

1 registered Independent, within the county from which such person
2 seeks election for the six (6) months next preceding the first day
3 of the filing period, except in 2004, when such person must have
4 been a qualified registered elector no later than December 21, 2003,
5 is at least twenty-five (25) years of age next preceding the date of
6 filing for office, possesses at least a high school education, shall
7 be eligible to hold the office of county sheriff or to file
8 therefor. Provided, however, in counties with populations of five
9 hundred thousand (500,000) or more, the person seeking election
10 shall also be a current Council on Law Enforcement Education and
11 Training (CLEET) certified peace officer, a current Council on Law
12 Enforcement Education and Training (CLEET) reserve peace officer or
13 a current Council on Law Enforcement Education and Training (CLEET)
14 tribal peace officer in good standing. Within twelve (12) months of
15 taking office, all newly elected or appointed sheriffs shall
16 complete a sheriff's administrative school which has been developed
17 by the Oklahoma Sheriff's Association and which has been approved by
18 the Council on Law Enforcement Education and Training (CLEET).
19 Failure to complete the sheriff's administrative school within the
20 specified period shall preclude the new sheriff from obtaining CLEET
21 certification. New sheriffs with prior CLEET certification, who
22 fail to attend the sheriff's administrative school, shall have their
23 CLEET certification revoked. Provided, however, the provisions of
24 this section relating to qualifications shall not apply to any

1 person serving as a county sheriff or to any person previously
2 serving as county sheriff prior to the adoption of this statute.

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311, as
4 last amended by Section 1, Chapter 112, O.S.L. 2013 (70 O.S. Supp.
5 2013, Section 3311), is amended to read as follows:

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

1 and the Governor. All Council appointments and reappointments made
2 after November 1, 2007, shall conform to the following Council
3 composition and appointing authorities. The Council shall be
4 composed of thirteen (13) members as follows:

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

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

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

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

14 5. One member appointed by the Governor who shall be a chief of
15 police of a municipality with a population over one hundred thousand
16 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

1 Law Enforcement Education and Training shall select a chair and
2 vice-chair from among its members. Members of the Council on Law
3 Enforcement Education and Training shall not receive a salary for
4 duties performed as members of the Council, but shall be reimbursed
5 for their actual and necessary expenses incurred in the performance
6 of Council duties pursuant to the provisions of the State Travel
7 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 Director and an Assistant Director to direct the
10 staff, inform the Council of compliance with the provisions of this
11 section and perform such other duties imposed on the Council by law.
12 On November 1, 2007, any subsequent Director appointed by the
13 Council must qualify for the position with a bachelor or higher
14 degree in law enforcement from an accredited college or university,
15 or a bachelor or higher degree in a law-enforcement-related subject
16 area, and a minimum of five (5) years of active law enforcement
17 experience including, but not limited to, responsibility for
18 enforcement, investigation, administration, training, or curriculum
19 implementation;

20 8. Enter into contracts and agreements for the payment of
21 classroom space, food, and lodging expenses as may be necessary for
22 law enforcement officers attending any official course of
23 instruction approved or conducted by the Council. Such expenses may
24 be paid directly to the contracting agency or business

1 establishment. The food and lodging expenses for each law
2 enforcement officer shall not exceed the authorized rates as
3 provided for in the State Travel Reimbursement Act; provided,
4 however, the Council may provide food and lodging to law enforcement
5 officials attending any official course of instruction approved or
6 conducted by the Council rather than paying for the provision of
7 such food and lodging by an outside contracting agency or business
8 establishment;

9 9. a. Certify canine teams, consisting of a dog and a
10 handler working together as a team, trained to detect:

11 (1) controlled dangerous substances, or

12 (2) explosives, explosive materials, explosive
13 devices, or materials which could be used to
14 construct an explosive device;

15 provided, the dog of a certified canine team shall not
16 be certified at any time as both a drug dog and a bomb
17 dog, and any dog of a certified canine team who has
18 been previously certified as either a drug dog or a
19 bomb dog shall not be eligible at any time to be
20 certified in the other category.

