

1 ENGROSSED HOUSE
2 BILL NO. 2864

By: Christian, Bennett and
Roberts (Dustin) of the
House

3
4 and

5 Shortey of the Senate

6
7 [law enforcement - creating the Unified Law
8 Enforcement Act of 2016 - creating the Oklahoma
9 Department of Law Enforcement - creating the
10 Oklahoma Law Enforcement Commission - stating
11 powers, duties and responsibilities of the Oklahoma
12 Law Enforcement Commission - providing for the
13 appointment of a Superintendent of the Oklahoma
14 Department of Law Enforcement - changing title of
15 Commissioner of Public Safety to Director of Public
16 Safety - changing title of Assistant Commissioner
17 of Public Safety to Assistant Director of Public
18 Safety - abolishing the Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control Commission]

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

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

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

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

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

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

20 A. There is hereby created the Oklahoma Law Enforcement
21 Commission which shall consist of seven (7) members, not more than
22 two of whom shall be from the same congressional district. When
23 congressional districts are redrawn, each member appointed prior to
24 July 1 of the year in which such modification becomes effective

1 shall complete the current term of office and appointments made
2 after July 1 of the year in which such modification becomes
3 effective shall be based on the redrawn districts. No appointments
4 may be made after July 1 of the year in which such modification
5 becomes effective if such appointment would result in more than two
6 members serving from the same modified district. All members of the
7 Commission shall be confirmed by the Oklahoma State Senate. The
8 term of office for each member shall be seven (7) years. The
9 appointments made by the Oklahoma House of Representatives and the
10 Oklahoma State Senate shall be announced and become effective on
11 September 1, 2016. The appointments made by the Governor shall be
12 announced and become effective on September 5, 2016, for the
13 following terms:

14 1. The Speaker of the Oklahoma House of Representatives shall
15 appoint one member for a term of seven (7) years;

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

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

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

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

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

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

8 Vacancies occurring during a term shall be filled for the unexpired
9 portion of the term by the same procedure used to make the regular
10 appointments. The Governor may at any time remove any member of the
11 Commission for neglect of duty, misconduct or for any good cause
12 shown.

13 B. Annually the Commission shall select one of the Commission
14 members to serve as chair and one member to serve as vice-chair.
15 The Commission shall meet at least quarterly. The chair shall
16 preside at all meetings of the Commission and shall have the power
17 to call meetings of the Commission. In addition, meetings of the
18 Commission may be called by a majority of the members. The vice-
19 chair shall perform the duties of the chair in the absence or
20 incapacity of the chair. A quorum of four members of the Commission
21 shall be necessary to conduct any official business. All actions
22 taken by the Commission shall be by a simple majority vote of a
23 quorum. In the event of a tie vote, the measure being voted upon

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1 shall be deemed to have failed. The Commission may adopt rules and
2 procedures for the orderly performance of its functions.

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

15 D. The initial meeting of the Commission shall be held on
16 September 15, 2016, at 7:00 p.m. The Oklahoma State Bureau of
17 Investigation shall provide initial legal counsel to the Commission.
18 The Oklahoma Bureau of Narcotics and Dangerous Drugs Control shall
19 facilitate the initial meetings of the Commission by providing
20 staff, a meeting location and all other services that may be
21 required to support the activities of the Commission, with exception
22 of legal counsel. These services shall be provided to the
23 Commission until such time as the Commission directs otherwise.

1 E. The Department of Public Safety shall provide training for
2 the Commission at the initial meeting of the Commission. The
3 training program must provide the Commission with information
4 regarding:

5 1. The legislation that created the Oklahoma Department of Law
6 Enforcement and the Oklahoma Law Enforcement Commission;

7 2. The powers, duties and responsibilities of the Commission
8 under Oklahoma law;

9 3. The requirements of the Oklahoma Open Records Act and
10 Oklahoma Open Meeting Act;

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

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

16 F. The Department of Public Safety, the Oklahoma State Bureau
17 of Investigation and the Oklahoma Bureau of Narcotics and Dangerous
18 Drugs Control shall each appoint a transition coordinator to advise
19 the Oklahoma Law Enforcement Commission and present the following
20 information to the Commission regarding each of their respective
21 agencies at the initial Commission meeting:

22 1. The duties, powers and responsibilities of the agency;

23 2. The role and functions of the agency;

24 3. The structure of the agency; and

1 4. A fiscal overview and current budget of the agency.

