

1 **SENATE FLOOR VERSION**

2 February 11, 2013

3 SENATE BILL NO. 197

By: Griffin of the Senate

4 and

5 Turner of the House

6  
7  
8 An Act relating to municipal police chiefs; amending  
9 11 O.S. 2011, Section 34-102, which relates to  
10 municipal police departments; requiring certain  
11 training for municipal police chiefs; requiring  
12 development of certain training by certain police  
13 association; requiring approval of training program  
14 by Council on Law Enforcement Education and Training;  
15 providing for revocation of certain CLEET  
16 certification; requiring municipal police departments  
17 to adopt and publish certain policies by certain  
18 date; stating requirements; requiring compliance by  
19 certain time period; stating exception; stating  
20 penalty for non-compliance; providing for  
21 codification; and providing an effective date.

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

23 SECTION 1. AMENDATORY 11 O.S. 2011, Section 34-102, is  
24 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.

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

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

4 2. Be a citizen of the United States;

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

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

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

21 C. 1. Any person who does not meet the qualifications of  
22 paragraph 4 or 5 of subsection B of this section at the time of  
23 election or appointment to the position of chief of police and who  
24 fails after assuming the position of chief of police to meet such

1 qualifications within the time required shall have their CLEET  
2 certification revoked for the purpose of serving as chief and be  
3 removed from the position.

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

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

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

23

24

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

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

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

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

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

8 C. Any Municipality not in compliance within the time required  
9 by subsection B of this section shall be subject to revocation of  
10 the CLEET certification of its Police Chief and officers.

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

12 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT  
13 February 11, 2013 - DO PASS

14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24