

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2864 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Mike Christian _____

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2864

By: Christian

7
8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to law enforcement; creating the
10 Unified Law Enforcement Act of 2016; creating the
11 Oklahoma Department of Law Enforcement; directing the
12 Office of Management and Enterprise Services to
13 furnish office space; stating divisions of the
14 Department; providing duties for Superintendent;
15 creating the Oklahoma Law Enforcement Commission;
16 providing for membership and qualifications; setting
17 term of appointment; providing for initial terms of
18 appointment; providing for vacancies; directing
19 selection of chair and vice-chair of Commission;
20 providing procedures for meetings; providing for the
21 adoption of certain rules and travel reimbursement;
22 stating powers, duties and responsibilities of the
23 Oklahoma Law Enforcement Commission; providing for
24 the appointment of a Superintendent of the Oklahoma
Department of Law Enforcement; directing the Oklahoma
Law Enforcement Commission to affirm certain agency
positions; requiring agencies to maintain functions
of the agency; stating powers, duties and
responsibilities of Superintendent of the Oklahoma
Department of Law Enforcement; amending 47 O.S. 2011,
Sections 2-101, as amended by Section 159, Chapter
304, O.S.L. 2012, 2-102, 2-103, 2-104, as amended by
Section 160, Chapter 304, O.S.L. 2012 and 2-121 (47
O.S. Supp. 2015, Sections 2-101 and 2-104), which
relate to the creation and organization of the
Department of Public Safety; changing title of
Commissioner of Public Safety to Director of Public
Safety; removing Governor as chief officer of the
Department of Public Safety; placing Director of

1 Public Safety under the supervision of the
2 Superintendent of the Oklahoma Department of Law
3 Enforcement; modifying appointment requirements for
4 Director of Public Safety; deleting certain duties of
5 the Commissioner of Public Safety; providing for
6 interpretation of certain statutory references;
7 changing title of Assistant Commissioner of Public
8 Safety to Assistant Director of Public Safety;
9 providing for interpretation of certain statutory
10 references; abolishing the Oklahoma State Bureau of
11 Narcotics and Dangerous Drugs Control Commission;
12 transferring duties and powers to the Oklahoma Law
13 Enforcement Commission; placing Director of the
14 Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control under the supervision of the
16 Superintendent of the Oklahoma Department of Law
17 Enforcement; providing for interpretation of certain
18 statutory references; amending 63 O.S. 2011, Sections
19 2-103, as last amended by Section 1, Chapter 305,
20 O.S.L. 2015, 2-106, as amended by Section 1, Chapter
21 340, O.S.L. 2013, 2-106.2 and 2-110, as amended by
22 Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp.
23 2015, Sections 2-103, 2-106 and 2-110), which relate
24 to the Director of the Oklahoma State Bureau of
Narcotics and Dangerous Drugs Control; modifying
entity that appoints the Director; eliminating
references to the Oklahoma State Bureau of Narcotics
and Dangerous Drugs Control Commission; deleting
certain duties of the Director; abolishing the
Oklahoma State Bureau of Investigation Commission;
transferring duties and powers to the Oklahoma Law
Enforcement Commission; placing Director of the
Oklahoma State Bureau of Investigation under the
supervision of the Superintendent of the Oklahoma
Department of Law Enforcement; providing for
interpretation of certain statutory references;
amending 74 O.S. 2011, Sections 150.2, as amended by
Section 7, Chapter 397, O.S.L. 2015, 150.6, 150.7, as
amended by Section 1, Chapter 136, O.S.L. 2015,
150.13A, as amended by Section 1, Chapter 89, O.S.L.
2012, 150.16, as amended by Section 1, Chapter 156,
O.S.L. 2012 and 150.21 (74 O.S. Supp. 2015, Sections
150.2, 150.7, 150.13A and 150.16), which relate to
powers and duties of the Oklahoma State Bureau of
Investigation; eliminating references to the Oklahoma
State Bureau of Investigation Commission; deleting
and modifying certain duties of the Director;

1 repealing 63 O.S. 2011, Section 2-104.1, which
2 relates to the creation of the Oklahoma State Bureau
3 of Narcotics and Dangerous Drugs Control Commission;
4 repealing 74 O.S. 2011, Sections 150.3 and 150.4,
5 which relate to the creation, powers and duties of
6 the Oklahoma State Bureau of Investigation
7 Commission; providing for codification; and providing
8 for noncodification.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Unified Law
Enforcement Act of 2016".

SECTION 2. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 9100 of Title 74, unless there
is created a duplication in numbering, reads as follows:

Effective December 1, 2016, a department of the government of
this state to be known as the "Oklahoma Department of Law
Enforcement" shall be created. It shall be the mission of the
Department of Law Enforcement to enforce the laws protecting the
safety of the public and provide for the prevention and detection of
crime. Upon formation, the divisions of the Oklahoma Department of
Law Enforcement shall consist of the Department of Public Safety,
Oklahoma State Bureau of Investigation and Oklahoma State Bureau of
Narcotics and Dangerous Drugs Control. The Superintendent of the

1 Oklahoma Department of Law Enforcement shall oversee the Department
2 of Law Enforcement.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 9101 of Title 74, unless there
5 is created a duplication in numbering, reads as follows:

6 A. There is hereby created the Oklahoma Law Enforcement
7 Commission which shall consist of seven (7) members, not more than
8 two of whom shall be from the same congressional district. When
9 congressional districts are redrawn, each member appointed prior to
10 July 1 of the year in which such modification becomes effective
11 shall complete the current term of office and appointments made
12 after July 1 of the year in which such modification becomes
13 effective shall be based on the redrawn districts. No appointments
14 may be made after July 1 of the year in which such modification
15 becomes effective if such appointment would result in more than two
16 members serving from the same modified district. All members of the
17 Commission shall be confirmed by the Oklahoma State Senate. The
18 term of office for each member shall be seven (7) years. The
19 appointments made by the Oklahoma House of Representatives and the
20 Oklahoma State Senate shall be announced and become effective on
21 September 1, 2016. The appointments made by the Governor shall be
22 announced and become effective on September 5, 2016, for the
23 following terms:
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1 1. The Speaker of the Oklahoma House of Representatives shall
2 appoint one member for a term of seven (7) years;

3 2. The President Pro Tempore of the Oklahoma State Senate shall
4 appoint one member for a term of six (6) years;

5 3. The Governor shall appoint one member who shall be a
6 district attorney while serving in that capacity for a term of five
7 (5) years;

8 4. The Governor shall appoint one member who shall be a sheriff
9 while serving in that capacity for a term of four (4) years;

10 5. The Governor shall appoint one member who shall be a chief
11 of police while serving in that capacity for a term of three (3)
12 years; and

13 6. The Governor shall appoint the two remaining members from
14 the state at large, one of whom shall serve for a term of two (2)
15 years and the other member shall serve for a term of one (1) year.