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

5 The Oklahoma Law Enforcement Commission shall have the following
6 powers, duties and responsibilities:

7 1. Formulate plans and policies for:

8 a. enforcement of state criminal, traffic and safety
9 laws,

10 b. prevention of crime,

11 c. detection and apprehension of persons who violate the
12 laws, and

13 d. education of citizens of this state in the promotion
14 of public safety and the observance of the law;

15 2. Oversee operations of the Oklahoma Department of Law
16 Enforcement;

17 3. Maintain records of all proceedings and official orders;

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

1 5. No later than November 15, 2016, and such time as
2 appropriate thereafter, appoint the Superintendent of the Oklahoma
3 Department of Law Enforcement, who shall serve at the pleasure of
4 the Commission;

5 6. Develop and implement oversight policies that clearly
6 separate the responsibilities of the Commission and the management
7 responsibilities of the Superintendent of the Oklahoma Department of
8 Law Enforcement;

9 7. When the position of Superintendent of the Oklahoma
10 Department of Law Enforcement is vacant, designate an interim
11 Superintendent until a new Superintendent is appointed; and

12 8. When discussing or deliberating ongoing criminal
13 investigations or personnel matters, including voting to issue a
14 directive or taking other actions regarding the investigation or
15 matter, meet in executive session which shall not be subject to open
16 meeting laws.

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

20 A. The Superintendent of the Oklahoma Department of Law
21 Enforcement shall, at the time of appointment, have a bachelor's
22 degree from an accredited college or university, have at least five
23 (5) years of experience in an administrative position with a law
24 enforcement agency and have served previously as a full-time,

1 certified peace officer. The Superintendent shall be subject to
2 confirmation by the Oklahoma State Senate.

3 B. Upon the effective date of this act, the current
4 Commissioner of Public Safety, Director of the Oklahoma State Bureau
5 of Investigation and Director of the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control shall be affirmed by the
7 Commission as the Director of his or her respective agency.

8 C. Upon the effective date of this act, all functions performed
9 by the Department of Public Safety, Oklahoma State Bureau of
10 Investigation and Oklahoma State Bureau of Narcotics and Dangerous
11 Drugs Control shall remain under the respective agency, unless and
12 until modified by the Superintendent and subject to approval by the
13 Commission.

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

17 A. The Superintendent of the Oklahoma Department of Law
18 Enforcement shall have the following powers, duties and
19 responsibilities:

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

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

4 3. Act as executive director of the Oklahoma Department of Law
5 Enforcement;

6 4. Appoint a Director of Public Safety, Director of the
7 Oklahoma State Bureau of Investigation and Director of the Oklahoma
8 State Bureau of Narcotics and Dangerous Drugs Control, and any other
9 directors, assistant directors, deputy directors and other staff
10 that may be necessary and proper for the administration of the
11 Oklahoma Department of Law Enforcement who shall serve at the
12 pleasure of the Superintendent of the Oklahoma Department of Law
13 Enforcement. Any employee in a classified position under the Merit
14 System of Personnel Administration who is appointed as staff of the
15 Superintendent shall have the right to return to the classified
16 service without any loss of rights, privileges or benefits
17 immediately upon completion of the duties of the employee provided
18 the employee is not otherwise disqualified. Personnel transferred
19 from their respective agency to the Oklahoma Department of Law
20 Enforcement shall not be required to accept a lesser salary than
21 presently received; provided, the provisions of this section shall
22 not operate to prohibit the imposition of furloughs or reductions-
23 in-force with respect to such personnel as allowed by law.

24 Personnel transferred shall be placed into an existing classified

1 job family at the classification level in which they meet
2 qualifications without an entrance exam or subject to any other
3 competitive hiring process required by the Oklahoma Personnel Act or
4 the Merit System of Personnel Administrative Rules. All such
5 persons shall retain seniority, leave, sick and annual time earned
6 and any retirement benefits which have accrued during their tenure
7 with their respective agency. The transfer of personnel among the
8 agencies shall be coordinated with the Office of Management and
9 Enterprise Services;

10 5. Oversee the activities of the Oklahoma Department of Law
11 Enforcement and all agencies under the control of the Department
12 and, subject to the policies established by the Commission, act for
13 the Department in all matters, including budgetary matters and
14 expenditures of the agencies, except as may be otherwise provided in
15 this act;

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

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

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

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

4 10. By November 1, 2017, submit to the Commission for approval
5 a plan to develop a focused, common training and leadership
6 development program for all members of the Oklahoma Department of
7 Law Enforcement;