21 b. Upon retiring the dog from the service it was
22 certified to perform, the law enforcement department
23 that handled the dog shall retain possession of the
24 dog. The handler shall have first option of adopting

1 the dog. If that option is not exercised, the law
2 enforcement department shall provide for its adoption.
3 Once adopted the dog shall not be placed back into
4 active service;

5 10. Enter into a lease, loan or other agreement with the
6 Oklahoma Development Finance Authority or a local public trust for
7 the purpose of facilitating the financing of a new facility for its
8 operations and use and pledge, to the extent authorized by law, all
9 or a portion of its receipts of the assessment penalty herein
10 referenced for the payment of its obligations under such lease, loan
11 or other agreement. It is the intent of the Legislature to increase
12 the assessment penalty to such a level or appropriate sufficient
13 monies to the Council on Law Enforcement Education and Training to
14 make payments on the lease, loan or other agreement for the purpose
15 of retiring the bonds to be issued by the Oklahoma Development
16 Finance Authority or local public trust. Such lease, loan or other
17 agreement and the bonds issued to finance such facilities shall not
18 constitute an indebtedness of the State of Oklahoma or be backed by
19 the full faith and credit of the State of Oklahoma, and the lease,
20 loan or other agreement and the bonds shall contain a statement to
21 such effect;

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

24

1 12. Appoint an advisory committee composed of representatives
2 from security guard and private investigative agencies to advise the
3 Council concerning necessary research, minimum standards for
4 licensure, education, and other matters related to licensure of
5 security guards, security guard agencies, private investigators, and
6 private investigative agencies;

7 13. Enter into agreements with individuals, educational
8 institutions, agencies, and business and tribal entities for
9 professional services, the use of facilities and supplies, and staff
10 overtime costs incurred as a result of the user's requests to
11 schedule functions after-hours, on weekends, or anytime such
12 requests extend staff beyond its normal capacity, whereby
13 contracting individuals, educational institutions, agencies, and
14 business and tribal entities shall pay a fee to be determined by the
15 Council by rule. All fees collected pursuant to these agreements
16 shall be deposited to the credit of the C.L.E.E.T. Training Center
17 Revolving Fund created pursuant to Section 3311.6 of this title.
18 The Council is authorized to promulgate emergency rules to
19 effectuate the provisions of this paragraph;

20 14. Promulgate rules to establish a state firearms
21 requalification standard for active peace officers and meet any
22 requirements of the federal Law Enforcement Officers Safety Act of
23 2004 for peace officers to carry concealed weapons nationwide;

24

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

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

- 8 a. one member shall be selected by the Chancellor for
9 Higher Education, who possesses a background of
10 creation and review of curriculum and experience
11 teaching criminal justice or law enforcement courses,
12 who shall serve an initial term of one (1) year,
- 13 b. one member shall represent a municipal jurisdiction
14 with a population of fifty thousand (50,000) or more
15 and who shall be a management-level CLEET-certified
16 training officer, who shall serve an initial term of
17 two (2) years,
- 18 c. one member shall represent a county jurisdiction with
19 a population of fifty thousand (50,000) or more and
20 who shall be a management-level CLEET-certified
21 training officer, who shall serve an initial term of
22 three (3) years,
- 23 d. one member shall represent a municipal jurisdiction
24 with a population of less than fifty thousand (50,000)

- 1 and who shall be a CLEET-certified training officer,
2 who shall serve an initial term of two (2) years,
3 e. one member shall represent a county jurisdiction with
4 a population of less than fifty thousand (50,000) and
5 who shall be a CLEET-certified training officer, who
6 shall serve an initial term of one (1) year, and
7 f. one member selected by the Oklahoma Department of
8 Career and Technology Education from the Curriculum
9 Material and Instructional Material Center, who shall
10 serve an initial term of three (3) years.

