# HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

1st Session of the 54th Legislature (2013)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 197 By: Griffin of the Senate

and

Turner and Ritze of the House

COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

2. Be a citizen of the United States;

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

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

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

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

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

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

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

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

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

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

1. Search and seizure;

2. Arrest and alternatives to arrest;

3. Strip and body cavity searches;

4. Evidence and property management;

5. Inventories and audits;

6. Use of firearms and use of force;

7. Pursuit driving;

8. Impartial policing/racial profiling;

9. Mental health;

10. Professional conduct of officers;

11. Domestic abuse;

12. Response to missing persons; and

13. Supervision of part-time officers.

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

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

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/02/2013 - DO PASS, As Amended and Coauthored.