16 A member may serve more than one term on the Commission.

17 Vacancies occurring during a term shall be filled for the unexpired
18 portion of the term by the same procedure used to make the regular
19 appointments. The Governor may at any time remove any member of the
20 Commission for neglect of duty, misconduct or for any good cause
21 shown.

22 B. Annually the Commission shall select one of the Commission
23 members to serve as chair and one member to serve as vice-chair.

24 The Commission shall meet at least quarterly. The chair shall

1 preside at all meetings of the Commission and shall have the power
2 to call meetings of the Commission. In addition, meetings of the
3 Commission may be called by a majority of the members. The vice-
4 chair shall perform the duties of the chair in the absence or
5 incapacity of the chair. A quorum of four members of the Commission
6 shall be necessary to conduct any official business. All actions
7 taken by the Commission shall be by a simple majority vote of a
8 quorum. In the event of a tie vote, the measure being voted upon
9 shall be deemed to have failed. The Commission may adopt rules and
10 procedures for the orderly performance of its functions.

11 C. Members of the Commission shall serve without salary but may
12 be reimbursed for travel and other expenses in attending meetings
13 and performing their duties in the manner provided for under the
14 State Travel Reimbursement Act. No other provisions of law shall be
15 construed as prohibiting public officers from also serving as
16 members of the Commission; provided, however, no employee of the
17 Department of Public Safety, Oklahoma State Bureau of Investigation
18 or Oklahoma Bureau of Narcotics and Dangerous Drugs Control, while
19 holding such position, shall also serve on the Commission. Nor
20 shall any other provision of law be construed as prohibiting public
21 officers or public employees from performing services for the
22 Commission without compensation.

23 D. The initial meeting of the Commission shall be held on
24 September 15, 2016, at 7:00 p.m. The Oklahoma State Bureau of

1 Investigation shall provide initial legal counsel to the Commission.
2 The Oklahoma Bureau of Narcotics and Dangerous Drugs Control shall
3 facilitate the initial meetings of the Commission by providing
4 staff, a meeting location and all other services that may be
5 required to support the activities of the Commission, with exception
6 of legal counsel. These services shall be provided to the
7 Commission until such time as the Commission directs otherwise.

8 E. The Department of Public Safety shall provide training for
9 the Commission at the initial meeting of the Commission. The
10 training program must provide the Commission with information
11 regarding:

12 1. The legislation that created the Oklahoma Department of Law
13 Enforcement and the Oklahoma Law Enforcement Commission;

14 2. The powers, duties and responsibilities of the Commission
15 under Oklahoma law;

16 3. The requirements of the Oklahoma Open Records Act and
17 Oklahoma Open Meeting Act;

18 4. Any administrative procedure law that may be relevant for
19 the functioning of the Commission; and

20 5. Other laws relating to public officials, including laws
21 concerning conflicts of interest or any applicable laws or rules
22 adopted by the Oklahoma Ethics Commission.

23 F. The Department of Public Safety, the Oklahoma State Bureau
24 of Investigation and the Oklahoma Bureau of Narcotics and Dangerous

1 Drugs Control shall each appoint a transition coordinator to advise
2 the Oklahoma Law Enforcement Commission and present the following
3 information to the Commission regarding each of their respective
4 agencies at the initial Commission meeting:

- 5 1. The duties, powers and responsibilities of the agency;
- 6 2. The role and functions of the agency;
- 7 3. The structure of the agency; and
- 8 4. A fiscal overview and current budget of the agency.

9 SECTION 4. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 9102 of Title 74, unless there
11 is created a duplication in numbering, reads as follows:

12 The Oklahoma Law Enforcement Commission shall have the following
13 powers, duties and responsibilities:

- 14 1. Formulate plans and policies for:
 - 15 a. enforcement of state criminal, traffic and safety
 - 16 laws,
 - 17 b. prevention of crime,
 - 18 c. detection and apprehension of persons who violate the
 - 19 laws, and
 - 20 d. education of citizens of this state in the promotion
 - 21 of public safety and the observance of the law;
- 22 2. Oversee operations of the Oklahoma Department of Law
23 Enforcement;
- 24 3. Maintain records of all proceedings and official orders;

1 4. Appoint an advisory committee consisting of local sheriffs,
2 police, tribal police, district attorneys and any other person to
3 advise in the operations of the Oklahoma Department of Law
4 Enforcement. The Commission may also formulate and put into effect
5 plans of cooperation to prevent and discover crime, apprehend
6 criminals and promote public safety;

7 5. No later than November 15, 2016, and such time as
8 appropriate thereafter, appoint the Superintendent of the Oklahoma
9 Department of Law Enforcement, who shall serve at the pleasure of
10 the Commission;

11 6. Develop and implement oversight policies that clearly
12 separate the responsibilities of the Commission and the management
13 responsibilities of the Superintendent of the Oklahoma Department of
14 Law Enforcement;

15 7. When the position of Superintendent of the Oklahoma
16 Department of Law Enforcement is vacant, designate an interim
17 Superintendent until a new Superintendent is appointed; and

18 8. When discussing or deliberating ongoing criminal
19 investigations or personnel matters, including voting to issue a
20 directive or taking other actions regarding the investigation or
21 matter, meet in executive session which shall not be subject to open
22 meeting laws.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 9103 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 A. The Superintendent of the Oklahoma Department of Law
5 Enforcement shall, at the time of appointment, have a bachelor's
6 degree from an accredited college or university, have at least five
7 (5) years of experience in an administrative position with a law
8 enforcement agency and have served previously as a full-time,
9 certified peace officer. The Superintendent shall be subject to
10 confirmation by the Oklahoma State Senate.

11 B. Upon the effective date of this act, the current
12 Commissioner of Public Safety, Director of the Oklahoma State Bureau
13 of Investigation and Director of the Oklahoma State Bureau of
14 Narcotics and Dangerous Drugs Control shall be affirmed by the
15 Commission as the Director of his or her respective agency.

16 C. Upon the effective date of this act, all functions performed
17 by the Department of Public Safety, Oklahoma State Bureau of
18 Investigation and Oklahoma State Bureau of Narcotics and Dangerous
19 Drugs Control shall remain under the respective agency, unless and
20 until modified by the Superintendent and subject to approval by the
21 Commission.

