  
18 and is actively employed as a full-time peace officer as of November  
19 1, 1985, shall not be subject to the provisions of this subsection  
20 for convictions occurring prior to November 1, 1985.

21 ~~G. Every person employed as a police or peace officer in this~~  
22 ~~state shall be fingerprinted by the employing law enforcement~~  
23 ~~agency. One set of fingerprint impressions shall be mailed to the~~  
24 ~~Oklahoma State Bureau of Investigation and one set to the Federal~~

1 ~~Bureau of Investigation, Washington, D.C., within ten (10) days from~~  
2 ~~the initial date of employment.~~

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

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

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

24

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

5           ~~I. H.~~ H. 1. A law enforcement agency employing police or peace  
6 officers in this state shall report the hiring, resignation, or  
7 termination for any reason of a police or peace officer to the  
8 Council ~~at a time established by the Council~~ within ten (10) days.  
9 Failure to comply with the provisions of this subsection may  
10 disqualify a law enforcement agency from participating in training  
11 programs sponsored by the Council. Every law enforcement agency  
12 employing police or peace officers in this state shall submit to  
13 CLEET on or before October 1 of each calendar year a complete list  
14 of all commissioned employees with a current mailing address and  
15 phone number for each such employee. In addition to the above,  
16 CLEET may impose an administrative fine for violations of this  
17 section.

18           2. A tribal law enforcement agency that has peace officers  
19 commissioned by an Oklahoma law enforcement agency pursuant to a  
20 cross-deputization agreement with the State of Oklahoma or any  
21 political subdivision of the State of Oklahoma pursuant to the  
22 provisions of Section 1221 of Title 74 of the Oklahoma Statutes  
23 shall report the commissioning, resignation, or termination of  
24 commission for any reason of a cross-deputized tribal police or

1 peace officer to CLEET within ten (10) days of the commissioning,  
2 resignation, or termination. Failure to comply with the provisions  
3 of this subsection may disqualify a tribal law enforcement agency  
4 from participating in training programs sponsored by the Council.

5 ~~J.~~ I. It is unlawful for any person to willfully make any  
6 statement in an application to CLEET knowing the statement is false  
7 or intentionally commit fraud in any application to the Council for  
8 attendance in any CLEET-conducted or CLEET-approved peace officer  
9 academy or Collegiate Officer Program or for the purpose of  
10 obtaining peace officer certification or reinstatement. It is  
11 unlawful for any person to willfully submit false or fraudulent  
12 documents relating to continuing education rosters, transcripts or  
13 certificates, or any canine license application. Any person  
14 convicted of a violation of this subsection shall be guilty of a  
15 felony punishable by imprisonment in the Department of Corrections  
16 for a term of not less than two (2) years nor more than five (5)  
17 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
18 or by both such fine and imprisonment. In addition to the above,  
19 CLEET may impose an administrative fine.

20 ~~K.~~ J. 1. A police or peace officer shall be subject to  
21 disciplinary action to include a denial, suspension, revocation or  
22 acceptance of voluntary surrender of peace officer certification  
23 upon a showing of clear and convincing evidence for the following:  
24

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

- 1 a. conviction of a felony or a crime of domestic  
2 violence,
- 3 b. conviction of a misdemeanor involving moral turpitude;  
4 provided, if the conviction is a single isolated  
5 incident that occurred more than five (5) years ago  
6 and the Council is satisfied that the person has been  
7 sufficiently rehabilitated, the Council may certify  
8 such person providing that all other statutory  
9 requirements have been met,
- 10 c. a verdict of guilt or entry of a plea of guilty or  
11 nolo contendere for a deferred sentence for a felony  
12 offense, a crime of moral turpitude, or a crime of  
13 domestic violence,
- 14 d. falsification or a willful misrepresentation of  
15 information in an employment application or  
16 application to the Council on Law Enforcement  
17 Education and Training, records of evidence, or in  
18 testimony under oath,
- 19 e. revocation or voluntary surrender of police or peace  
20 officer certification in another state for a violation  
21 of any law or rule or in settlement of any  
22 disciplinary action in such state,
- 23 f. involuntary commitment of a reserve or peace officer  
24 in a mental institution or licensed private mental

