

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1482

By: Jolley

4  
5  
6 AS INTRODUCED

7 An Act relating to state government; creating the  
8 Oklahoma Department of Law Enforcement and Public  
9 Safety Act; consolidating the Department of Public  
10 Safety, Oklahoma State Bureau of Investigation,  
11 Oklahoma State Bureau of Narcotics and Dangerous  
12 Drugs Control, Office of the Oklahoma State Fire  
13 Marshal, and the Council on Law Enforcement Education  
14 and Training into the Oklahoma Department of Law  
15 Enforcement and Public Safety; providing for powers  
16 and duties of Director; providing for creation of  
17 certain divisions; creating a Law Enforcement and  
18 Public Safety Cabinet; providing for cabinet  
19 membership, terms and length of service; amending 47  
20 O.S. 2011, Section 2-101, as amended by Section 159,  
21 Chapter 304, O.S.L. 2012, (47 O.S. Supp. 2015,  
22 Section 2-101), which relates to the creation,  
23 organization and responsibilities of the department;  
24 modifying department organization; providing for  
qualifications of certain positions; amending 63 O.S.  
2011, Section 2-102, which relates to the State  
Bureau of Narcotics and Dangerous Drugs Control;  
providing for consolidation and name reference  
change; amending 74 O.S. 2011, Section 150.2, as  
amended by Section 7, Chapter 397, O.S.L. 2015 (74  
O.S. Supp. 2015, Section 150.2), which relates to the  
powers and duties of the Oklahoma State Bureau of  
Investigation; providing for consolidation and name  
reference change; abolishing certain agencies;  
amending 70 O.S. 2011, Section 3311, as last amended  
by Section 1, Chapter 281, O.S.L. 2015 (70 O.S. Supp.  
2015, Section 3311), which relates to the Council on  
Law Enforcement Education and Training; providing for  
consolidation; providing for certain changes the  
advisory council; providing for consolidation of the  
Office of the State Fire Marshal; amending 74 O.S.

1 2011, Section 324.4, which has to do with the Office  
2 of the State Fire Marshall; providing for certain  
3 changes; repealing 63 O.S. 2011, Section 2-104.2;  
4 repealing 74 O.S. 2011, Section 150.1; repealing 74  
5 O.S. 2011, Sections 150.3 and 324.1; requiring  
6 determinations on facilities; directing proceeds be  
7 deposited into General Revenue Fund; providing for  
8 codification; providing an effective date; and  
9 declaring an emergency.

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

11 SECTION 1. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 11000 of Title 74 unless there  
13 is created a duplication in numbering, reads as follows:

14 This act shall be known as the Oklahoma Department of Law  
15 Enforcement and Public Safety Act.

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 11001 of Title 74, unless there  
18 is created a duplication in numbering, reads as follows:

19 There is hereby created the Oklahoma Department of Law  
20 Enforcement and Public Safety, to coordinate and manage law  
21 enforcement and public safety responsibilities and functions of the  
22 State of Oklahoma. The Department of Public Safety, Oklahoma State  
23 Bureau of Investigation, Oklahoma State Bureau of Narcotics and  
24 Dangerous Drugs Control, Office of the Oklahoma State Fire Marshal  
and Council on Law Enforcement Education and Training are hereby

1 consolidated into the Oklahoma Department of Law Enforcement and  
2 Public Safety.

3 A. Effective July 1, 2016, all powers, duties and  
4 responsibilities assigned to the Oklahoma State Bureau of  
5 Investigation, Oklahoma State Bureau of Narcotics and Dangerous  
6 Drugs Control, the Office of the Oklahoma State Fire Marshal, the  
7 Council on Law Enforcement Education and Training and the Department  
8 of Public Safety shall be transferred to the Oklahoma Department of  
9 Law Enforcement and Public Safety. The Oklahoma Bureau of Narcotics  
10 and Dangerous Drugs Control shall serve as the temporary  
11 headquarters for the Oklahoma Department of Law Enforcement and  
12 Public Safety until such time as a unified headquarters can be  
13 determined by the transition team pursuant to subsection C of this  
14 Section.

15 B. Effective July 1, 2016, all employees of the Oklahoma State  
16 Bureau of Investigation, Oklahoma State Bureau of Narcotics and  
17 Dangerous Drugs Control, the Office of the Oklahoma State Fire  
18 Marshal, the Council on Law Enforcement Education and Training and  
19 Department of Public Safety shall become employees of the Oklahoma  
20 Department of Law Enforcement and Public Safety.

21 C. A transition team comprised of the Law Enforcement and  
22 Public Safety Cabinet established in Section 4 of this act shall  
23 prepare a transition plan for the consolidation of the  
24 administration of the Oklahoma State Bureau of Narcotics and

1 Dangerous Drugs Control, Department of Public Safety, Oklahoma State  
2 Bureau of Investigation, Office of the Oklahoma State Fire Marshal  
3 and Council on Law Enforcement Education and Training into the  
4 Oklahoma Department of Law Enforcement and Public Safety. The  
5 transition plan shall include a practical timeframe for transfer of  
6 functions, employees, and other resources into a single functional  
7 agency, provision for the assignment and training of employees  
8 affected by the transfer, and plans for the new agency's use of  
9 state buildings and other facilities and assets used by the former  
10 agencies. The transition plan shall incorporate an agency structure  
11 as described in Section 3 of this act. The transition plan shall be  
12 submitted to the Governor, the President Pro Tempore of the Senate  
13 and the Speaker of the House of Representatives on or before July 1,  
14 2017.