22 SECTION 6. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 9104 of Title 74, unless there
24 is created a duplication in numbering, reads as follows:

1 A. The Superintendent of the Oklahoma Department of Law
2 Enforcement shall have the following powers, duties and
3 responsibilities:

4 1. Formulate and implement a unified law enforcement strategy
5 for law enforcement activities in the State of Oklahoma with annual
6 and long-term measurable goals and objectives to achieve greater
7 public safety which shall be published on the Oklahoma Department of
8 Law Enforcement website;

9 2. Be directly responsible to the Commission for the affairs of
10 the Oklahoma Department of Law Enforcement and all agencies under
11 his or her control;

12 3. Act as executive director of the Oklahoma Department of Law
13 Enforcement;

14 4. Appoint a Director of Public Safety, Director of the
15 Oklahoma State Bureau of Investigation and Director of the Oklahoma
16 State Bureau of Narcotics and Dangerous Drugs Control, and any other
17 directors, assistant directors, deputy directors and other staff
18 that may be necessary and proper for the administration of the
19 Oklahoma Department of Law Enforcement who shall serve at the
20 pleasure of the Superintendent of the Oklahoma Department of Law
21 Enforcement. Any employee in a classified position under the Merit
22 System of Personnel Administration who is appointed as staff of the
23 Superintendent shall have the right to return to the classified
24 service without any loss of rights, privileges or benefits

1 immediately upon completion of the duties of the employee provided
2 the employee is not otherwise disqualified;

3 5. Oversee the activities of the Oklahoma Department of Law
4 Enforcement and all agencies under the control of the Department
5 and, subject to the policies established by the Commission, act for
6 the Department in all matters, including budgetary matters and
7 expenditures of the agencies, except as may be otherwise provided in
8 this act;

9 6. Promulgate rules and regulations considered necessary for
10 the control of the Oklahoma Department of Law Enforcement;

11 7. By November 1, 2017, submit to the Commission for approval a
12 plan for a unified position and compensation system for state law
13 enforcement;

14 8. By November 1, 2017, submit to the Commission for approval a
15 plan to unify state law enforcement data collection and data
16 systems;

17 9. By November 1, 2017, submit to the Commission for approval a
18 plan to standardize and integrate operational boundaries for the
19 Oklahoma Department of Law Enforcement;

20 10. By November 1, 2017, submit to the Commission for approval
21 a plan to develop a focused, common training and leadership
22 development program for all members of the Oklahoma Department of
23 Law Enforcement;

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1 11. Enter into contracts with public agencies, institutions of
2 higher education and private organizations or individuals for the
3 purpose of conducting research, demonstrations or special projects
4 which bear directly on the operation of the Department or the
5 reduction of crime;

6 12. Enter into contracts for educational and research
7 activities without performance bonds;

8 13. Subject to approval by the Commission, create, modify,
9 merge, reorganize, rename or eliminate any of the agencies,
10 divisions or units within the Oklahoma Department of Law Enforcement
11 as the Superintendent of the Oklahoma Department of Law Enforcement
12 may deem appropriate to effectively administer a unified law
13 enforcement system in Oklahoma;

14 14. Commission employees as peace officers of the Oklahoma
15 Department of Law Enforcement;

16 15. Have authority to investigate any complaint against the
17 Oklahoma Department of Law Enforcement or any of its employees;

18 16. Be directly responsible for all monies appropriated for and
19 deposited to the credit of the Oklahoma Department of Law
20 Enforcement and each agency under its control and approve all claims
21 and payments as provided in Section 34.68 of Title 62 of the
22 Oklahoma Statutes;

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1 17. Purchase, lease and maintain motor vehicles and other
2 equipment and properties for use by employees of the Oklahoma
3 Department of Law Enforcement;

4 18. Purchase or lease and equip motor vehicles for the use of
5 the Governor and Lieutenant Governor;

6 19. The Superintendent, peace officers and other essential
7 employees of the Oklahoma Department of Law Enforcement may be
8 permitted to use a state-owned or leased vehicle to provide
9 transportation between the residence of the employee and the
10 assigned place of employment and between the residence and any
11 location other than the assigned place of employment to which the
12 employee travels in the performance of the official duty of the
13 employee;

14 20. Subject to approval by the Commission, transfer assets
15 within the Oklahoma Department of Law Enforcement as may be
16 necessary and proper for the operation of the Department; and

17 21. By November 1, 2017, submit to the Commission for approval
18 a plan for obtaining national accreditation for the Oklahoma
19 Department of Law Enforcement.

20 B. After appointment and before entering upon the discharge of
21 his or her duties, the Superintendent shall take and subscribe to
22 the oath of office required by the Constitution. Bonding of the
23 Superintendent and other employees of the Oklahoma Department of Law
24

1 Enforcement shall be provided under the provisions of Section 85.26
2 of Title 74 of the Oklahoma Statutes.

3 SECTION 7. AMENDATORY 47 O.S. 2011, Section 2-101, as
4 amended by Section 159, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
5 2015, Section 2-101), is amended to read as follows:

6 Section 2-101. ~~(a)~~ A. A department of the government of this
7 state to be known as the "Department of Public Safety" is hereby
8 created, and offices for the Department shall be furnished by the
9 Office of Management and Enterprise Services. The Department of
10 Public Safety shall be under the control and supervision of the
11 ~~Commissioner~~ Director of Public Safety, which office and position is
12 hereby created.

13 The ~~Commissioner~~ Director shall have such powers and authority
14 as may be granted by the provisions of the Uniform Vehicle Code or
15 as may otherwise be provided by law.

16 ~~(b)~~ B. ~~The Governor shall be the chief officer of the~~
17 ~~Department of Public Safety and the Commissioner~~ Director of Public
18 Safety, under the general supervision of the Superintendent of the
19 Oklahoma Department of Law Enforcement, shall ~~execute the lawful~~
20 ~~orders of the Governor and shall~~ be responsible ~~to him~~ for the
21 operation and administration of ~~said~~ the Department. The
22 ~~Commissioner~~ Director of Public Safety shall provide personal
23 security and protection, transportation, and communications
24 capabilities for the Governor, the ~~Governor's~~ immediate family of

1 ~~the Governor, and the Lieutenant Governor. The Commissioner is~~
2 ~~authorized to provide necessary communications equipment to said~~
3 ~~persons even if said persons are not on state property or in state~~
4 ~~vehicles. The Commissioner of Public Safety is hereby authorized to~~
5 ~~purchase or lease and equip motor vehicles for the use of the~~
6 ~~Governor and Lieutenant Governor. The purchase or lease price of~~
7 ~~any such motor vehicles and equipment shall be paid from any~~
8 ~~appropriation for motor vehicles made to the Department of Public~~
9 ~~Safety.~~

10 SECTION 8. AMENDATORY 47 O.S. 2011, Section 2-102, is
11 amended to read as follows:

12 Section 2-102. A. 1. ~~The~~ On or after November 1, 2016, the
13 Department of Public Safety shall be under the control of an
14 executive officer to be known as the "~~Commissioner~~ Director of
15 Public Safety", who shall be appointed by the Governor with the
16 ~~advice and consent of the Senate~~ Superintendent of the Oklahoma
17 Department of Law Enforcement.

18 2. The ~~Commissioner~~ Director of Public Safety shall be a
19 ~~professional law enforcement~~ full-time, certified peace officer with
20 ten (10) ~~years~~¹ years of experience in the field of law enforcement
21 or with five (5) ~~years~~¹ years of experience in the field of law
22 enforcement and a graduate of a four-year college ~~with a degree in~~
23 ~~law enforcement administration, law, criminology or a related~~
24 ~~science.~~ The position of the Director of Public Safety shall be

1 filled from the body of commissioned officers of the Department of
2 Public Safety.