11 After the initial terms of office, all members shall be
12 appointed to serve three-year terms. Any member may be reappointed
13 to serve consecutive terms. Members shall serve without
14 compensation, but may be reimbursed for travel expenses pursuant to
15 the State Travel Reimbursement Act. The Board shall review and
16 establish curriculum for all CLEET academies and training courses
17 pursuant to procedures established by the Council on Law Enforcement
18 Education and Training;

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

21 18. Receive requested reports including investigative reports,
22 court documents, statements, or other applicable information from
23 local, county and state agencies and other agencies for use in
24

1 actions where a certification or license issued by CLEET may be
2 subject to disciplinary or other actions provided by law;

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

8 20. Approve law enforcement agencies and police departments in
9 accordance with the following:

10 a. this section applies only to an entity authorized by
11 statute or by the Constitution to create a law
12 enforcement agency or police department and
13 commission, appoint, or employ officers that first
14 creates or reactivates an inactive law enforcement
15 agency or police department and first begins to
16 commission, appoint, or employ officers on or after
17 November 1, 2011,

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

21 (1) the need for the law enforcement agency or police
22 department in the community,

23 (2) the funding sources for the law enforcement
24 agency or police department, and proof that no

1 more than fifty percent (50%) of the funding of
2 the entity will be derived from ticket revenue
3 and/or fines,

4 (3) the physical resources available to officers,

5 (4) the physical facilities that the law enforcement
6 agency or police department will operate,
7 including descriptions of the evidence room,
8 dispatch area, restroom facilities, and public
9 area,

10 (5) law enforcement policies of the law enforcement
11 agency or police department, including published
12 policies on:

13 (a) use of force,

14 (b) vehicle pursuit,

15 (c) mental health,

16 (d) professional conduct of officers,

17 (e) domestic abuse,

18 (f) response to missing persons,

19 (g) supervision of part-time officers, and

20 (h) impartial policing,

21 (6) the administrative structure of the law
22 enforcement agency or police department,

23 (7) liability insurance, and

24 (8) any other information CLEET requires by rule,

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

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

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

19 C. 1. Payment of any fee provided for in this section may be
20 made by a nationally recognized credit or debit card issued to the
21 applicant. The Council may publicly post and collect a fee for the
22 acceptance of the nationally recognized credit or debit card not to
23 exceed five percent (5%) of the amount of the payment. For purposes
24 of this subsection, "nationally recognized credit card" means any

1 instrument or device, whether known as a credit card, credit plate,
2 charge plate, or by any other name, issued with or without fee by an
3 issuer for the use of the cardholder in obtaining goods, services,
4 or anything else of value and which is accepted by over one thousand
5 merchants in this state. "Debit card" means an identification card
6 or device issued to a person by a business organization which
7 permits such person to obtain access to or activate a consumer
8 banking electronic facility. The Council shall determine which
9 nationally recognized credit or debit cards will be accepted as
10 payment for fees.

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

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

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

22 D. Failure of the Legislature to appropriate necessary funds to
23 provide for expenses and operations of the Council on Law
24 Enforcement Education and Training shall not invalidate other

1 provisions of this section relating to the creation and duties of
2 the Council.

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

24

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

4 a. the Oklahoma State Bureau of Investigation and the
5 Federal Bureau of Investigation have reported that
6 such person has no record of a conviction of a felony,
7 a crime involving moral turpitude, or a crime of
8 domestic violence,

9 b. such person has undergone psychological evaluation by
10 the employing agency using a psychological instrument
11 approved by the Council on Law Enforcement Education
12 and Training. The employing agency shall administer
13 the psychological instrument in accordance with
14 standards established within the test document. To
15 aid the evaluating psychologist in interpreting the
16 test results, including automated scoring and
17 interpretations, the employing agency shall provide
18 the psychologist a statement confirming the identity
19 of the individual taking the test as the person who is
20 employed or seeking employment as a peace officer of
21 the agency and attesting that it administered the
22 psychological instrument in accordance with standards
23 within the test document. The psychologist shall
24 report to the employing agency the evaluation of the

1 assessment instrument and may include any additional
2 recommendations to assist the employing agency in
3 determining whether to certify to the Council on Law
4 Enforcement Education and Training that the person
5 being evaluated is suitable to serve as a peace
6 officer in the State of Oklahoma. No additional
7 procedures or requirements shall be imposed for
8 performance of the psychological evaluation. The
9 psychological instrument utilized shall be evaluated
10 by a psychologist licensed by the State of Oklahoma,
11 and the employing agency shall certify to the Council
12 that the evaluation was conducted in accordance with
13 this provision and that the employee/applicant is
14 suitable to serve as a peace officer in the State of
15 Oklahoma. Any person found not to be suitable for
16 employment or certification by the Council shall not
17 be employed, retained in employment as a peace
18 officer, or certified by the Council for at least one
19 (1) year, at which time the employee/applicant may be
20 reevaluated by a psychologist licensed by the State of
21 Oklahoma. This section shall also be applicable to
22 all reserve peace officers in the State of Oklahoma.
23 Any person who is certified by CLEET and has undergone
24 the psychological evaluation required by this