15 D. Personnel transferred pursuant to the provisions of this  
16 section shall not be required to accept a lesser salary than  
17 presently received; provided, the provisions of this section shall  
18 not operate to prohibit the imposition of furloughs or reductions-  
19 in-force with respect to such personnel as allowed by law.

20 Personnel transferred shall be placed within the classification  
21 level in which they meet qualifications without an entrance exam.  
22 All such persons shall retain seniority, leave, sick and annual time  
23 earned and any retirement benefits which have accrued during their  
24 tenure with their respective agency. The transfer of personnel

1 among the agencies shall be coordinated with the Office of  
2 Management and Enterprise Services.

3 E. All rules, regulations, acts, orders, determinations and  
4 decisions of the consolidated agencies pertaining to the functions  
5 and powers herein transferred and assigned to the Oklahoma  
6 Department of Law Enforcement and Public Safety, in force at the  
7 time of such transfer, assignment, assumption or devolution shall  
8 continue in force and effect as rules, regulations, acts, orders,  
9 determinations and decisions of the Oklahoma Department of Law  
10 Enforcement and Public Safety until modified or abrogated by the  
11 Cabinet or until otherwise provided by law. From and after the  
12 originating agency's date of official transfer to the Oklahoma Law  
13 Enforcement and Public Safety Department, any amendment, repeal or  
14 addition to the transferred rules shall be under the jurisdiction of  
15 the Oklahoma Department of Law Enforcement and Public Safety. All  
16 documents issued by the sections transferred to the Oklahoma  
17 Department of Law Enforcement and Public Safety, including, but not  
18 limited to, vehicle registrations and permits, shall be deemed to  
19 have been issued by the Oklahoma Department of Law Enforcement and  
20 Public Safety. The Office of Administrative Rules in the Secretary  
21 of State's office shall provide adequate notice in the Oklahoma  
22 Register of the transfer of rules, and shall place the transferred  
23 rules under the Administrative Code section of the Oklahoma  
24 Department of Law Enforcement and Public Safety.

1 F. Any cost savings derived and certified as a result of the  
2 consolidation of agencies shall be deposited in the Oklahoma  
3 Department of Law Enforcement and Public Safety Revolving Fund  
4 created by Section 11004 of this act and be applied by the Director  
5 to equalize salaries of Oklahoma Department of Law Enforcement and  
6 Public Safety employees.

7 SECTION 3. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 11002 of Title 74, unless there  
9 is created a duplication in numbering, reads as follows:

10 The Oklahoma Department of Law Enforcement and Public Safety  
11 shall be organized into the following operating divisions:

12 Uniformed Services Division,

13 Investigative Services Division, and

14 Licensing and Regulatory Services Division.

15 The operating divisions shall be comprised of departments to  
16 perform the following services and functions:

17 UNIFORMED SERVICES DIVISION:

18 An Oklahoma Highway Patrol Department, to perform duties and  
19 services previously performed by the Oklahoma Highway Patrol; and

20 A Council on Law Enforcement Education and Training (CLEET)  
21 Department, to perform duties and services previously performed by  
22 the Council on Law Enforcement Education and Training.

23 INVESTIGATIVE SERVICES DIVISION:  
24

1 A Narcotics and Dangerous Drug Control Department, to perform  
2 duties and services previously performed by the Oklahoma State  
3 Bureau of Narcotics and Dangerous Control; and

4 An Investigation Department, to perform duties and services  
5 previously performed by the Oklahoma State Bureau of Investigation.

6 PUBLIC SAFETY LICENSING SERVICES DIVISION:

7 A Driver License Examination and Issuance Department, to perform  
8 duties and services related to driver license issuance and  
9 examination previously performed by the Department of Public Safety;

10 A Criminal Background Check Department, to perform criminal  
11 background check duties and functions previously conducted by the  
12 Oklahoma State Bureau of Investigation; and

13 A Fire Marshal Department, to perform duties and functions  
14 previously performed by the Office of the Oklahoma State Fire  
15 Marshal.

16 SECTION 4. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 11003 of Title 74, unless there  
18 is created a duplication in numbering, reads as follows:

19 There is hereby created the Law Enforcement and Public Safety  
20 Cabinet, which shall be the governing board of the Oklahoma  
21 Department of Law Enforcement and Public Safety. The Cabinet shall  
22 consist of seven members appointed by the Governor with the advice  
23 and consent of the Senate as follows:  
24

1 Four members shall be lay members who shall not be employed by  
2 or represent a law enforcement agency, but who shall represent the  
3 public at large;

4 One member shall be a district attorney while serving in that  
5 capacity;

6 One member shall be a sheriff while serving in that capacity;  
7 and

8 One member shall be a chief of police while serving in that  
9 capacity.

10 No Congressional district shall be represented by more than two  
11 members. However, when congressional districts are redrawn each  
12 member appointed prior to July 1 of the year in which such  
13 modification becomes effective shall complete the current term of  
14 office and appointments made after July 1 of the year in which such  
15 modification becomes effective shall be based on the redrawn  
16 districts. Appointments made after July 1 of the year in which such  
17 modification becomes effective shall be from any redrawn districts  
18 which are not represented by a cabinet member until such time as  
19 each of the modified congressional districts are represented by a  
20 cabinet member. No appointments may be made after July 1 of the year  
21 in which such modification becomes effective if such appointment  
22 would result in more than two members serving from the same modified  
23 district.  
24