1 health facility for any mental illness, condition or  
2 disorder that is diagnosed by a licensed physician or  
3 psychologist as a substantial disorder of thought,  
4 mood, perception, psychological orientation, or memory  
5 that significantly impairs judgment, behavior,  
6 capacity to recognize reality, or ability to meet the  
7 ordinary demands of life. Provided, the peace officer  
8 certification may be reinstated upon the Council  
9 receiving notification of a psychological evaluation  
10 conducted by a licensed physician or psychologist  
11 which attests and states by affidavit that the officer  
12 and the evaluation test data of the officer have been  
13 examined and that, in the professional opinion of the  
14 physician or psychologist, the officer is  
15 psychologically suitable to return to duty as a peace  
16 officer,

17 g. abuse of office, ~~or~~

18 h. entry of a final order of protection against applicant  
19 or officer, or

20 i. any violation of the Oklahoma Private Security  
21 Licensing Act.

22 2. Disciplinary proceedings shall be commenced by filing a  
23 complaint with the Council on a form approved by the Council. Any  
24 employing agency or other person having information may submit such

1 information to the Council for consideration as provided in this  
2 subsection.

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

5 a. there is reason to believe the person has violated any  
6 provision of this subsection or any other provision of  
7 law or rule, or

8 b. there is reason to believe the person has been  
9 convicted of a felony, a crime involving moral  
10 turpitude or a domestic violence offense or is  
11 currently participating in a deferred sentence for  
12 such offenses.

13 4. When the investigation of a complaint does not find the  
14 person has violated any of the provisions of this subsection, or  
15 finds that the person is sufficiently rehabilitated as provided in  
16 subparagraph b or f of paragraph 1 of this subsection, no  
17 disciplinary action shall be required and the person shall remain  
18 certified as a police or peace officer. When the investigation of a  
19 complaint finds that the person has violated any of the provisions  
20 of this subsection, the matter shall be referred for disciplinary  
21 proceedings. The disciplinary proceedings shall be in accordance  
22 with Articles I and II of the Administrative Procedures Act.

23 5. The Council shall revoke the certification of any person  
24 upon determining that such person has been convicted of a felony or

1 a crime involving moral turpitude or a domestic violence offense;  
2 provided, that if the conviction has been reversed, vacated or  
3 otherwise invalidated by an appellate court, such conviction shall  
4 not be the basis for revocation of certification; provided further,  
5 that any person who has been trained and certified by the Council on  
6 Law Enforcement Education and Training and is actively employed as a  
7 full-time peace officer as of November 1, 1985, shall not be subject  
8 to the provisions of this subsection for convictions occurring prior  
9 to November 1, 1985. The sole issue to be determined at the hearing  
10 shall be whether the person has been convicted of a felony, a crime  
11 involving moral turpitude or a domestic violence offense.

12 6. The Council shall revoke the certification of any person  
13 upon determining that such person has received a deferred sentence  
14 for a felony, a crime involving moral turpitude or a domestic  
15 violence offense.

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

21 8. Every law enforcement agency in this state shall, within  
22 thirty (30) days of a final order of termination or resignation  
23 while under investigation of a CLEET-certified peace officer, report  
24 such order or resignation in writing to the Executive Director of

1 the Council. Any report, upon receipt by the Council, shall be  
2 considered as personnel records and shall be afforded confidential  
3 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the  
4 Oklahoma Statutes. The Executive Director shall ensure that the  
5 report is provided to all members of the Council. The Council shall  
6 review and make recommendations concerning the report at the first  
7 meeting of the Council to occur after all members of the Council  
8 have received the report. The Council may, by a majority vote,  
9 order the suspension, for a given period of time, or revocation of  
10 the CLEET certification of the peace officer in question if there  
11 are grounds for such actions pursuant to this section and the peace  
12 officer in question has been provided with notice and an opportunity  
13 for a hearing pursuant to the Administrative Procedures Act.  
14 Suspension or revocation of CLEET certification pursuant to this  
15 paragraph shall be reported to the district attorney for the  
16 jurisdiction in which the peace officer was employed, to 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.