8 11. Enter into contracts with public agencies, institutions of
9 higher education and private organizations or individuals for the
10 purpose of conducting research, demonstrations or special projects
11 which bear directly on the operation of the Department or the
12 reduction of crime;

13 12. Enter into contracts for educational and research
14 activities without performance bonds;

15 13. Subject to approval by the Commission, create, modify,
16 merge, reorganize, rename or eliminate any of the agencies,
17 divisions or units within the Oklahoma Department of Law Enforcement
18 as the Superintendent of the Oklahoma Department of Law Enforcement
19 may deem appropriate to effectively administer a unified law
20 enforcement system in Oklahoma;

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

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

1 16. Be directly responsible for all monies appropriated for and
2 deposited to the credit of the Oklahoma Department of Law
3 Enforcement and each agency under its control and approve all claims
4 and payments as provided in Section 34.68 of Title 62 of the
5 Oklahoma Statutes;

6 17. Purchase, lease and maintain motor vehicles and other
7 equipment and properties for use by employees of the Oklahoma
8 Department of Law Enforcement;

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

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

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

22 21. By November 1, 2017, submit to the Commission for approval
23 a plan for obtaining national accreditation for the Oklahoma
24 Department of Law Enforcement.

1 B. After appointment and before entering upon the discharge of
2 his or her duties, the Superintendent shall take and subscribe to
3 the oath of office required by the Constitution. Bonding of the
4 Superintendent and other employees of the Oklahoma Department of Law
5 Enforcement shall be provided under the provisions of Section 85.26
6 of Title 74 of the Oklahoma Statutes.

7 SECTION 7. AMENDATORY 47 O.S. 2011, Section 2-101, as
8 amended by Section 159, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
9 2015, Section 2-101), is amended to read as follows:

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

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

20 ~~(b) B.~~ The ~~Governor shall be the chief officer of the~~
21 ~~Department of Public Safety and the Commissioner~~ Director of Public
22 Safety, under the general supervision of the Superintendent of the
23 Oklahoma Department of Law Enforcement, shall ~~execute the lawful~~
24 ~~orders of the Governor and shall be responsible to him for the~~

1 operation and administration of ~~said~~ the Department. The
2 ~~Commissioner~~ Director of Public Safety shall provide personal
3 security and protection, transportation, and communications
4 capabilities for the Governor, the ~~Governor's~~ immediate family of
5 the Governor, and the Lieutenant Governor. ~~The Commissioner is~~
6 ~~authorized to provide necessary communications equipment to said~~
7 ~~persons even if said persons are not on state property or in state~~
8 ~~vehicles. The Commissioner of Public Safety is hereby authorized to~~
9 ~~purchase or lease and equip motor vehicles for the use of the~~
10 ~~Governor and Lieutenant Governor. The purchase or lease price of~~
11 ~~any such motor vehicles and equipment shall be paid from any~~
12 ~~appropriation for motor vehicles made to the Department of Public~~
13 ~~Safety.~~

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

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

22 2. The ~~Commissioner~~ Director of Public Safety shall be a
23 ~~professional law enforcement~~ full-time, certified peace officer with
24 ten (10) ~~years~~ years of experience in the field of law enforcement

1 or with five (5) ~~years~~ years of experience in the field of law
2 enforcement and a graduate of a four-year college ~~with a degree in~~
3 ~~law enforcement administration, law, criminology or a related~~
4 ~~science.~~ The position of the Director of Public Safety shall be
5 filled from the body of commissioned officers of the Department of
6 Public Safety.

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

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

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

18 C. The ~~Commissioner~~ Director of Public Safety shall be eligible
19 to participate in either the Oklahoma Public Employees Retirement
20 System or in the Oklahoma Law Enforcement Retirement System and
21 shall make an irrevocable election in writing to participate in one
22 of the two retirement systems within thirty (30) days of
23 appointment. Any earned benefits or any credits toward retirement
24 benefits from previous participation within the Oklahoma Public

1 Employees Retirement System or the Oklahoma Law Enforcement
2 Retirement System shall remain intact within that System should the
3 Director elect to become a new participant in a different retirement
4 system.