1           The members of the Cabinet shall be appointed within ninety (90)  
2 days from the date this act becomes effective. The term of office of  
3 each member shall be seven (7) years. The first appointments shall  
4 be for the following terms as designated by the Governor: one member  
5 for a term of one (1) year; one member for a term of two (2) years;  
6 one member for a term of three (3) years; one member for a term of  
7 four (4) years; one member for a term of five (5) years; one member  
8 for a term of six (6) years; and one member for a term of seven (7)  
9 years. Thereafter all of the members of the Cabinet shall serve for  
10 a term of seven (7) years. A member may serve more than one term on  
11 the Commission. Each member shall continue to serve so long as the  
12 member is qualified until a successor has been appointed and  
13 confirmed by the Senate.

14           Annually the Cabinet shall select one of the Cabinet members to  
15 serve as chair and one member to serve as vice-chair. The Cabinet  
16 shall meet at least quarterly. The chair shall preside at all  
17 meetings of the Cabinet and shall have the power to call meetings of  
18 the Cabinet. The vice-chair shall perform these functions in the  
19 absence or incapacity of the chair. A quorum of four members of the  
20 Cabinet shall be necessary to conduct any official business. All  
21 actions taken by the Cabinet shall be by a simple majority vote of a  
22 quorum. In the event of a tie vote, the measure being voted upon  
23 shall be deemed to have failed. The Cabinet shall adopt rules of  
24 procedure for the orderly performance of its functions.

1 Members of the Cabinet shall serve without salary but may be  
2 reimbursed for travel and other expenses in attending meetings and  
3 performing their duties in the manner provided for other state  
4 officers and employees under the State Travel Reimbursement Act,  
5 Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

6 No other provisions of law shall be construed as prohibiting  
7 public officers from also serving as members of the Cabinet, nor  
8 shall any other provisions of law be construed as prohibiting public  
9 officers or public employees from performing services for the  
10 Cabinet without compensation. It is further provided that no town,  
11 city, county or other subdivision or other agency of state  
12 government shall be prohibited from receiving a grant or from  
13 benefiting from grants or expenditures of the Cabinet for the reason  
14 that an officer or employee of such town, city, county or other  
15 subdivision or agency of state government is a Cabinet member.

16 The Cabinet shall prepare and propose a plan for consolidation  
17 and execution of the combined agencies. The proposed plan shall be  
18 submitted to the Governor and the Pro Tempore of the Senate and the  
19 Speaker of the House of Representatives no later than July 1, 2017.  
20 Final Implementation shall be no later than July 1, 2018.

21 SECTION 5. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 11004 of Title 74, unless there  
23 is created a duplication in numbering, reads as follows:  
24

1           There is hereby created in the State Treasury a revolving fund  
2 for the Oklahoma Department of Law Enforcement and Public Safety, to  
3 be designated the "Law Enforcement and Public Safety Revolving  
4 Fund". The fund shall be a continuing fund, not subject to fiscal  
5 year limitations, and shall consist of any grants, gifts, bequests  
6 and any other lawful monies received for the benefit of the  
7 Department. All monies accruing to the credit of said fund are  
8 hereby appropriated and may be budgeted and expended by the Director  
9 of the Department for the operation of the Department in furtherance  
10 of its duties as authorized by law.

11           SECTION 6.           AMENDATORY           47 O.S. 2011, Section 2-101, as  
12 amended by Section 159, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
13 2015, Section 2-101), is amended to read as follows:

14           (a) ~~A department of the government of this state to be known as~~  
15 ~~the~~ "The Department of Public Safety" is hereby ~~created,~~ transferred  
16 to the Oklahoma Department of Law Enforcement and Public Safety, and  
17 shall operate ~~and offices for the Department shall be furnished by~~  
18 ~~the Office of Management and Enterprise Services. The Department of~~  
19 ~~Public Safety shall be under the control and supervision of the~~  
20 ~~Commissioner of Public Safety~~ Law Enforcement and Public Safety  
21 Cabinet, which office and position is hereby created. The Oklahoma  
22 Department of Law Enforcement and Public Safety shall be under the  
23 operational control of a Director, who shall on July 1, 2016, the  
24 Commissioner of Public Safety. Thereafter, the Director shall be

1 appointed or dismissed by a majority vote of the total membership of  
2 the Law Enforcement and Public Safety Cabinet.

3 All references in the Oklahoma Statutes to the Commissioner of  
4 Public Safety shall be deemed to refer to the Law Enforcement and  
5 Public Safety Cabinet or the Oklahoma Law Enforcement and Public  
6 Safety Director unless otherwise required by the context. The  
7 Director ~~The Commissioner~~ shall have such powers and authority as  
8 may be granted by the provisions of the Uniform Vehicle Code or as  
9 may otherwise be provided by law.