3 3. ~~Any vacancy in the office of the Commissioner shall be~~
4 ~~filled in the same manner as the original appointment is made.~~

5 4. The ~~Commissioner~~ Director shall be allowed the actual and
6 necessary expenses incurred in the performance of official duties of
7 the ~~Commissioner~~ Director while away from the office.

8 B. The ~~Commissioner~~ Director of Public Safety, after
9 appointment and before entering upon the discharge of duties, shall
10 take and subscribe to the oath of office required by the
11 Constitution. Bonding of the ~~Commissioner~~ Director of Public Safety
12 and other employees of the Department will be provided under the
13 provisions of Section 85.26 of Title 74 of the Oklahoma Statutes.

14 C. The ~~Commissioner~~ Director of Public Safety shall be eligible
15 to participate in either the Oklahoma Public Employees Retirement
16 System or in the Oklahoma Law Enforcement Retirement System and
17 shall make an irrevocable election in writing to participate in one
18 of the two retirement systems within thirty (30) days of
19 appointment. Any earned benefits or any credits toward retirement
20 benefits from previous participation within the Oklahoma Public
21 Employees Retirement System or the Oklahoma Law Enforcement
22 Retirement System shall remain intact within that System should the
23 Director elect to become a new participant in a different retirement
24 system.

1 D. On or after December 15, 2016, any reference in the Oklahoma
2 Statutes to the Commissioner of Public Safety shall be deemed to be
3 a reference to the Director of Public Safety.

4 SECTION 9. AMENDATORY 47 O.S. 2011, Section 2-103, is
5 amended to read as follows:

6 Section 2-103. A. The ~~Commissioner~~ Director of Public Safety
7 shall organize the Department of Public Safety as prescribed by law
8 and in such manner as may be deemed necessary and proper to
9 segregate and conduct the work of the Department. ~~The Commissioner~~
10 Subject to the approval of the Superintendent of the Oklahoma
11 Department of Law Enforcement, the Director shall appoint
12 assistants, deputies, officers, investigators and other employees as
13 may be necessary to carry out the provisions of this title.

14 B. Unless otherwise provided by law, salaries and traveling
15 expenses of employees of the Department of Public Safety and the
16 cost of equipment ~~for the Department~~ shall be paid from the
17 appropriations made to the Oklahoma Department of ~~Public Safety~~ Law
18 Enforcement.

19 ~~C. The Commissioner is authorized to purchase and maintain~~
20 ~~motor vehicles and other equipment for use by the employees of the~~
21 ~~Department.~~

22 SECTION 10. AMENDATORY 47 O.S. 2011, Section 2-104, as
23 amended by Section 160, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
24 2015, Section 2-104), is amended to read as follows:

1 Section 2-104. A. ~~The Commissioner, subject to~~ Subject to the
2 approval of the Superintendent of the Oklahoma Department of Law
3 Enforcement and pursuant to the Merit System laws, the Director of
4 Public Safety shall appoint an Assistant ~~Commissioner~~ Director and
5 such other deputies, subordinates, officers, investigators, and
6 other employees as may be necessary to implement the provisions of
7 this title. Any employee of the Department of Public Safety
8 appointed to the position of Assistant ~~Commissioner~~ Director shall
9 have a right to return to the previous position of the employee
10 without any loss of rights, privileges or benefits immediately upon
11 completion of the duties as Assistant ~~Commissioner~~ Director,
12 provided the employee is not otherwise disqualified.

13 ~~B.~~ When traveling with the Governor or at ~~his~~ the request of
14 the Governor:

15 1. Those personnel assigned by the ~~Commissioner~~ Director of
16 Public Safety for executive security shall be allowed their actual
17 and necessary traveling expenses, upon claims approved by the
18 ~~Commissioner~~ Superintendent, and shall receive, in addition to base
19 salary, an additional One Hundred Seventy-five Dollars (\$175.00) per
20 month; and

21 2. Those personnel serving as noncommissioned pilots in the
22 Department of Public Safety shall be allowed their actual and
23 necessary traveling expenses, upon claims approved by the
24 ~~Commissioner~~ Superintendent.

1 ~~C.~~ B. Any person appointed to the position of Assistant
2 ~~Commissioner~~ Director of Public Safety shall be eligible for
3 retirement participation as a member of the Highway Patrol Division
4 in the Oklahoma Law Enforcement Retirement System if such person at
5 the time of appointment satisfies the age qualifications of an
6 Oklahoma Highway Patrolman as provided in subsection B of Section 2-
7 105 of this title; however, the Assistant ~~Commissioner~~ Director
8 shall be eligible for participation in only one retirement system
9 and shall elect in writing the system in which he or she intends to
10 participate within thirty (30) days of appointment. Any earned
11 benefits or any credits toward retirement benefits from previous
12 participation within the Oklahoma Public Employees Retirement System
13 or the Oklahoma Law Enforcement Retirement System shall remain
14 intact within that System should the Assistant Director elect to
15 become a new participant in a different retirement system.

16 ~~D.~~ C. The salaries of the employees of the Department of Public
17 Safety, shall be governed by and in accordance with the procedures
18 established by the Office of Management and Enterprise Services,
19 unless otherwise provided by law.

20 D. On or after December 15, 2016, any reference in the Oklahoma
21 Statutes to the Assistant Commissioner of Public Safety shall be
22 deemed to be a reference to the Assistant Director of Public Safety.

23 SECTION 11. AMENDATORY 47 O.S. 2011, Section 2-121, is
24 amended to read as follows:

1 Section 2-121. The Department of Public Safety shall establish
2 or provide for a Legal Division ~~and the Commissioner.~~ Subject to
3 the approval of the Superintendent of the Oklahoma Department of Law
4 Enforcement, the Director of Public Safety may employ attorneys as
5 needed, which may be on a full-time or part-time basis, ~~which.~~ The
6 attorneys, in addition to advising the ~~Commissioner~~ Director, the
7 Superintendent of the Oklahoma Department of Law Enforcement, the
8 Oklahoma Law Enforcement Commission, Highway Patrol and other
9 Department personnel on legal matters, may appear for and represent
10 the ~~Commissioner~~ Director, the Superintendent, the Oklahoma Law
11 Enforcement Commission, Highway Patrol and Department in
12 administrative hearings and other legal actions and proceedings.
13 Provided, that it shall continue to be the duty of the Attorney
14 General to give his or her official opinion to the ~~Commissioner~~
15 Director and to prosecute and defend actions therefor, if requested
16 to do so.