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

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

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

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

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1 ~~C. The Commissioner is authorized to purchase and maintain~~
2 ~~motor vehicles and other equipment for use by the employees of the~~
3 ~~Department.~~

4 SECTION 10. AMENDATORY 47 O.S. 2011, Section 2-104, as
5 amended by Section 160, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
6 2015, Section 2-104), is amended to read as follows:

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

19 ~~B.~~ When traveling with the Governor or at ~~his~~ the request of
20 the Governor:

21 1. Those personnel assigned by the ~~Commissioner~~ Director of
22 Public Safety for executive security shall be allowed their actual
23 and necessary traveling expenses, upon claims approved by the
24 ~~Commissioner~~ Superintendent, and shall receive, in addition to base

1 salary, an additional One Hundred Seventy-five Dollars (\$175.00) per
2 month; and

3 2. Those personnel serving as noncommissioned pilots in the
4 Department of Public Safety shall be allowed their actual and
5 necessary traveling expenses, upon claims approved by the
6 ~~Commissioner~~ Superintendent.

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

22 ~~D.~~ C. The salaries of the employees of the Department of Public
23 Safety, shall be governed by and in accordance with the procedures
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1 established by the Office of Management and Enterprise Services,
2 unless otherwise provided by law.

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

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

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

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1 SECTION 12. AMENDATORY 63 O.S. 2011, Section 2-103, as
2 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
3 2015, Section 2-103), is amended to read as follows:

4 Section 2-103. A. The Director shall be appointed by the
5 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
6 ~~Commission~~ Superintendent of the Oklahoma Department of Law
7 Enforcement. ~~The Director of Narcotics and Dangerous Drugs Control~~
8 ~~on January 1, 1984, shall be initially appointed as Director. The~~
9 ~~succeeding~~ Director shall, at the time of the appointment, have a
10 Bachelor's Degree from an accredited college or university and at
11 least five (5) years of experience in drug law enforcement. The
12 position of the Director of the Oklahoma State Bureau of Narcotics
13 and Dangerous Drugs Control shall be filled from personnel within
14 the Bureau. Subject to the approval of the Superintendent of the
15 Oklahoma Department of Law Enforcement, the Director may appoint
16 necessary assistants, agents, and other personnel to perform the
17 work of the office and may prescribe their titles and duties ~~and fix~~
18 ~~their compensation pursuant to Merit System rules. The~~ Subject to
19 the approval of the Superintendent, the Director may appoint
20 employees to the positions of Chief of Law Enforcement Information
21 and Technology, Public Information/Education Officer, Training
22 Officer, Program Administrators, Grants Administrator, Criminal
23 Analysts, Legal Secretary, and Typist Clerk/Spanish
24 Transcriptionists. The positions shall be unclassified and exempt

1 from the rules and procedures of the Office of Management and
2 Enterprise Services, except leave regulations. ~~The office of the~~
3 ~~Director shall be located at a suitable place in Oklahoma City,~~
4 ~~Oklahoma.~~

5 B. 1. Agents appointed by the Director shall have the powers
6 of peace officers generally; provided, subject to the approval of
7 the Superintendent, the Director may appoint special agents and
8 reserve special agents, who shall be unclassified employees of the
9 state, to meet specific investigatory needs. Special agents and
10 reserve special agents shall not be required to meet the age and
11 educational requirements as specified in this section.

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

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

18 C. Agents appointed pursuant to the provisions of this section
19 shall have the responsibility of investigating alleged violations
20 and shall have the authority to arrest those suspected of having
21 violated the provisions of the Uniform Controlled Dangerous
22 Substances Act, as well as the crimes of money laundering and human
23 trafficking, as otherwise set forth by laws of this state.

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1 D. ~~The~~ Subject to the approval of the Superintendent, the
2 Director may appoint reserve special agents who shall not be
3 considered employees of the state and shall serve at the will of the
4 Director. Reserve special agents shall complete a minimum of one
5 hundred sixty (160) hours of training pursuant to Section 3311 of
6 Title 70 of the Oklahoma Statutes and may not serve more than one
7 hundred forty (140) hours per calendar month. Upon completion of
8 training, reserve special agents appointed by the Director shall
9 have general peace officer powers and the authority to arrest those
10 suspected of having violated the provisions of the Uniform
11 Controlled Dangerous Substances Act. The agency may expend funds
12 related to training and special reserve agents may receive travel
13 expenses pursuant to the State Travel Reimbursement Act.

14 E. A commissioned employee of the Oklahoma State Bureau of
15 Narcotics and Dangerous Drugs Control shall be entitled to receive
16 upon retirement by reason of length of service, the continued
17 custody and possession of the sidearm and badge carried by such
18 employee immediately prior to retirement.

19 F. A commissioned employee of the Bureau may be entitled to
20 receive, upon retirement by reason of disability, the continued
21 custody and possession of the sidearm and badge carried by such
22 employee immediately prior to retirement upon written approval of
23 the Director.