10 (b) The Governor shall be the chief officer of the ~~Department~~  
11 ~~of Public Safety Cabinet~~ and the ~~Commissioner of Public Safety~~  
12 ~~Cabinet~~ shall execute the lawful orders of the Governor and shall be  
13 responsible to ~~him~~ the Governor for the operation and administration  
14 of ~~said Department~~ the Oklahoma Department of Law Enforcement and  
15 Public Safety. The Uniformed Services Division ~~Commissioner of~~  
16 ~~Public Safety~~ shall provide personal security and protection,  
17 transportation, and communications capabilities for the Governor,  
18 the Governor's immediate family, and the Lieutenant Governor. The  
19 ~~Commissioner~~ Cabinet is authorized to provide necessary  
20 communications equipment to said persons even if said persons are  
21 not on state property or in state vehicles. The ~~Commissioner of~~  
22 ~~Public Safety Cabinet~~ is hereby authorized to purchase or lease and  
23 equip motor vehicles for the use of the Governor and Lieutenant  
24 Governor. The purchase or lease price of any such motor vehicles and

1 equipment shall be paid from any appropriation for motor vehicles  
2 made to the ~~Department of Public Safety Cabinet~~.

3 SECTION 7. AMENDATORY 63 O.S. 2011, Section 2-102, is  
4 amended to read as follows:

5 ~~There is hereby established the~~ The Oklahoma State Bureau of  
6 Narcotics and Dangerous Drugs Control is hereby consolidated into  
7 the Oklahoma Department of Law Enforcement and Public Safety. All  
8 references to the Oklahoma State Bureau of Narcotics and Dangerous  
9 Drugs Control shall be deemed to refer to the Investigative Services  
10 Division of the Oklahoma Department of Law Enforcement and Public  
11 Safety.

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

15 The Oklahoma State Bureau of Investigation is hereby  
16 consolidated into the Oklahoma Department of Law Enforcement and  
17 Public Safety. All references to the Oklahoma State Bureau of  
18 Investigation shall be deemed to refer to the Investigation  
19 Department of the Investigative Services Division of the Oklahoma  
20 Department of Law Enforcement and Public Safety, which shall have  
21 the power and duty to:

22 1. Maintain a nationally accredited scientific laboratory to  
23 assist all law enforcement agencies in the discovery and detection  
24 of criminal activity;

1           2. Maintain fingerprint and other identification files  
2 including criminal history records, juvenile identification files,  
3 and DNA profiles;

4           3. Establish, coordinate and maintain the automated  
5 fingerprinting identification system (AFIS) and the deoxyribonucleic  
6 acid (DNA) laboratory;

7           4. Operate teletype, mobile and fixed radio or other  
8 communications systems;

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

12           6. Assist the ~~Director of the Oklahoma State Bureau of~~  
13 ~~Narcotics and Dangerous Drugs Control,~~ the Chief Medical Examiner,  
14 and all law enforcement officers and district attorneys when such  
15 assistance is requested, in accordance with the policy determined by  
16 the ~~Oklahoma State Bureau of Investigation Commission established in~~  
17 ~~Section 150.3 of this title~~ Oklahoma Law Enforcement and Public  
18 Safety Cabinet;

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

21           8. Investigate, detect, institute and maintain actions  
22 involving vehicle theft pursuant to Section 150.7a of this title or  
23 oil, gas or oil field equipment theft pursuant to Sections 152.2  
24 through 152.9 of this title;

1 9. Investigate any criminal threat made to the physical safety  
2 of elected or appointed officials of this state or any political  
3 subdivision of the state and forward the results of that  
4 investigation to the ~~Department of Public Safety~~ Oklahoma Department  
5 of Law Enforcement and Public Safety, and provide security to  
6 foreign elected or appointed officials while they are in this state  
7 on official business;

8 10. Investigate and detect violations of the Oklahoma Computer  
9 Crimes Act; and

10 11. Investigate and enforce all laws relating to any crime  
11 listed in Section 571 of Title 57 of the Oklahoma Statutes that  
12 occur on the turnpikes.

13 SECTION 9. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 11005 of Title 74, unless there  
15 is created a duplication in numbering, reads as follows:

16 The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
17 Control Commission is hereby abolished.

18 SECTION 10. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 11006 of Title 74, unless there  
20 is created a duplication in numbering, reads as follows:

21 The Oklahoma State Bureau of Investigation Commission is hereby  
22 abolished.

1 SECTION 11. AMENDATORY 70 O.S. 2011, Section 3311, as  
2 last amended by Section 1, Chapter 281, O.S.L. 2015 (70 O.S. Supp.  
3 2015, Section 3311), is amended to read as follows:

4 A. ~~There is hereby created a~~ The Council on Law Enforcement  
5 Education and Training ~~which~~ shall be, and is hereby declared to be,  
6 a governmental law enforcement agency of the State of Oklahoma, body  
7 politic and corporate, with powers of government and with the  
8 authority to exercise the rights, privileges and functions necessary  
9 to ensure the professional training and continuing education of law  
10 enforcement officers in the State of Oklahoma. These rights,  
11 privileges and functions include, but are not limited to, those  
12 specified in Sections 3311 through 3311.10 of this title and in the  
13 Oklahoma Security Guard and Private Investigator Act. ~~The Council~~  
14 CLEET department shall be composed of thirteen (13) members as  
15 follows:

16 1. The Commissioner of the Department of Public Safety, or  
17 designee;

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

20 3. The Director of the Oklahoma State Bureau of Investigation,  
21 or designee;

22 4. One member appointed by the Governor who shall be a law  
23 enforcement administrator representing a tribal law enforcement  
24 agency;

1           5. One member appointed by the Governor who shall be a chief of  
2 police of a municipality with a population over one hundred thousand  
3 (100,000), as determined by the latest Federal Decennial Census;

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

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

12           8. One member shall be appointed by the Board of Directors of  
13 the Oklahoma Sheriffs' Association who shall be a sheriff of a  
14 county with a population of one hundred thousand (100,000) or more,  
15 as determined by the latest Federal Decennial Census;

16           9. One member appointed by the Board of Directors of the  
17 Fraternal Order of Police who shall have experience as a training  
18 officer;

19           10. One member appointed by the Chancellor of Higher Education  
20 who shall be a representative of East Central University;

21           11. One member who is the immediate past chair of the Council  
22 on Law Enforcement Education and Training;

23           12. The President Pro Tempore of the Senate shall appoint one  
24 member from a list of three or more nominees submitted by a

1 statewide organization representing cities and towns that is exempt  
2 from taxation under federal law and designated pursuant to the  
3 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);  
4 and

5 13. The Speaker of the House of Representatives shall appoint  
6 one member from a list of three or more nominees submitted by an  
7 organization that assists in the establishment of accreditation  
8 standards and training programs for law enforcement agencies  
9 throughout the State of Oklahoma.

10 The Executive Director selected by the Council shall be an ex  
11 officio member of the Council and shall act as Secretary. The  
12 Council on Law Enforcement Education and Training shall select a  
13 chair and vice-chair from among its members. Members of the Council  
14 on Law Enforcement Education and Training shall not receive a salary  
15 for duties performed as members of the Council, but shall be  
16 reimbursed for their actual and necessary expenses incurred in the  
17 performance of Council duties pursuant to the provisions of the  
18 State Travel Reimbursement Act.

19 B. ~~The Council on Law Enforcement Education and Training~~

20 The Council on Law Enforcement Education and Training is hereby  
21 abolished and its functions shall be administered by the CLEET  
22 Department within the Oklahoma Department of Law Enforcement and  
23 Public Safety. All references to the Council or CLEET shall be  
24 deemed to refer to the CLEET Department to be established within the

1 Oklahoma Department of Law Enforcement and Public Safety. Effective

2 The Oklahoma Law Enforcement and Public Safety Cabinet is hereby

3 authorized and directed to:

4 1. Appoint ~~a larger~~ an Advisory Council to discuss problems and  
5 hear recommendations concerning necessary research, minimum  
6 standards, educational needs, and other matters imperative to  
7 upgrading Oklahoma law enforcement to professional status;

8 2. Promulgate rules with respect to such matters as  
9 certification, revocation, suspension, withdrawal and reinstatement  
10 of certification, minimum courses of study, testing and test scores,  
11 attendance requirements, equipment and facilities, minimum  
12 qualifications for instructors, minimum standards for basic and  
13 advanced in-service courses, and seminars for Oklahoma police and  
14 peace officers;

15 3. Authorize research, basic and advanced courses, and seminars  
16 to assist in program planning directly and through subcommittees;

17 4. Authorize additional staff and services necessary for  
18 program expansion;

19 5. Recommend legislation necessary to upgrade Oklahoma law  
20 enforcement to professional status;

21 6. Establish policies and regulations concerning the number,  
22 geographic and police unit distribution, and admission requirements  
23 of those receiving tuition or scholarship aid available through the  
24 Council. Such waiver of costs shall be limited to duly appointed

1 members of legally constituted local, county, and state law  
2 enforcement agencies on the basis of educational and financial need;

3 7. Appoint ~~an Executive Director and an Assistant~~ a Director of  
4 the CLEET Department to direct the staff, inform the ~~Council~~ Cabinet  
5 of compliance with the provisions of this section and perform such  
6 other duties imposed on the ~~Council~~ CLEET Department by law. ~~An~~  
7 ~~Executive Director~~ a Director of the CLEET Department appointed by  
8 the ~~Council~~ Cabinet must qualify for the position with a bachelor or  
9 higher degree in law enforcement from an accredited college or  
10 university, or a bachelor or higher degree in a law-enforcement-  
11 related subject area, and a minimum of five (5) years of active law  
12 enforcement experience including, but not limited to, responsibility  
13 for enforcement, investigation, administration, training, or  
14 curriculum implementation.

15 ~~The Executive Director of the Council on Law Enforcement~~  
16 ~~Education and Training~~ The Director of the CLEET Department may  
17 commission CLEET staff as peace officers for purposes consistent  
18 with the duties of CLEET as set out in state law. The powers and  
19 duties conferred on the ~~Executive~~ Director or any staff member  
20 appointed by the ~~Executive~~ Director as a peace officer shall not  
21 limit the powers and duties of other peace officers of this state or  
22 any political subdivision thereof. The ~~Executive~~ Director or any  
23 staff member appointed by the ~~Executive~~ Director as a peace officer  
24

1 may, upon request, assist any federal, state, county or municipal  
2 law enforcement agency;

3 8. Enter into contracts and agreements for the payment of  
4 classroom space, food, and lodging expenses as may be necessary for  
5 law enforcement officers attending any official course of  
6 instruction approved or conducted by the ~~Council~~ CLEET Department.