17 SECTION 12. AMENDATORY 63 O.S. 2011, Section 2-103, as
18 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
19 2015, Section 2-103), is amended to read as follows:

20 Section 2-103. A. The Director shall be appointed by the
21 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
22 ~~Commission~~ Superintendent of the Oklahoma Department of Law
23 Enforcement. ~~The Director of Narcotics and Dangerous Drugs Control~~
24 ~~on January 1, 1984, shall be initially appointed as Director.~~ The

1 ~~succeeding~~ Director shall, at the time of the appointment, have a
2 Bachelor's Degree from an accredited college or university and at
3 least five (5) years of experience in drug law enforcement. The
4 position of the Director of the Oklahoma State Bureau of Narcotics
5 and Dangerous Drugs Control shall be filled from personnel within
6 the Bureau. Subject to the approval of the Superintendent of the
7 Oklahoma Department of Law Enforcement, the Director may appoint
8 necessary assistants, agents, and other personnel to perform the
9 work of the office and may prescribe their titles and duties ~~and fix~~
10 ~~their compensation pursuant to Merit System rules.~~ The Subject to
11 the approval of the Superintendent, the Director may appoint
12 employees to the positions of Chief of Law Enforcement Information
13 and Technology, Public Information/Education Officer, Training
14 Officer, Program Administrators, Grants Administrator, Criminal
15 Analysts, Legal Secretary, and Typist Clerk/Spanish
16 Transcriptionists. The positions shall be unclassified and exempt
17 from the rules and procedures of the Office of Management and
18 Enterprise Services, except leave regulations. ~~The office of the~~
19 ~~Director shall be located at a suitable place in Oklahoma City,~~
20 ~~Oklahoma.~~

21 B. 1. Agents appointed by the Director shall have the powers
22 of peace officers generally; provided, subject to the approval of
23 the Superintendent, the Director may appoint special agents and
24 reserve special agents, who shall be unclassified employees of the

1 state, to meet specific investigatory needs. Special agents and
2 reserve special agents shall not be required to meet the age and
3 educational requirements as specified in this section.

4 2. Agents appointed on and after November 1, 1998, shall be at
5 least twenty-one (21) years of age and shall have a Bachelor's
6 Degree from an accredited college or university.

7 3. Each entering agent, with the exception of special agents,
8 shall be required to serve one (1) year in a probationary status as
9 a prerequisite to being placed on permanent status.

10 C. Agents appointed pursuant to the provisions of this section
11 shall have the responsibility of investigating alleged violations
12 and shall have the authority to arrest those suspected of having
13 violated the provisions of the Uniform Controlled Dangerous
14 Substances Act, as well as the crimes of money laundering and human
15 trafficking, as otherwise set forth by laws of this state.

16 D. The Subject to the approval of the Superintendent, the
17 Director may appoint reserve special agents who shall not be
18 considered employees of the state and shall serve at the will of the
19 Director. Reserve special agents shall complete a minimum of one
20 hundred sixty (160) hours of training pursuant to Section 3311 of
21 Title 70 of the Oklahoma Statutes and may not serve more than one
22 hundred forty (140) hours per calendar month. Upon completion of
23 training, reserve special agents appointed by the Director shall
24 have general peace officer powers and the authority to arrest those

1 suspected of having violated the provisions of the Uniform
2 Controlled Dangerous Substances Act. The agency may expend funds
3 related to training and special reserve agents may receive travel
4 expenses pursuant to the State Travel Reimbursement Act.

5 E. A commissioned employee of the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control shall be entitled to receive
7 upon retirement by reason of length of service, the continued
8 custody and possession of the sidearm and badge carried by such
9 employee immediately prior to retirement.

10 F. A commissioned employee of the Bureau may be entitled to
11 receive, upon retirement by reason of disability, the continued
12 custody and possession of the sidearm and badge carried by such
13 employee immediately prior to retirement upon written approval of
14 the Director.

15 G. Custody and possession of the sidearm and badge of a
16 commissioned employee killed in the line of duty may be awarded by
17 the Director to the spouse or next of kin of the deceased employee.

18 H. Custody and possession of the sidearm and badge of a
19 commissioned employee who dies while employed at the Oklahoma State
20 Bureau of Narcotics and Dangerous Drugs Control may be awarded by
21 the Director to the spouse or next of kin of the deceased employee.

22 I. Any Director appointed on or after July 1, 2003, shall be
23 eligible to participate in either the Oklahoma Public Employees
24 Retirement System or in the Oklahoma Law Enforcement Retirement

1 System and shall make an irrevocable election in writing to
2 participate in one of the two retirement systems within thirty (30)
3 days of appointment.

4 SECTION 13. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 2-103.2 of Title 63, unless
6 there is created a duplication in numbering, reads as follows:

7 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
8 Control Commission is hereby abolished. All duties and powers of
9 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
10 Commission shall be assumed and be performed by the Oklahoma
11 Department of Law Enforcement. The Director of the Oklahoma State
12 Bureau of Narcotics and Dangerous Drugs Control shall be under the
13 general supervision of the Superintendent of the Oklahoma Department
14 of Law Enforcement.

15 B. On or after December 15, 2016, any reference in the Oklahoma
16 Statutes to the Oklahoma State Bureau of Narcotics and Dangerous
17 Drugs Control Commission shall be deemed to be a reference to the
18 Oklahoma Department of Law Enforcement.

19 SECTION 14. AMENDATORY 63 O.S. 2011, Section 2-106, as
20 amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2015,
21 Section 2-106), is amended to read as follows:

22 Section 2-106. A. The Director of the Oklahoma State Bureau of
23 Narcotics and Dangerous Drugs Control shall, in addition to other
24 powers and duties vested in the Director:

1 1. Cooperate with federal and other state agencies in
2 discharging the responsibilities concerning traffic in narcotics and
3 dangerous substances and in suppressing the abuse of dangerous
4 substances;

5 2. Arrange for the exchange of information between governmental
6 officials concerning the use and abuse of dangerous substances;

7 3. Coordinate and cooperate in training programs on dangerous
8 substances law enforcement at the local and state levels;

9 4. ~~Cooperate with the Oklahoma State Bureau of Narcotics and~~
10 ~~Dangerous Drugs Control by establishing~~ Establish a centralized unit
11 which will accept, catalog, file and collect statistics, including
12 records of drug-dependent persons and other dangerous substance law
13 offenders within the state, and make such information available for
14 federal, state and local law enforcement purposes; and may collect
15 and furnish statistics for other appropriate purposes; and

16 5. Coordinate and cooperate in programs of eradication aimed at
17 destroying wild or illicit growth of plant species from which
18 controlled dangerous substances may be extracted.

19 B. Results, information and evidence received from the Oklahoma
20 State Bureau of Narcotics and Dangerous Drugs Control relating to
21 the regulatory functions of this act, including results of
22 inspections conducted by that agency, may be relied upon and acted
23 upon by the Director in conformance with the regulatory functions
24 under this act.