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

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

8 I. Any Director appointed on or after July 1, 2003, shall be
9 eligible to participate in either the Oklahoma Public Employees
10 Retirement System or in the Oklahoma Law Enforcement Retirement
11 System and shall make an irrevocable election in writing to
12 participate in one of the two retirement systems within thirty (30)
13 days of appointment.

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

17 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
18 Control Commission is hereby abolished. All duties and powers of
19 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
20 Commission shall be assumed and be performed by the Oklahoma
21 Department of Law Enforcement. The Director of the Oklahoma State
22 Bureau of Narcotics and Dangerous Drugs Control shall be under the
23 general supervision of the Superintendent of the Oklahoma Department
24 of Law Enforcement.

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

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

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

11 1. Cooperate with federal and other state agencies in
12 discharging the responsibilities concerning traffic in narcotics and
13 dangerous substances and in suppressing the abuse of dangerous
14 substances;

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

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

19 4. ~~Cooperate with the Oklahoma State Bureau of Narcotics and~~
20 ~~Dangerous Drugs Control by establishing~~ Establish a centralized unit
21 which will accept, catalog, file and collect statistics, including
22 records of drug-dependent persons and other dangerous substance law
23 offenders within the state, and make such information available for
24

1 federal, state and local law enforcement purposes; and may collect
2 and furnish statistics for other appropriate purposes; and

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

6 B. Results, information and evidence received from the Oklahoma
7 State Bureau of Narcotics and Dangerous Drugs Control relating to
8 the regulatory functions of this act, including results of
9 inspections conducted by that agency, may be relied upon and acted
10 upon by the Director in conformance with the regulatory functions
11 under this act.

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

13 1. Coordinate and cooperate in educational programs designed to
14 prevent and deter misuse and abuse of controlled dangerous
15 substances;

16 2. Promote better recognition of the problems of misuse and
17 abuse of controlled dangerous substances within the regulated
18 industry and among interested groups and organizations;

19 3. Assist the regulated industry, interested groups and
20 organizations in contributing to the reduction of misuse and abuse
21 of controlled dangerous substances;

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

24

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

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

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

11 8. ~~Conduct~~ Subject to the availability of funds, conduct an
12 annual seminar to be attended by selected law enforcement officers
13 in order to teach new techniques and advances in the investigation
14 of violations of the Uniform Controlled Dangerous Substances Act;
15 and

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

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

19 1. Encourage research on misuse and abuse of controlled
20 dangerous substances;

21 2. Cooperate in establishing methods to assess accurately the
22 effects of controlled dangerous substances and to identify and
23 characterize controlled dangerous substances with potential for
24 abuse; and

1 3. Cooperate in making studies and in undertaking programs of
2 research to:

3 a. develop new or improved approaches, techniques,
4 systems, equipment and devices to strengthen the
5 enforcement of this act,

6 b. determine patterns of misuse and abuse of controlled
7 dangerous substances and the social effects thereof,
8 and

9 c. improve methods for preventing, predicting,
10 understanding and dealing with the misuse and abuse of
11 controlled dangerous substances.

12 E. The Director shall prepare a yearly report on all deaths and
13 nonfatal overdoses which were the result or probable result of abuse
14 of a controlled dangerous substance. The yearly report shall be
15 limited to statistical information including, but not limited to,
16 the county where the death or nonfatal overdose occurred, age, race,
17 gender, type of controlled dangerous substances involved in the
18 death or nonfatal overdose, and the method in which the controlled
19 dangerous substance was obtained by the person, when available.

20 F. The Subject to the approval of the Superintendent of the
21 Oklahoma Department of Law Enforcement, the Director may enter into
22 contracts with public agencies, institutions of higher education and
23 private organizations or individuals for the purpose of conducting
24

1 research, demonstrations or special projects which bear directly on
2 misuse and abuse of controlled dangerous substances.

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

5 H. The Director may authorize persons engaged in research or
6 scientific activities on the use and effects of dangerous substances
7 to withhold the names and other identifying characteristics of
8 persons who are the subjects of such research. Persons who obtain
9 this authorization may not be compelled in any state civil,
10 criminal, administrative, legislative or other proceeding to
11 identify the subjects of research for which such authorization was
12 obtained.

13 I. The Director may authorize the lawful possession,
14 distribution and use of controlled dangerous substances by persons
15 engaged in research or scientific activities; authorization for
16 possession of controlled dangerous substances may be extended to
17 persons engaged in a program of drug education or persons in the
18 performance of an official duty. Persons who obtain this
19 authorization shall be exempt from state prosecution for possession,
20 distribution or use of dangerous substances to the extent authorized
21 by the Director.