21 9. For all other violations of this subsection, the hearing  
22 examiner shall take into consideration the severity of the  
23 violation, any mitigating circumstances offered by the person  
24 subject to disciplinary action, and any other evidence relevant to

1 the person's character to determine the appropriate disciplinary  
2 action.

3 10. a. A police or peace officer may voluntarily surrender  
4 and relinquish the peace officer certification to  
5 CLEET. Pursuant to such surrender or relinquishment,  
6 the person surrendering the certification shall be  
7 prohibited from applying to CLEET for reinstatement  
8 within five (5) years of the date of the surrender or  
9 relinquishment, unless otherwise provided by law for  
10 reinstatement.

11 b. No person who has had a police or peace officer  
12 certification from another state revoked or  
13 voluntarily surrendered shall be considered for  
14 certification by CLEET within five (5) years of the  
15 effective date of any such revocation or voluntary  
16 surrender of certification.

17 c. Any person seeking reinstatement of police or peace  
18 officer certification which has been suspended,  
19 revoked, or voluntarily surrendered may apply for  
20 reinstatement pursuant to promulgated CLEET rules  
21 governing reinstatement. Except as provided in this  
22 subsection, any person whose certification has been  
23 revoked, suspended or voluntarily surrendered for any  
24 reason, including failure to comply with mandatory

1 education and training requirements, shall pay a  
2 reinstatement fee of One Hundred Fifty Dollars  
3 (\$150.00) to be deposited to the credit of the Peace  
4 Officer Revolving Fund created pursuant to Section  
5 3311.7 of this title.

6 11. A duty is hereby imposed upon the district attorney who, on  
7 behalf of the State of Oklahoma, prosecutes a person holding police  
8 or peace officer certification for a felony, a crime involving moral  
9 turpitude, or a crime of domestic violence in which a plea of  
10 guilty, nolo contendere, or other finding of guilt is entered by,  
11 against or on behalf of a certified police or peace officer to  
12 report such plea, agreement, or other finding of guilt to the  
13 Council on Law Enforcement Education and Training within ten (10)  
14 days of such plea agreement or the finding of guilt.

15 12. Any person or agency required or authorized to submit  
16 information pursuant to this section to the Council shall be immune  
17 from liability arising from the submission of the information as  
18 long as the information was submitted in good faith and without  
19 malice.

20 13. Any peace officer employed by a law enforcement agency in  
21 this state which has internal discipline policies and procedures on  
22 file with CLEET shall be exempt from the disciplinary proceedings  
23 and actions provided for in this subsection; provided, however, such  
24 exemption shall not apply if the peace officer has been convicted of

1 a felony crime, a crime of moral turpitude, or a crime of domestic  
2 violence.

3 14. As used in this subsection:

4 a. "law enforcement agency" means any department or  
5 agency of the state, a county, a municipality, or  
6 political subdivision thereof, with the duties to  
7 maintain public order, make arrests, and enforce the  
8 criminal laws of this state or municipal ordinances,  
9 which employs CLEET-certified personnel,

10 b. "final order of termination" means a final notice of  
11 dismissal from employment provided after all  
12 grievance, arbitration, and court actions have been  
13 completed, and

14 c. "resignation while under investigation" means the  
15 resignation from employment of a peace officer who is  
16 under investigation for any felony violation of law, a  
17 crime of moral turpitude, a crime of domestic  
18 violence, or the resignation from employment of a  
19 peace officer as part of an arbitration or plea  
20 agreement.

21 ~~H.~~ K. 1. Every canine team in the state trained to detect  
22 controlled dangerous substances shall be certified, by test, in the  
23 detection of such controlled dangerous substances and shall be  
24 recertified annually so long as the canine is used for such

1 detection purposes. The certification test and annual  
2 recertification test provisions of this subsection shall not be  
3 applicable to canines that are owned by a law enforcement agency and  
4 that are certified and annually recertified in the detection of  
5 controlled dangerous substances by the United States Customs  
6 Service.