1 C. The Director is further authorized and directed to:

2 1. Coordinate and cooperate in educational programs designed to
3 prevent and deter misuse and abuse of controlled dangerous
4 substances;

5 2. Promote better recognition of the problems of misuse and
6 abuse of controlled dangerous substances within the regulated
7 industry and among interested groups and organizations;

8 3. Assist the regulated industry, interested groups and
9 organizations in contributing to the reduction of misuse and abuse
10 of controlled dangerous substances;

11 4. Consult with interested groups and organizations to aid them
12 in solving administrative and organizational problems;

13 5. Assist in evaluating procedures, projects, techniques and
14 controls conducted or proposed as part of educational programs on
15 misuse and abuse of controlled dangerous substances;

16 6. Disseminate the results of research on misuse and abuse of
17 controlled dangerous substances to promote a better public
18 understanding of what problems exist and what can be done to combat
19 them;

20 7. Assist in the education and training of state and local law
21 enforcement officials in their efforts to control misuse and abuse
22 of controlled dangerous substances;

23 8. ~~Conduct~~ Subject to the availability of funds, conduct an
24 annual seminar to be attended by selected law enforcement officers

1 in order to teach new techniques and advances in the investigation
2 of violations of the Uniform Controlled Dangerous Substances Act;
3 and

4 9. Supervise and direct agents appointed in the performance of
5 their function of enforcement of the provisions of this act.

6 D. The Director is further authorized and directed to:

7 1. Encourage research on misuse and abuse of controlled
8 dangerous substances;

9 2. Cooperate in establishing methods to assess accurately the
10 effects of controlled dangerous substances and to identify and
11 characterize controlled dangerous substances with potential for
12 abuse; and

13 3. Cooperate in making studies and in undertaking programs of
14 research to:

15 a. develop new or improved approaches, techniques,
16 systems, equipment and devices to strengthen the
17 enforcement of this act,

18 b. determine patterns of misuse and abuse of controlled
19 dangerous substances and the social effects thereof,
20 and

21 c. improve methods for preventing, predicting,
22 understanding and dealing with the misuse and abuse of
23 controlled dangerous substances.

24

1 E. The Director shall prepare a yearly report on all deaths and
2 nonfatal overdoses which were the result or probable result of abuse
3 of a controlled dangerous substance. The yearly report shall be
4 limited to statistical information including, but not limited to,
5 the county where the death or nonfatal overdose occurred, age, race,
6 gender, type of controlled dangerous substances involved in the
7 death or nonfatal overdose, and the method in which the controlled
8 dangerous substance was obtained by the person, when available.

9 F. ~~The Director~~ Subject to the approval of the Superintendent
10 of the Oklahoma Department of Law Enforcement, the Director may
11 enter into contracts with public agencies, institutions of higher
12 education and private organizations or individuals for the purpose
13 of conducting research, demonstrations or special projects which
14 bear directly on misuse and abuse of controlled dangerous
15 substances.

16 G. The ~~Director~~ Superintendent may enter into contracts for
17 educational and research activities without performance bonds.

18 H. The Director may authorize persons engaged in research or
19 scientific activities on the use and effects of dangerous substances
20 to withhold the names and other identifying characteristics of
21 persons who are the subjects of such research. Persons who obtain
22 this authorization may not be compelled in any state civil,
23 criminal, administrative, legislative or other proceeding to
24

1 identify the subjects of research for which such authorization was
2 obtained.

3 I. The Director may authorize the lawful possession,
4 distribution and use of controlled dangerous substances by persons
5 engaged in research or scientific activities; authorization for
6 possession of controlled dangerous substances may be extended to
7 persons engaged in a program of drug education or persons in the
8 performance of an official duty. Persons who obtain this
9 authorization shall be exempt from state prosecution for possession,
10 distribution or use of dangerous substances to the extent authorized
11 by the Director.

12 J. The ~~Director~~ Superintendent is authorized to accept gifts,
13 bequests, devises, contributions and grants, public or private,
14 including federal funds or funds from any other source for use in
15 furthering the purpose of the ~~office of the Director~~ Bureau.

16 ~~K. The Director is authorized to purchase or sell real~~
17 ~~property, together with appurtenances, in the name of the Oklahoma~~
18 ~~State Bureau of Narcotics and Dangerous Drugs Control upon approval~~
19 ~~of the Oklahoma State Bureau of Narcotics and Dangerous Drugs~~
20 ~~Control Commission.~~

21 ~~L. The Director is authorized to purchase and maintain motor~~
22 ~~vehicles and other equipment for use by the employees of the Bureau.~~

23 ~~M. The Director shall be in charge of all monies appropriated~~
24 ~~for or deposited to the credit of the office of the Director and is~~

1 ~~authorized to approve claims and payrolls as provided in Section~~
2 ~~41.26 of Title 62 of the Oklahoma Statutes.~~

3 ~~N.~~ The Director shall have the authority of a peace officer ~~and~~
4 ~~is authorized to commission assistants of the office as peace~~
5 ~~officers.~~

6 ~~Q.~~ L. Upon determining that a practitioner is prescribing a
7 controlled dangerous substance to a person engaged in fraudulent or
8 deceptive efforts to fill or refill multiple prescriptions for
9 controlled dangerous substances, the Director shall provide written
10 or electronic notification alerting the practitioner to the
11 possibility that the person may be unlawfully obtaining prescription
12 drugs in violation of the Uniform Controlled Dangerous Substances
13 Act.

14 SECTION 15. AMENDATORY 63 O.S. 2011, Section 2-106.2, is
15 amended to read as follows:

16 Section 2-106.2 A. The Superintendent of the Oklahoma State
17 ~~Bureau of Narcotics and Dangerous Drugs Control~~ Department of Law
18 Enforcement, ~~pursuant to rules promulgated by the Oklahoma State~~
19 ~~Bureau of Narcotics and Dangerous Drugs Control Commission,~~ is
20 hereby authorized to:

21 1. Make available for sale used vehicles, used equipment and
22 forfeited property to any federal, state, county, or municipal
23 agency, trust authority or public school district;

24

1 2. Sell at public auction any used vehicles, used equipment and
2 any property forfeited to the Bureau; and

3 3. Donate or transfer title to any surplus property as defined
4 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property
5 forfeited to the Bureau, to any law enforcement agency of any
6 political subdivision of the State of Oklahoma. The use of such
7 donated equipment shall be limited to valid and authorized law
8 enforcement efforts by the receiving agency.

9 B. Any property subject to this section shall be exempted from
10 the provisions set forth in Section 62.3 of Title 74 of the Oklahoma
11 Statutes.