22 J. The ~~Director~~ Superintendent is authorized to accept gifts,
23 bequests, devises, contributions and grants, public or private,
24

1 including federal funds or funds from any other source for use in
2 furthering the purpose of the ~~office of the Director~~ Bureau.

3 K. ~~The Director is authorized to purchase or sell real~~
4 ~~property, together with appurtenances, in the name of the Oklahoma~~
5 ~~State Bureau of Narcotics and Dangerous Drugs Control upon approval~~
6 ~~of the Oklahoma State Bureau of Narcotics and Dangerous Drugs~~
7 ~~Control Commission.~~

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

10 M. ~~The Director shall be in charge of all monies appropriated~~
11 ~~for or deposited to the credit of the office of the Director and is~~
12 ~~authorized to approve claims and payrolls as provided in Section~~
13 ~~41.26 of Title 62 of the Oklahoma Statutes.~~

14 N. The Director shall have the authority of a peace officer ~~and~~
15 ~~is authorized to commission assistants of the office as peace~~
16 ~~officers.~~

17 ~~Ø.~~ L. Upon determining that a practitioner is prescribing a
18 controlled dangerous substance to a person engaged in fraudulent or
19 deceptive efforts to fill or refill multiple prescriptions for
20 controlled dangerous substances, the Director shall provide written
21 or electronic notification alerting the practitioner to the
22 possibility that the person may be unlawfully obtaining prescription
23 drugs in violation of the Uniform Controlled Dangerous Substances
24 Act.

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

3 Section 2-106.2 A. The Superintendent of the Oklahoma State
4 ~~Bureau of Narcotics and Dangerous Drugs Control~~, pursuant to rules
5 ~~promulgated by the Oklahoma State Bureau of Narcotics and Dangerous~~
6 ~~Drugs Control Commission~~, Department of Law Enforcement is hereby
7 authorized to:

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

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

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

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

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

1 Section 2-110. The Subject to the approval of the
2 Superintendent of the Oklahoma Department of Law Enforcement, the
3 Director of the Oklahoma State Bureau of Narcotics and Dangerous
4 Drugs Control may employ attorneys, who shall be unclassified
5 employees of the state, or contract with attorneys, as needed.
6 These attorneys may advise the Director, the Superintendent of the
7 Oklahoma Department of Law Enforcement, the Oklahoma ~~State Bureau of~~
8 ~~Narcotics and Dangerous Drugs Control~~ Law Enforcement Commission and
9 Bureau personnel on all legal matters and shall appear for and
10 represent the Director, the Superintendent, the Oklahoma Law
11 Enforcement Commission and Bureau personnel in all administrative
12 hearings and all litigation or other proceedings which may arise in
13 the discharge of their duties. At the request of the Oklahoma State
14 Bureau of Narcotics and Dangerous Drugs Control Commission, such
15 attorney shall assist the district attorney in prosecuting charges
16 of violators of the Uniform Controlled Dangerous Substances Act or
17 any felony relating to or arising from a violation of the Uniform
18 Controlled Dangerous Substances Act. Attorneys for the Bureau who
19 have been certified by the Council on Law Enforcement Education and
20 Training to carry a weapon or have been issued a handgun license
21 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
22 allowed to carry weapons pursuant to paragraph 3 of subsection A of
23 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
24 pursuant to this provision, shall not be considered eligible to

1 participate in the Oklahoma Law Enforcement Retirement System. If a
2 conflict of interest would be created by such attorney representing
3 the Director, the Superintendent, the Oklahoma Law Enforcement
4 Commission or Bureau personnel, additional counsel may be hired upon
5 approval of the Superintendent of the Oklahoma State Bureau of
6 Narcotics and Dangerous Drugs Control Commission Department of Law
7 Enforcement.