7 Such expenses may be paid directly to the contracting agency or  
8 business establishment. The food and lodging expenses for each law  
9 enforcement officer shall not exceed the authorized rates as  
10 provided for in the State Travel Reimbursement Act; provided,  
11 however, the ~~Council~~ CLEET Department may provide food and lodging  
12 to law enforcement officials attending any official course of  
13 instruction approved or conducted by the ~~Council~~ CLEET Department  
14 rather than paying for the provision of such food and lodging by an  
15 outside contracting agency or business establishment;

16 9.

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

19 (1) controlled dangerous substances, or

20 (2) explosives, explosive materials, explosive

21 devices, or materials which could be used to

22 construct an explosive device; provided, the dog

23 of a certified canine team shall not be certified

24 at any time as both a drug dog and a bomb dog,

1 and any dog of a certified canine team who has  
2 been previously certified as either a drug dog or  
3 a bomb dog shall not be eligible at any time to  
4 be certified in the other category.

5 b. Upon retiring the dog from the service it was  
6 certified to perform, the law enforcement department  
7 that handled the dog shall retain possession of the  
8 dog. The handler shall have first option of adopting  
9 the dog. If that option is not exercised, the law  
10 enforcement department shall provide for its adoption.  
11 Once adopted the dog shall not be placed back into  
12 active service;

13 10. Enter into a lease, loan or other agreement with the  
14 Oklahoma Development Finance Authority or a local public trust for  
15 the purpose of facilitating the financing of a new facility for its  
16 operations and use and pledge, to the extent authorized by law, all  
17 or a portion of its receipts of the assessment penalty herein  
18 referenced for the payment of its obligations under such lease, loan  
19 or other agreement. It is the intent of the Legislature to increase  
20 the assessment penalty to such a level or appropriate sufficient  
21 monies to the ~~Council on Law Enforcement Education and Training~~  
22 Oklahoma Department of Law Enforcement and Public Safety to make  
23 payments on the lease, loan or other agreement for the purpose of  
24 retiring the bonds to be issued by the Oklahoma Development Finance

1 Authority or local public trust. Such lease, loan or other  
2 agreement and the bonds issued to finance such facilities shall not  
3 constitute an indebtedness of the State of Oklahoma or be backed by  
4 the full faith and credit of the State of Oklahoma, and the lease,  
5 loan or other agreement and the bonds shall contain a statement to  
6 such effect;

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

9 12. Appoint an advisory committee composed of representatives  
10 from security guard and private investigative agencies to advise the  
11 ~~Council~~ CLEET department concerning necessary research, minimum  
12 standards for licensure, education, and other matters related to  
13 licensure of security guards, security guard agencies, private  
14 investigators, and private investigative agencies;

15 13. Enter into agreements with individuals, educational  
16 institutions, agencies, and business and tribal entities for  
17 professional services, the use of facilities and supplies, and staff  
18 overtime costs incurred as a result of the user's requests to  
19 schedule functions after-hours, on weekends, or anytime such  
20 requests extend staff beyond its normal capacity, whereby  
21 contracting individuals, educational institutions, agencies, and  
22 business and tribal entities shall pay a fee to be determined by the  
23 Council by rule. All fees collected pursuant to these agreements  
24 shall be deposited to the credit of the C.L.E.E.T. Training Center

1 Revolving Fund created pursuant to Section 3311.6 of this title.

2 The ~~Council~~ CLEET Department is authorized to promulgate emergency  
3 rules to effectuate the provisions of this paragraph;

4 14. Promulgate rules to establish a state firearms  
5 requalification standard for active peace officers and meet any  
6 requirements of the federal Law Enforcement Officers Safety Act of  
7 2004 for peace officers to carry concealed weapons nationwide;

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

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

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

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

18 After the initial terms of office, all members shall be  
19 appointed to serve three-year terms. Any member may be reappointed  
20 to serve consecutive terms. Members shall serve without  
21 compensation, but may be reimbursed for travel expenses pursuant to  
22 the State Travel Reimbursement Act. The Board shall review and  
23 establish curriculum for all CLEET academies and training courses  
24

1 pursuant to procedures established by the ~~Council on Law Enforcement~~  
2 ~~Education and Training~~ Cabinet;

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

5 18. Receive requested reports including investigative reports,  
6 court documents, statements, or other applicable information from  
7 local, county and state agencies and other agencies for use in  
8 actions where a certification or license issued by CLEET may be  
9 subject to disciplinary or other actions provided by law;

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

15 20. Approve law enforcement agencies and police departments in  
16 accordance with the following:

- 17 a. this section applies only to an entity authorized by  
18 statute or by the Constitution to create a law  
19 enforcement agency or police department and  
20 commission, appoint, or employ officers that first  
21 creates or reactivates an inactive law enforcement  
22 agency or police department and first begins to  
23 commission, appoint, or employ officers on or after  
24 November 1, 2011,