7 2. The Council shall appoint a Drug Dog Advisory Council to  
8 make recommendations concerning minimum standards, educational  
9 needs, and other matters imperative to the certification of canines  
10 and canine teams trained to detect controlled dangerous substances.  
11 The Council shall promulgate rules based upon the recommendations of  
12 the Advisory Council. Members of the Advisory Council shall  
13 include, but need not be limited to, a commissioned officer with  
14 practical knowledge of such canines and canine teams from each of  
15 the following:

- 16 a. the Oklahoma State Bureau of Narcotics and Dangerous  
17 Drugs Control,
- 18 b. the Department of Public Safety,
- 19 c. a police department,
- 20 d. a sheriff's office, and
- 21 e. 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 ~~M.~~ L. 1. Every canine team in the state trained to detect  
7 explosives, explosive materials, explosive devices, and materials  
8 which could be used to construct an explosive device shall be  
9 certified, by test, in the detection of such explosives and  
10 materials and shall be recertified annually so long as the canine is  
11 used for such detection purposes. The certification test and annual  
12 recertification test provisions of this subsection shall not be  
13 applicable to canines that are owned by a law enforcement agency if  
14 such canines are certified and annually recertified in the detection  
15 of explosives and materials by the United States Department of  
16 Defense.

17 2. The Council shall appoint a Bomb Dog Advisory Council to  
18 make recommendations concerning minimum standards, educational  
19 needs, and other matters imperative to the certification of canines  
20 and canine teams trained to detect explosives, explosive materials,  
21 explosive devices and materials which could be used to construct an  
22 explosive device. The Council shall promulgate rules based upon the  
23 recommendations of the Advisory Council. Members of the Advisory  
24 Council shall include, but need not be limited to, a commissioned

1 officer with practical knowledge of such canines and canine teams  
2 from each of the following:

- 3 a. the Department of Public Safety,
- 4 b. a police department,
- 5 c. a sheriff's office, and
- 6 d. a university or college campus police department.

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

15 ~~N.~~ M. All tribal police officers of any Indian tribe or nation  
16 who have been commissioned by an Oklahoma law enforcement agency  
17 pursuant to a cross-deputization agreement with the State of  
18 Oklahoma or any political subdivision of the State of Oklahoma  
19 pursuant to the provisions of Section 1221 of Title 74 of the  
20 Oklahoma Statutes shall be eligible for peace officer certification  
21 under the same terms and conditions required of members of the law  
22 enforcement agencies of the State of Oklahoma and its political  
23 subdivisions. CLEET shall issue peace officer certification to  
24 tribal police officers who, as of July 1, 2003, are commissioned by

1 an Oklahoma law enforcement agency pursuant to a cross-deputization  
2 agreement with the State of Oklahoma or any political subdivision of  
3 the State of Oklahoma pursuant to the provisions of Section 1221 of  
4 Title 74 of the Oklahoma Statutes and have met the training and  
5 qualification requirements of this section.

6 ~~Q.~~ N. If an employing law enforcement agency in this state has  
7 paid the salary of a person while that person is completing in this  
8 state a basic police course approved by the Council and if within  
9 one (1) year after certification that person resigns and is hired by  
10 another law enforcement agency in this state, the second agency or  
11 the person receiving the training shall reimburse the original  
12 employing agency for the salary paid to the person while completing  
13 the basic police course by the original employing agency.

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

17 ~~Q.~~ P. Peace officers, reserve peace officers, ~~and~~ tribal peace  
18 officers, agencies, bail enforcers, security guards and private  
19 investigators shall maintain with the Council current residential  
20 addresses and shall notify the Council, in writing, of any change of  
21 name. Notification of change of name shall require certified copies  
22 of any marriage license or other court document which reflects the  
23 change of name. Notice of change of address or telephone number  
24 must be made within ten (10) days of the effected change. Notices

1 shall not be accepted over the phone. In any proceeding in which  
2 the Council is required to serve notice or an order on an individual  
3 or an agency, the Council may send a letter to the address on file  
4 with the Council. If the letter is returned and a notation of the  
5 U.S. Postal Service indicates "unclaimed", or "moved", or "refused"  
6 or any other nondelivery markings and the records of the Council  
7 indicate that no change of address as required by this subsection  
8 has been received by the Council, the notice and any subsequent  
9 notices or orders shall be deemed by the Court as having been  
10 legally served for all purposes.

11 SECTION 2. This act shall become effective November 1, 2014.

12  
13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/02/2014 -  
14 DO PASS, As Amended.

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