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

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

14 1. Maintain a nationally accredited scientific laboratory to
15 assist all law enforcement agencies in the discovery and detection
16 of criminal activity;

17 2. Maintain fingerprint and other identification files
18 including criminal history records, juvenile identification files,
19 and DNA profiles;

20 3. Establish, coordinate and maintain the automated
21 fingerprinting identification system (AFIS) and the deoxyribonucleic
22 acid (DNA) laboratory;

23 4. Operate teletype, mobile and fixed radio or other
24 communications systems;

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

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

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

12 8. Investigate, detect, institute and maintain actions
13 involving vehicle theft pursuant to Section 150.7a of this title or
14 oil, gas or oil field equipment theft pursuant to Sections 152.2
15 through 152.9 of this title;

16 9. Investigate any criminal threat made to the physical safety
17 of elected or appointed officials of this state or any political
18 subdivision of the state and forward the results of that
19 investigation to the ~~Department of Public Safety,~~ Superintendent of
20 the Oklahoma Department of Law Enforcement and provide security to
21 foreign elected or appointed officials while they are in this state
22 on official business;

23 10. Investigate and detect violations of the Oklahoma Computer
24 Crimes Act; and

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

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

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

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

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

20 Section 150.6 A. The Oklahoma State Bureau of Investigation
21 shall be under the operational control of a Director. The Director
22 shall be appointed or dismissed by ~~a majority vote of the total~~
23 ~~membership of the Commission~~ Superintendent of the Oklahoma
24 Department of Law Enforcement. The Director shall be a ~~professional~~

1 ~~law enforcement~~ full-time, certified peace officer who possesses a
2 bachelor's degree from an accredited college or university ~~and who~~
3 ~~shall have,~~ has a minimum of five (5) ~~years'~~ years of experience in
4 ~~criminal investigation and/or law enforcement or five (5) years'~~
5 ~~experience as an agent with said~~ at the Bureau and ~~must have~~ has at
6 least two (2) ~~years'~~ years of experience in an administrative
7 position. The position of the Director of the Oklahoma State Bureau
8 of Investigation shall be filled from personnel within the Bureau.

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

20 SECTION 20. AMENDATORY 74 O.S. 2011, Section 150.7, as
21 amended by Section 1, Chapter 136, O.S.L. 2015 (74 O.S. Supp. 2015,
22 Section 150.7), is amended to read as follows:
23
24

1 Section 150.7 The Director of the Oklahoma State Bureau of
2 Investigation shall have the following powers, duties and
3 responsibilities:

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

7 2. ~~To supervise~~ Supervise the maintaining of all reports and
8 records of the Bureau and to promulgate administrative rules
9 concerning the destruction and retention of such records. Such
10 records shall not be transferred to the custody or control of the
11 Archives and Records Commission or be subject to the provisions of
12 Section 590 of Title 21 of the Oklahoma Statutes. The Director may,
13 pursuant to adopted and promulgated administrative rule, order the
14 destruction of records deemed to be no longer of value to the
15 Bureau, excluding criminalistic and investigative records which
16 shall forever be kept and maintained;

17 3. ~~To report~~ Report to the ~~Commission at each regular meeting~~
18 Superintendent of the Oklahoma Department of Law Enforcement, or as
19 directed by the Oklahoma Law Enforcement Commission, the current
20 workload of the Bureau. Such reports shall be submitted by category
21 of the persons or entities authorized to initiate investigations as
22 provided for in subsection A of Section 150.5 of this title, and any
23 other category the Superintendent or Commission may request which
24 does not violate the confidentiality restrictions imposed in

1 Sections 150.1 through 152.9 of this title. Such reports shall
2 contain the following information:

- 3 a. what types of investigations are pending,
- 4 b. what new types of investigations have been opened,
- 5 c. what types of investigations have been closed, and
- 6 d. what criminal charges have been filed as a result of
7 Bureau investigations.

8 The reports shall not contain any information on the individual
9 subjects of the investigation or persons questioned in connection
10 with an investigation. These reports shall be open for public
11 inspection;

12 4. ~~Te~~ Upon approval of the Superintendent of the Oklahoma
13 Department of Law Enforcement, designate positions, ~~and~~ and appoint
14 employees and fix salaries of the Bureau, other than the salaries
15 established by subsection A of Section 150.6a of this title, and ~~to~~
16 authorize the payment of necessary certification expenses for the
17 employees;

18 5. ~~Te~~ Upon approval of the Superintendent of the Oklahoma
19 Department of Law Enforcement, authorize the purchase and issuance
20 of uniforms for all law enforcement officers, criminalists, and
21 other personnel of the Bureau as designated by the Director and to
22 purchase and issue necessary equipment for all employees of the
23 Bureau. All uniforms and equipment shall be used only in the
24 performance of the official duties of the officers, criminalists or

1 other personnel and shall remain the property of the Bureau except
2 as otherwise provided by law; and