12 SECTION 16. AMENDATORY 63 O.S. 2011, Section 2-110, as
13 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2015,
14 Section 2-110), is amended to read as follows:

15 Section 2-110. ~~The~~ Subject to the approval of the
16 Superintendent of the Oklahoma Department of Law Enforcement, the
17 Director of the Oklahoma State Bureau of Narcotics and Dangerous
18 Drugs Control may employ attorneys, who shall be unclassified
19 employees of the state, or contract with attorneys, as needed.
20 These attorneys may advise the Director, the Superintendent of the
21 Oklahoma Department of Law Enforcement, the Oklahoma State Bureau of
22 Narcotics and Dangerous Drugs Control Law Enforcement Commission and
23 Bureau personnel on all legal matters and shall appear for and
24 represent the Director, the Superintendent, the Oklahoma Law

1 Enforcement Commission and Bureau personnel in all administrative
2 hearings and all litigation or other proceedings which may arise in
3 the discharge of their duties. At the request of the Oklahoma State
4 Bureau of Narcotics and Dangerous Drugs Control Commission, such
5 attorney shall assist the district attorney in prosecuting charges
6 of violators of the Uniform Controlled Dangerous Substances Act or
7 any felony relating to or arising from a violation of the Uniform
8 Controlled Dangerous Substances Act. Attorneys for the Bureau who
9 have been certified by the Council on Law Enforcement Education and
10 Training to carry a weapon or have been issued a handgun license
11 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
12 allowed to carry weapons pursuant to paragraph 3 of subsection A of
13 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
14 pursuant to this provision, shall not be considered eligible to
15 participate in the Oklahoma Law Enforcement Retirement System. If a
16 conflict of interest would be created by such attorney representing
17 the Director, the Superintendent, the Oklahoma Law Enforcement
18 Commission or Bureau personnel, additional counsel may be hired upon
19 approval of the Superintendent of the Oklahoma State Bureau of
20 ~~Narcotics and Dangerous Drugs Control Commission~~ Department of Law
21 Enforcement.

22 SECTION 17. AMENDATORY 74 O.S. 2011, Section 150.2, as
23 amended by Section 7, Chapter 397, O.S.L. 2015 (74 O.S. Supp. 2015,
24 Section 150.2), is amended to read as follows:

1 Section 150.2 The Oklahoma State Bureau of Investigation, under
2 the general supervision of the Superintendent of the Oklahoma
3 Department of Law Enforcement, shall have the power and duty to:

4 1. Maintain a nationally accredited scientific laboratory to
5 assist all law enforcement agencies in the discovery and detection
6 of criminal activity;

7 2. Maintain fingerprint and other identification files
8 including criminal history records, juvenile identification files,
9 and DNA profiles;

10 3. Establish, coordinate and maintain the automated
11 fingerprinting identification system (AFIS) and the deoxyribonucleic
12 acid (DNA) laboratory;

13 4. Operate teletype, mobile and fixed radio or other
14 communications systems;

15 5. Conduct schools and training programs for the agents, peace
16 officers, and technicians of this state charged with the enforcement
17 of law and order and the investigation and detection of crime;

18 6. Assist the Director of the Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control, the Chief Medical Examiner,
20 and all law enforcement officers and district attorneys when such
21 assistance is requested, in accordance with the policy determined by
22 the Oklahoma ~~State Bureau of Investigation~~ Law Enforcement
23 ~~Commission established in Section 150.3 of this title;~~

1 7. Investigate and detect criminal activity when directed to do
2 so by the Governor;

3 8. Investigate, detect, institute and maintain actions
4 involving vehicle theft pursuant to Section 150.7a of this title or
5 oil, gas or oil field equipment theft pursuant to Sections 152.2
6 through 152.9 of this title;

7 9. Investigate any criminal threat made to the physical safety
8 of elected or appointed officials of this state or any political
9 subdivision of the state and forward the results of that
10 investigation to the ~~Department of Public Safety~~, Superintendent of
11 the Oklahoma Department of Law Enforcement and provide security to
12 foreign elected or appointed officials while they are in this state
13 on official business;

14 10. Investigate and detect violations of the Oklahoma Computer
15 Crimes Act; and

16 11. Investigate and enforce all laws relating to any crime
17 listed in Section 571 of Title 57 of the Oklahoma Statutes that
18 ~~occur~~ occurs on the turnpikes.

19 SECTION 18. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 150.2a of Title 74, unless there
21 is created a duplication in numbering, reads as follows:

22 A. The Oklahoma State Bureau of Investigation Commission is
23 hereby abolished. All duties and powers of the Oklahoma State
24 Bureau of Investigation Commission shall be assumed and be performed

1 by the Oklahoma Department of Law Enforcement. The Director of the
2 Oklahoma State Bureau of Investigation shall be under the general
3 supervision of the Superintendent of the Oklahoma Department of Law
4 Enforcement.

5 B. On or after December 15, 2016, any reference in the Oklahoma
6 Statutes to the Oklahoma State Bureau of Investigation Commission
7 shall be deemed to be a reference to the Oklahoma Department of Law
8 Enforcement.

9 SECTION 19. AMENDATORY 74 O.S. 2011, Section 150.6, is
10 amended to read as follows:

11 Section 150.6 A. The Oklahoma State Bureau of Investigation
12 shall be under the operational control of a Director. The Director
13 shall be appointed or dismissed by ~~a majority vote of the total~~
14 ~~membership of the Commission~~ Superintendent of the Oklahoma
15 Department of Law Enforcement. The Director shall be a ~~professional~~
16 ~~law enforcement~~ full-time, certified peace officer who possesses a
17 bachelor's degree from an accredited college or university ~~and who~~
18 ~~shall have,~~ has a minimum of five (5) ~~years'~~ years of experience ~~in~~
19 ~~criminal investigation and/or law enforcement or five (5) years'~~
20 ~~experience as an agent with said~~ at the Bureau and ~~must have~~ has at
21 least two (2) ~~years'~~ years of experience in an administrative
22 position. The position of the Director of the Oklahoma State Bureau
23 of Investigation shall be filled from personnel within the Bureau.

24

1 B. Any Director appointed on or after July 1, 2003, may
2 participate in either the Oklahoma Public Employees Retirement
3 System or in the Oklahoma Law Enforcement Retirement System and
4 shall make an irrevocable election in writing to participate in one
5 of the two retirement systems within thirty (30) days of
6 appointment. Any earned benefits or any credits toward retirement
7 benefits from previous participation within the Oklahoma Public
8 Employees Retirement System or the Oklahoma Law Enforcement
9 Retirement System shall remain intact within that System should the
10 Director elect to become a new participant in a different retirement
11 system.

12 SECTION 20. AMENDATORY 74 O.S. 2011, Section 150.7, as
13 amended by Section 1, Chapter 136, O.S.L. 2015 (74 O.S. Supp. 2015,
14 Section 150.7), is amended to read as follows:

15 Section 150.7 The Director of the Oklahoma State Bureau of
16 Investigation shall have the following powers, duties and
17 responsibilities:

18 1. ~~To~~ Subject to the approval of the Superintendent of the
19 Oklahoma Department of Law Enforcement, appoint or dismiss a Deputy
20 Director who shall have the same qualifications as the Director;

21 2. ~~To supervise~~ Supervise the maintaining of all reports and
22 records of the Bureau and to promulgate administrative rules
23 concerning the destruction and retention of such records. Such
24 records shall not be transferred to the custody or control of the

1 Archives and Records Commission or be subject to the provisions of
2 Section 590 of Title 21 of the Oklahoma Statutes. The Director may,
3 pursuant to adopted and promulgated administrative rule, order the
4 destruction of records deemed to be no longer of value to the
5 Bureau, excluding criminalistic and investigative records which
6 shall forever be kept and maintained;

7 3. ~~To report~~ Report to the Superintendent of the Oklahoma
8 Department of Law Enforcement Commission at each regular meeting, or
9 as directed by the Oklahoma Law Enforcement Commission, the current
10 workload of the Bureau. Such reports shall be submitted by category
11 of the persons or entities authorized to initiate investigations as
12 provided for in subsection A of Section 150.5 of this title, and any
13 other category the Superintendent or Commission may request which
14 does not violate the confidentiality restrictions imposed in
15 Sections 150.1 through 152.9 of this title. Such reports shall
16 contain the following information:

- 17 a. what types of investigations are pending,
- 18 b. what new types of investigations have been opened,
- 19 c. what types of investigations have been closed, and
- 20 d. what criminal charges have been filed as a result of
21 Bureau investigations.