1 subparagraph and has been found to be suitable as a
2 peace officer shall not be required to be reevaluated
3 for any subsequent employment as a peace officer
4 following retirement or any break in service as a
5 peace officer, unless such break in service exceeds
6 five (5) years or the Council determines that a peace
7 officer may present a danger to himself or herself,
8 the public, or a family or household member,

9 c. such person possesses a high school diploma or a GED
10 equivalency certificate, provided this requirement
11 shall not affect those persons who are already
12 employed as a police or peace officer prior to
13 November 1, 1985,

14 d. such person is not participating in a deferred
15 sentence agreement for a felony, a crime involving
16 moral turpitude, or a crime of domestic violence,

17 e. such person has attained twenty-one (21) years of age
18 prior to certification as a peace officer,

19 f. such person has provided proof of United States
20 citizenship or resident alien status, pursuant to an
21 employment eligibility verification form from the
22 United States Citizenship and Immigration Services,
23 and
24

1 g. the name, gender, date of birth, and address of such
2 person have been presented to the Department of Mental
3 Health and Substance Abuse Services by the Council.
4 The Department of Mental Health and Substance Abuse
5 Services shall respond to the Council within ten (10)
6 days whether the computerized records of the
7 Department indicate the applicant has ever been
8 involuntarily committed to an Oklahoma state mental
9 institution. In the event that the Department of
10 Mental Health and Substance Abuse Services reports to
11 the Council that the applicant has been involuntarily
12 committed, the Council shall immediately inform the
13 employing agency,
14 and the Council has determined that such person has satisfactorily
15 completed a basic police course approved by the Council. All basic
16 police courses shall include a minimum of four (4) hours of
17 education and training in recognizing and managing a person
18 appearing to require mental health treatment or services. The
19 training shall include training in crime and drug prevention, crisis
20 intervention, youth and family intervention techniques, recognizing,
21 investigating and preventing abuse and exploitation of elderly
22 persons, mental health issues, and criminal jurisdiction on
23 Sovereign Indian Land.

24

1 Subject to the availability of funding, for full-time salaried
2 police or peace officers a basic police course academy shall be as
3 follows: any academy graduating after July 1, 2007, but before
4 December 31, 2007, shall have three hundred seventy-five (375)
5 hours; any academy graduating after January 1, 2008, but before June
6 30, 2008, shall have five hundred five (505) hours; any academy
7 graduating after July 1, 2008, but before June 30, 2009, shall have
8 five hundred seventy-six (576) hours; and any academy graduating
9 after July 1, 2009, shall have six hundred (600) hours.

10 For reserve deputies a basic police course shall be as follows:
11 any reserve academy approved by the Council prior to December 31,
12 2007, shall have one hundred sixty (160) hours; and any reserve
13 academy approved by the Council after January 1, 2008, shall have
14 two hundred forty (240) hours.

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

21 ~~3. Every person who has not been certified as a police or peace~~
22 ~~officer and is duly appointed or elected as a police or peace~~
23 ~~officer shall hold such position on a temporary basis only, and~~
24 ~~shall, within one (1) year from the date of appointment or taking~~

1 ~~office, qualify as required in this subsection or forfeit such~~
2 ~~position; provided, however, effective November 1, 2004, every~~
3 ~~person~~ who has not been certified as a police or peace officer and
4 is duly appointed or elected as a police or peace officer shall hold
5 such position on a temporary basis only, and shall, within six (6)
6 months from the date of appointment or taking office, qualify as
7 required in this subsection or forfeit such position. In computing
8 the time for qualification, all service shall be cumulative from
9 date of first appointment or taking office as a police or peace
10 officer with any department in this state. The Council may extend
11 the time requirement specified in this paragraph for good cause as
12 determined by the Council. An elected police or peace officer shall
13 be eligible to enroll in a basic police course in accordance with
14 this subsection upon being elected. A duty is hereby imposed upon
15 the employing agency to withhold payment of the compensation or wage
16 of said unqualified officer. If the police or peace officer fails
17 to forfeit the position or the employing agency fails to require the
18 officer to forfeit the position, the district attorney shall file
19 the proper action to cause the forfeiting of such position. The
20 district court of the county where the officer is employed shall
21 have jurisdiction to hear the case.