3 ~~6. To~~ Upon approval of the Superintendent of the Oklahoma
4 Department of Law Enforcement, enter into local cooperative
5 agreements with local law enforcement agencies for the purpose of
6 appointing affiliate task force agents to assist the Bureau in the
7 investigation of major crimes under the jurisdiction of the Bureau.
8 Affiliate task force agents shall be employees and commissioned law
9 enforcement officers of the local law enforcement agency entering
10 into agreement with the Bureau and shall not be employees of the
11 Bureau. Affiliate task force agents shall have general peace
12 officer powers and the authority to arrest persons throughout the
13 state while serving as an affiliate task force agent. Affiliate
14 task force agents serve solely at the discretion and will of the
15 Director. ~~The~~ Upon approval of the Superintendent, the Director may
16 renew, suspend, or revoke any agreement appointing an affiliate task
17 force agent at any time.

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

21 Section 150.13A A. The Director of the Oklahoma State Bureau
22 of Investigation is hereby authorized to appoint, with the approval
23 of the ~~Oklahoma State Bureau of Investigation Commission~~
24 Superintendent of the Oklahoma Department of Law Enforcement,

1 special officers that shall have enforcement authority related to
2 the investigation of oil and gas industry crimes, which shall
3 include the larceny of equipment, property, supplies or products.
4 The number of special officers shall not exceed twenty (20)
5 positions and those special officers shall not be salaried employees
6 of the Bureau, but shall at all times be subject to the orders and
7 directions of the Director. In addition, the special officers shall
8 not have authority to enforce any laws except the provisions of the
9 Oklahoma Statutes relating directly to oil and gas industry crimes,
10 for which they will have the same authority as any other peace
11 officer. The special officers shall be known as Special
12 Investigators.

13 B. Special Investigators shall not receive any compensation or
14 expenses from this state or any of its departments, agencies or
15 subdivisions for their services. Before the issuance of a special
16 commission, each Special Investigator shall enter into a good and
17 sufficient bond executed by a surety company authorized to do
18 business in this state in the sum of Five Hundred Thousand Dollars
19 (\$500,000.00). The bond shall also be approved by the ~~Director~~
20 Superintendent of the Oklahoma Department of Law Enforcement and
21 shall indemnify all persons against damages accruing as a result of
22 any illegal or unlawful acts on the part of the Special
23 Investigators. The special commissions shall expire on January 1 of
24 the odd-numbered year after the appointment. ~~The~~ Upon approval of

1 the Superintendent of the Oklahoma Department of Law Enforcement,
2 the Director may renew, suspend or revoke any special commission at
3 any time.

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

7 Section 150.16 ~~The Oklahoma State Bureau of Investigation~~
8 Department of Law Enforcement is hereby authorized to own and
9 operate aircraft and to rent or charter aircraft on a project or
10 mission basis, such rental or charter to last only for the duration
11 of the project or mission. ~~The Bureau~~ Superintendent of the
12 Oklahoma Department of Law Enforcement is also authorized to pay,
13 from any funds available ~~to the Bureau,~~ expenses involved in
14 qualifying multiengine and instrument pilots as may be required to
15 accomplish agency responsibilities.

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

18 Section 150.21 The Oklahoma State Bureau of Investigation shall
19 establish or provide for a legal division ~~and.~~ Subject to the
20 approval of the Superintendent of the Oklahoma Department of Law
21 Enforcement, the Director may employ ~~two~~ attorneys as needed, ~~which.~~
22 The attorneys, in addition to advising the Director, the
23 Superintendent of the Oklahoma Department of Law Enforcement, the
24 Oklahoma Law Enforcement Commission and employees of the Bureau on

1 legal matters, may appear for and represent the Director, the
2 Superintendent, the Oklahoma Law Enforcement Commission and
3 employees of the Bureau in administrative hearings and other legal
4 actions and proceedings. No Bureau attorney shall enter an
5 appearance in a criminal action nor engage in private practice of
6 the law while in the employment of the Oklahoma State Bureau of
7 Investigation, except for the purpose of representing the agency in
8 motions to quash subpoenas, other discovery matters, expungement
9 applications, evidentiary hearings, and forfeiture proceedings. It
10 shall continue to be the duty of the Attorney General to give
11 official opinions to and to prosecute and defend actions for the
12 Director, the Superintendent, the Oklahoma Law Enforcement
13 Commission and employees of the Bureau, if requested to do so.

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

16 SECTION 25. REPEALER 74 O.S. 2011, Sections 150.3 and
17 150.4, are hereby repealed.

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1 Passed the House of Representatives the 10th day of March, 2016.

2
3 _____
4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2016.

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8 _____
9 Presiding Officer of the Senate