- 1           b.    the entity shall submit to CLEET, a minimum of sixty  
2                   (60) days prior to creation of the law enforcement  
3                   agency or police department, information regarding:
- 4                   (1)   the need for the law enforcement agency or police  
5                   department in the community,
- 6                   (2)   the funding sources for the law enforcement  
7                   agency or police department, and proof that no  
8                   more than fifty percent (50%) of the funding of  
9                   the entity will be derived from ticket revenue or  
10                  fines,
- 11                  (3)   the physical resources available to officers,
- 12                  (4)   the physical facilities that the law enforcement  
13                  agency or police department will operate,  
14                  including descriptions of the evidence room,  
15                  dispatch area, restroom facilities, and public  
16                  area,
- 17                  (5)   law enforcement policies of the law enforcement  
18                  agency or police department, including published  
19                  policies on:
- 20                   (a)   use of force,
- 21                   (b)   vehicle pursuit,
- 22                   (c)   mental health,
- 23                   (d)   professional conduct of officers,
- 24                   (e)   domestic abuse,

- 1 (f) response to missing persons,  
2 (g) supervision of part-time officers, and  
3 (h) impartial policing,  
4 (6) the administrative structure of the law  
5 enforcement agency or police department,  
6 (7) liability insurance, and  
7 (8) any other information CLEET requires by rule,  
8 c. within sixty (60) days of receiving an entity's  
9 request, CLEET will forward to the entity by certified  
10 mail, return receipt requested, a letter of  
11 authorization or denial to create a law enforcement  
12 agency or police department and commission, appoint,  
13 or employ officers, signed by the Executive Director  
14 of CLEET, and  
15 d. in cases of denial, the entity may appeal the decision  
16 of the ~~Executive~~ Director to the full CLEET Advisory  
17 Council. The ~~Executive~~ Director shall ensure that the  
18 final report is provided to all members of the  
19 Council. The Advisory Council shall review and make  
20 recommendations concerning the report at the first  
21 meeting of the Council to occur after all members of  
22 the Advisory Council have received the report. The  
23 Advisory Council may, by majority vote:  
24 (1) order additional information be provided,

1 (2) order confirmation of the opinion of the  
2 ~~Executive~~ Director, or

3 (3) order authorization of the entity.

4 C. 1. Payment of any fee provided for in this section may be  
5 made by a nationally recognized credit or debit card issued to the  
6 applicant. The ~~Council~~ CLEET department may publicly post and  
7 collect a fee for the acceptance of the nationally recognized credit  
8 or debit card not to exceed five percent (5%) of the amount of the  
9 payment. For purposes of this subsection, "nationally recognized  
10 credit card" means any instrument or device, whether known as a  
11 credit card, credit plate, charge plate, or by any other name,  
12 issued with or without fee by an issuer for the use of the  
13 cardholder in obtaining goods, services, or anything else of value  
14 and which is accepted by over one thousand merchants in this state.  
15 "Debit card" means an identification card or device issued to a  
16 person by a business organization which permits such person to  
17 obtain access to or activate a consumer banking electronic facility.  
18 The ~~Council~~ shall determine which nationally recognized credit or  
19 debit cards will be accepted as payment for fees.

20 2. Payment for any fee provided for in this title may be made  
21 by a business check. The ~~Council~~ CLEET department may:

- 22 a. add an amount equal to the amount of the service  
23 charge incurred, not to exceed three percent (3%) of  
24

1 the amount of the check as a service charge for the  
2 acceptance and verification of the check, or

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

8 D. Failure of the Legislature to appropriate necessary funds to  
9 provide for expenses and operations of the ~~Council on Law~~  
10 ~~Enforcement Education and Training~~ CLEET department shall not  
11 invalidate other provisions of this section relating to the creation  
12 and duties of ~~the Council~~.

13 E. 1. No person shall be eligible for employment as a peace  
14 officer or reserve peace officer until the employing law enforcement  
15 agency has conducted a background investigation of such person  
16 consisting of the following:

- 17 a. a fingerprint search submitted to the Oklahoma State  
18 Bureau of Investigation, or its successor agency, the  
19 Oklahoma Department of Law Enforcement and Public  
20 Safety, with a return report to the submitting agency  
21 that such person has no felony record,  
22 b. a fingerprint search submitted to the Federal Bureau  
23 of Investigation with a return report to the  
24

1 submitting agency that such person has no felony  
2 record,

3 c. such person has undergone psychological evaluation by  
4 a psychologist licensed by the State of Oklahoma and  
5 has been evaluated to be suitable to serve as a peace  
6 officer in the State of Oklahoma,

7 d. the employing agency has verified that such person has  
8 a high school diploma or a GED equivalency certificate  
9 as recognized by state law,

10 e. such person is not participating in a deferred  
11 sentence agreement for a felony, a crime involving  
12 moral turpitude, or a crime of domestic violence,

13 f. such person is not currently subject to an order of  
14 the ~~Council~~ Oklahoma Department of Law Enforcement and  
15 Public Safety revoking, suspending, or accepting a  
16 voluntary surrender of peace officer certification,

17 g. such person is not currently undergoing treatment for  
18 a mental illness, condition or disorder. For purposes  
19 of this subsection, "currently undergoing treatment  
20 for mental illness, condition or disorder" means the  
21 person has been diagnosed by a licensed physician,  
22 psychologist, or licensed mental health professional  
23 as being afflicted with a substantial disorder of  
24 thought, mood, perception, psychological orientation

1 or memory that significantly impairs judgment,  
2 behavior, capacity to recognize reality, or ability to  
3 meet the ordinary demands of life and such condition  
4 continues to exist,

5 h. such person is twenty-one (21) years of age.