22 4. The Council may certify officers who have completed a course
23 of study in another state deemed by the Council to meet standards
24 for Oklahoma peace officers providing the officer's certification in

1 the other state has not been revoked or voluntarily surrendered and
2 is not currently under suspension.

3 5. For purposes of this section, a police or peace officer is
4 defined as a full-time duly appointed or elected officer who is paid
5 for working more than twenty-five (25) hours per week and whose
6 duties are to preserve the public peace, protect life and property,
7 prevent crime, serve warrants, and enforce laws and ordinances of
8 this state, or any political subdivision thereof; provided, elected
9 sheriffs and their deputies and elected, appointed, or acting chiefs
10 of police shall meet the requirements of this subsection within the
11 first six (6) months after assuming the duties of the office to
12 which they are elected or appointed or for which they are an acting
13 chief; provided further, that this section shall not apply to
14 persons designated by the Director of the Department of Corrections
15 as peace officers pursuant to Section 510 of Title 57 of the
16 Oklahoma Statutes.

17 F. No person shall be certified as a police or peace officer by
18 the Council or be employed by the state, a county, a city, or any
19 political subdivision thereof, who is currently subject to an order
20 of the Council revoking, suspending, or accepting a voluntary
21 surrender of peace officer certification or who has been convicted
22 of a felony, a crime involving moral turpitude, or a crime of
23 domestic violence, unless a full pardon has been granted by the
24 proper agency; however, any person who has been trained and

1 certified by the Council on Law Enforcement Education and Training
2 and is actively employed as a full-time peace officer as of November
3 1, 1985, shall not be subject to the provisions of this subsection
4 for convictions occurring prior to November 1, 1985.

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

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

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

24

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

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

13 I. 1. A law enforcement agency employing police or peace
14 officers in this state shall report the hiring, resignation, or
15 termination for any reason of a police or peace officer to the
16 Council at a time established by the Council. Failure to comply
17 with the provisions of this subsection may disqualify a law
18 enforcement agency from participating in training programs sponsored
19 by the Council. Every law enforcement agency employing police or
20 peace officers in this state shall submit to CLEET on or before
21 October 1 of each calendar year a complete list of all commissioned
22 employees with a current mailing address and phone number for each
23 such employee.

24

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

12 J. It is unlawful for any person to willfully make any
13 statement in an application to CLEET knowing the statement is false
14 or intentionally commit fraud in any application to the Council for
15 attendance in any CLEET-conducted or CLEET-approved peace officer
16 academy or Collegiate Officer Program or for the purpose of
17 obtaining peace officer certification or reinstatement. It is
18 unlawful for any person to willfully submit false or fraudulent
19 documents relating to continuing education rosters, transcripts or
20 certificates, or any canine license application. Any person
21 convicted of a violation of this subsection shall be guilty of a
22 felony punishable by imprisonment in the Department of Corrections
23 for a term of not less than two (2) years nor more than five (5)

24

1 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
2 or by both such fine and imprisonment.

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

- 7 a. conviction of a felony or a crime of domestic
8 violence,
- 9 b. conviction of a misdemeanor involving moral turpitude;
10 provided, if the conviction is a single isolated
11 incident that occurred more than five (5) years ago
12 and the Council is satisfied that the person has been
13 sufficiently rehabilitated, the Council may certify
14 such person providing that all other statutory
15 requirements have been met,
- 16 c. a verdict of guilt or entry of a plea of guilty or
17 nolo contendere for a deferred sentence for a felony
18 offense, a crime of moral turpitude, or a crime of
19 domestic violence,
- 20 d. falsification or a willful misrepresentation of
21 information in an employment application or
22 application to the Council on Law Enforcement
23 Education and Training, records of evidence, or in
24 testimony under oath,