22 The reports shall not contain any information on the individual
23 subjects of the investigation or persons questioned in connection
24

1 with an investigation. These reports shall be open for public
2 inspection;

3 4. ~~Te~~ Upon approval of the Superintendent of the Oklahoma
4 Department of Law Enforcement, designate positions, and appoint
5 employees and fix salaries of the Bureau, other than the salaries
6 established by subsection A of Section 150.6a of this title, and ~~te~~
7 authorize the payment of necessary certification expenses for the
8 employees;

9 5. ~~Te~~ Upon approval of the Superintendent of the Oklahoma
10 Department of Law Enforcement, authorize the purchase and issuance
11 of uniforms for all law enforcement officers, criminalists, and
12 other personnel of the Bureau as designated by the Director and to
13 purchase and issue necessary equipment for all employees of the
14 Bureau. All uniforms and equipment shall be used only in the
15 performance of the official duties of the officers, criminalists or
16 other personnel and shall remain the property of the Bureau except
17 as otherwise provided by law; and

18 6. ~~Te~~ Upon approval of the Superintendent of the Oklahoma
19 Department of Law Enforcement, enter into local cooperative
20 agreements with local law enforcement agencies for the purpose of
21 appointing affiliate task force agents to assist the Bureau in the
22 investigation of major crimes under the jurisdiction of the Bureau.
23 Affiliate task force agents shall be employees and commissioned law
24 enforcement officers of the local law enforcement agency entering

1 into agreement with the Bureau and shall not be employees of the
2 Bureau. Affiliate task force agents shall have general peace
3 officer powers and the authority to arrest persons throughout the
4 state while serving as an affiliate task force agent. Affiliate
5 task force agents serve solely at the discretion and will of the
6 Director. ~~The~~ Upon approval of the Superintendent, the Director may
7 renew, suspend, or revoke any agreement appointing an affiliate task
8 force agent at any time.

9 SECTION 21. AMENDATORY 74 O.S. 2011, Section 150.13A, as
10 amended by Section 1, Chapter 89, O.S.L. 2012 (74 O.S. Supp. 2015,
11 Section 150.13A), is amended to read as follows:

12 Section 150.13A A. The Director of the Oklahoma State Bureau
13 of Investigation is hereby authorized to appoint, with the approval
14 of the ~~Oklahoma State Bureau of Investigation Commission~~
15 Superintendent of the Oklahoma Department of Law Enforcement,
16 special officers that shall have enforcement authority related to
17 the investigation of oil and gas industry crimes, which shall
18 include the larceny of equipment, property, supplies or products.
19 The number of special officers shall not exceed twenty (20)
20 positions and those special officers shall not be salaried employees
21 of the Bureau, but shall at all times be subject to the orders and
22 directions of the Director. In addition, the special officers shall
23 not have authority to enforce any laws except the provisions of the
24 Oklahoma Statutes relating directly to oil and gas industry crimes,

1 for which they will have the same authority as any other peace
2 officer. The special officers shall be known as Special
3 Investigators.

4 B. Special Investigators shall not receive any compensation or
5 expenses from this state or any of its departments, agencies or
6 subdivisions for their services. Before the issuance of a special
7 commission, each Special Investigator shall enter into a good and
8 sufficient bond executed by a surety company authorized to do
9 business in this state in the sum of Five Hundred Thousand Dollars
10 (\$500,000.00). The bond shall also be approved by the ~~Director~~
11 Superintendent of the Oklahoma Department of Law Enforcement and
12 shall indemnify all persons against damages accruing as a result of
13 any illegal or unlawful acts on the part of the Special
14 Investigators. The special commissions shall expire on January 1 of
15 the odd-numbered year after the appointment. ~~The~~ Upon approval of
16 the Superintendent of the Oklahoma Department of Law Enforcement,
17 the Director may renew, suspend or revoke any special commission at
18 any time.

19 SECTION 22. AMENDATORY 74 O.S. 2011, Section 150.16, as
20 amended by Section 1, Chapter 156, O.S.L. 2012 (74 O.S. Supp. 2015,
21 Section 150.16), is amended to read as follows:

22 Section 150.16 ~~The Oklahoma State Bureau of Investigation~~
23 Department of Law Enforcement is hereby authorized to own and
24 operate aircraft and to rent or charter aircraft on a project or

1 mission basis, such rental or charter to last only for the duration
2 of the project or mission. The ~~Bureau~~ Superintendent of the
3 Oklahoma Department of Law Enforcement is also authorized to pay,
4 from any funds available ~~to the Bureau~~, expenses involved in
5 qualifying multiengine and instrument pilots as may be required to
6 accomplish agency responsibilities.

7 SECTION 23. AMENDATORY 74 O.S. 2011, Section 150.21, is
8 amended to read as follows:

9 Section 150.21 The Oklahoma State Bureau of Investigation shall
10 establish or provide for a legal division ~~and~~. Subject to the
11 approval of the Superintendent of the Oklahoma Department of Law
12 Enforcement, the Director may employ ~~two~~ attorneys as needed, ~~which~~.
13 The attorneys, in addition to advising the Director, the
14 Superintendent of the Oklahoma Department of Law Enforcement, the
15 Oklahoma Law Enforcement Commission and employees of the Bureau on
16 legal matters, may appear for and represent the Director, the
17 Superintendent, the Oklahoma Law Enforcement Commission and
18 employees of the Bureau in administrative hearings and other legal
19 actions and proceedings. No Bureau attorney shall enter an
20 appearance in a criminal action nor engage in private practice of
21 the law while in the employment of the Oklahoma State Bureau of
22 Investigation, except for the purpose of representing the agency in
23 motions to quash subpoenas, other discovery matters, expungement
24 applications, evidentiary hearings, and forfeiture proceedings. It

1 shall continue to be the duty of the Attorney General to give
2 official opinions to and to prosecute and defend actions for the
3 Director, the Superintendent, the Oklahoma Law Enforcement
4 Commission and employees of the Bureau, if requested to do so.

5 SECTION 24. REPEALER 63 O.S. 2011, Section 2-104.1, is
6 hereby repealed.

7 SECTION 25. REPEALER 74 O.S. 2011, Sections 150.3 and
8 150.4, are hereby repealed.

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