- 1 e. revocation or voluntary surrender of police or peace
2 officer certification in another state for a violation
3 of any law or rule or in settlement of any
4 disciplinary action in such state,
- 5 f. involuntary commitment of a reserve or peace officer
6 in a mental institution or licensed private mental
7 health facility for any mental illness, condition or
8 disorder that is diagnosed by a licensed physician or
9 psychologist as a substantial disorder of thought,
10 mood, perception, psychological orientation, or memory
11 that significantly impairs judgment, behavior,
12 capacity to recognize reality, or ability to meet the
13 ordinary demands of life. Provided, the peace officer
14 certification may be reinstated upon the Council
15 receiving notification of a psychological evaluation
16 conducted by a licensed physician or psychologist
17 which attests and states by affidavit that the officer
18 and the evaluation test data of the officer have been
19 examined and that, in the professional opinion of the
20 physician or psychologist, the officer is
21 psychologically suitable to return to duty as a peace
22 officer,
- 23 g. abuse of office, or
24

1 h. entry of a final order of protection against applicant
2 or officer.

3 2. Disciplinary proceedings shall be commenced by filing a
4 complaint with the Council on a form approved by the Council. Any
5 employing agency or other person having information may submit such
6 information to the Council for consideration as provided in this
7 subsection.

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

10 a. there is reason to believe the person has violated any
11 provision of this subsection or any other provision of
12 law or rule, or

13 b. there is reason to believe the person has been
14 convicted of a felony, a crime involving moral
15 turpitude or a domestic violence offense or is
16 currently participating in a deferred sentence for
17 such offenses.

18 4. When the investigation of a complaint does not find the
19 person has violated any of the provisions of this subsection, or
20 finds that the person is sufficiently rehabilitated as provided in
21 subparagraph b or f of paragraph 1 of this subsection, no
22 disciplinary action shall be required and the person shall remain
23 certified as a police or peace officer. When the investigation of a
24 complaint finds that the person has violated any of the provisions

1 of this subsection, the matter shall be referred for disciplinary
2 proceedings. The disciplinary proceedings shall be in accordance
3 with Articles I and II of the Administrative Procedures Act.

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

17 6. The Council shall revoke the certification of any person
18 upon determining that such person has received a deferred sentence
19 for a felony, a crime involving moral turpitude or a domestic
20 violence offense.

21 7. The Council may suspend the certification of any person upon
22 a determination that such person has been involuntarily committed to
23 a mental institution or mental health facility for a mental illness,
24

1 condition or disorder as provided in subparagraph f of paragraph 1
2 of this subsection.

3 8. Every law enforcement agency in this state shall, within
4 thirty (30) days of a final order of termination or resignation
5 while under investigation of a CLEET-certified peace officer, report
6 such order or resignation in writing to the Director of the Council.
7 Any report, upon receipt by the Council, shall be considered as
8 personnel records and shall be afforded confidential protection
9 pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma
10 Statutes. The Director shall ensure that the report is provided to
11 all members of the Council. The Council shall review and make
12 recommendations concerning the report at the first meeting of the
13 Council to occur after all members of the Council have received the
14 report. The Council may, by a majority vote, order the suspension,
15 for a given period of time, or revocation of the CLEET certification
16 of the peace officer in question if there are grounds for such
17 actions pursuant to this section and the peace officer in question
18 has been provided with notice and an opportunity for a hearing
19 pursuant to the Administrative Procedures Act. Suspension or
20 revocation of CLEET certification pursuant to this paragraph shall
21 be reported to the district attorney for the jurisdiction in which
22 the peace officer was employed, to the liability insurance company
23 of the law enforcement agency that employed the peace officer, the
24 chief elected official of the governing body of the law enforcement

1 agency and the chief law enforcement officer of the law enforcement
2 agency.

3 9. For all other violations of this subsection, the hearing
4 examiner shall take into consideration the severity of the
5 violation, any mitigating circumstances offered by the person
6 subject to disciplinary action, and any other evidence relevant to
7 the person's character to determine the appropriate disciplinary
8 action.

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

17 b. No person who has had a police or peace officer
18 certification from another state revoked or
19 voluntarily surrendered shall be considered for
20 certification by CLEET within five (5) years of the
21 effective date of any such revocation or voluntary
22 surrender of certification.

23 c. Any person seeking reinstatement of police or peace
24 officer certification which has been suspended,

1 revoked, or voluntarily surrendered may apply for
2 reinstatement pursuant to promulgated CLEET rules
3 governing reinstatement. Except as provided in this
4 subsection, any person whose certification has been
5 revoked, suspended or voluntarily surrendered for any
6 reason, including failure to comply with mandatory
7 education and training requirements, shall pay a
8 reinstatement fee of One Hundred Fifty Dollars
9 (\$150.00) to be deposited to the credit of the Peace
10 Officer Revolving Fund created pursuant to Section
11 3311.7 of this title.

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

21 12. Any person or agency required or authorized to submit
22 information pursuant to this section to the Council shall be immune
23 from liability arising from the submission of the information as
24

1 long as the information was submitted in good faith and without
2 malice.

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

10 14. As used in this subsection:

11 a. "law enforcement agency" means any department or
12 agency of the state, a county, a municipality, or
13 political subdivision thereof, with the duties to
14 maintain public order, make arrests, and enforce the
15 criminal laws of this state or municipal ordinances,
16 which employs CLEET-certified personnel,

17 b. "final order of termination" means a final notice of
18 dismissal from employment provided after all
19 grievance, arbitration, and court actions have been
20 completed, and

21 c. "resignation while under investigation" means the
22 resignation from employment of a peace officer who is
23 under investigation for any felony violation of law, a
24 crime of moral turpitude, a crime of domestic

1 violence, or the resignation from employment of a
2 peace officer as part of an arbitration or plea
3 agreement.

4 L. 1. Every canine team in the state trained to detect
5 controlled dangerous substances shall be certified, by test, in the
6 detection of such controlled dangerous substances and shall be
7 recertified annually so long as the canine is used for such
8 detection purposes. The certification test and annual
9 recertification test provisions of this subsection shall not be
10 applicable to canines that are owned by a law enforcement agency and
11 that are certified and annually recertified in the detection of
12 controlled dangerous substances by the United States Customs
13 Service.

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

- 23 a. the Oklahoma State Bureau of Narcotics and Dangerous
24 Drugs Control,

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

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

M. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense.

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

- 11 a. the Department of Public Safety,
- 12 b. a police department,
- 13 c. a sheriff's office, and
- 14 d. a university or college campus police department.

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

23 N. All tribal police officers of any Indian tribe or nation who
24 have been commissioned by an Oklahoma law enforcement agency

1 pursuant to a cross-deputization agreement with the State of
2 Oklahoma or any political subdivision of the State of Oklahoma
3 pursuant to the provisions of Section 1221 of Title 74 of the
4 Oklahoma Statutes shall be eligible for peace officer certification
5 under the same terms and conditions required of members of the law
6 enforcement agencies of the State of Oklahoma and its political
7 subdivisions. CLEET shall issue peace officer certification to
8 tribal police officers who, as of July 1, 2003, are commissioned by
9 an Oklahoma law enforcement agency pursuant to a cross-deputization
10 agreement with the State of Oklahoma or any political subdivision of
11 the State of Oklahoma pursuant to the provisions of Section 1221 of
12 Title 74 of the Oklahoma Statutes and have met the training and
13 qualification requirements of this section.

14 O. If an employing law enforcement agency in this state has
15 paid the salary of a person while that person is completing in this
16 state a basic police course approved by the Council and if within
17 one (1) year after certification that person resigns and is hired by
18 another law enforcement agency in this state, the second agency or
19 the person receiving the training shall reimburse the original
20 employing agency for the salary paid to the person while completing
21 the basic police course by the original employing agency.

22 P. The Council on Law Enforcement Education and Training, in
23 its discretion, may waive all or part of any moneys due to the
24 Council, if deemed uncollectable by the Council.

1 Q. Peace officers, reserve peace officers and tribal peace
2 officers shall maintain with the Council current residential
3 addresses and shall notify the Council, in writing, of any change of
4 name. Notification of change of name shall require certified copies
5 of any marriage license or other court document which reflects the
6 change of name. Notice of change of address or telephone number
7 must be made within ten (10) days of the effected change. Notices
8 shall not be accepted over the phone.

9 SECTION 3. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13
14 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
15 03/31/2014 - DO PASS, As Amended.

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