6 Provided, this requirement shall not affect those  
7 persons who are already employed as a police or peace  
8 officer prior to November 1, 1985, and

9 i. such person has provided proof of United States  
10 citizenship or resident alien status, pursuant to an  
11 employment eligibility verification form from the  
12 United States Citizenship and Immigration Services.

13 2. To aid the evaluating psychologist in interpreting the test  
14 results, including automated scoring and interpretations, the  
15 employing agency shall provide the psychologist a statement  
16 confirming the identity of the individual taking the test as the  
17 person who is employed or seeking employment as a peace officer of  
18 the agency and attesting that it administered the psychological  
19 instrument in accordance with standards within the test document.  
20 The psychologist shall report to the employing agency the evaluation  
21 of the assessment instrument and may include any additional  
22 recommendations to assist the employing agency in determining  
23 whether to certify ~~to the Council on Law Enforcement Education and~~  
24 ~~Training~~ that the person being evaluated is suitable to serve as a

1 peace officer in the State of Oklahoma. No additional procedures or  
2 requirements shall be imposed for performance of the psychological  
3 evaluation. The psychological instrument utilized shall be  
4 evaluated by a psychologist licensed by the State of Oklahoma, and  
5 the employing agency shall certify to the ~~Council~~ CLEET department  
6 that the evaluation was conducted in accordance with this provision  
7 and that the employee or applicant is suitable to serve as a peace  
8 officer in the State of Oklahoma.

9 a. Any person found not to be suitable for employment or  
10 certification ~~by the Council~~ CLEET department shall  
11 not be employed, retained in employment as a peace  
12 officer, or certified ~~by the Council~~ CLEET department  
13 for at least one (1) year, at which time the employee  
14 or applicant may be reevaluated by a psychologist  
15 licensed by the State of Oklahoma. This section shall  
16 also be applicable to all reserve peace officers in  
17 the State of Oklahoma.

18 b. Any person who is certified by CLEET and has undergone  
19 the psychological evaluation required by this  
20 subparagraph and has been found to be suitable as a  
21 peace officer shall not be required to be reevaluated  
22 for any subsequent employment as a peace officer  
23 following retirement or any break in service as a  
24 peace officer, unless such break in service exceeds

1 five (5) years or the ~~Council~~ CLEET department  
2 determines that a peace officer may present a danger  
3 to himself or herself, the public, or a family or  
4 household member.

- 5 c. All persons seeking certification shall have their  
6 name, gender, date of birth, and address of such  
7 person submitted to the Department of Mental Health  
8 and Substance Abuse Services by the ~~Council~~ CLEET  
9 department. The Department of Mental Health and  
10 Substance Abuse Services shall respond to the ~~Council~~  
11 CLEET department within ten (10) days whether the  
12 computerized records of the Department indicate the  
13 applicant has ever been involuntarily committed to an  
14 Oklahoma state mental institution. In the event that  
15 the Department of Mental Health and Substance Abuse  
16 Services reports to the ~~Council~~ CLEET department that  
17 the applicant has been involuntarily committed, the  
18 ~~Council~~ CLEET department shall immediately inform the  
19 employing agency.

20 All basic police courses shall include a minimum of four (4)  
21 hours of education and training in recognizing and managing a person  
22 appearing to require mental health treatment or services. The  
23 training shall include training in crime and drug prevention, crisis  
24 intervention, youth and family intervention techniques, recognizing,

1 investigating and preventing abuse and exploitation of elderly  
2 persons, mental health issues, and criminal jurisdiction on  
3 Sovereign Indian Land.

4 Subject to the availability of funding, for full-time salaried  
5 police or peace officers a basic police course academy shall consist  
6 of a minimum of six hundred (600) hours.

7 For reserve deputies a basic reserve academy shall consist of a  
8 minimum of two hundred forty (240) hours.

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

15 3. Every person who has not been certified as a police or peace  
16 officer and is duly appointed or elected as a police or peace  
17 officer shall hold such position on a temporary basis only, and  
18 shall, within six (6) months from the date of appointment or taking  
19 office, qualify as required in this subsection or forfeit such  
20 position. In computing the time for qualification, all service  
21 shall be cumulative from date of first appointment or taking office  
22 as a police or peace officer with any department in this state.  
23  
24

- 1 a. The ~~Council~~ CLEET department may extend the time  
2 requirement specified in this paragraph for good cause  
3 as determined by the ~~Council~~ CLEET department.
- 4 b. A duty is hereby imposed upon the employing agency to  
5 withhold payment of the compensation or wage of such  
6 unqualified officer.
- 7 c. If the police or peace officer fails to forfeit the  
8 position or the employing agency fails to require the  
9 officer to forfeit the position, the district attorney  
10 shall file the proper action to cause the forfeiting  
11 of such position. The district court of the county  
12 where the officer is employed shall have jurisdiction  
13 to hear the case.

14 4. The ~~Council~~ CLEET department may certify officers who have  
15 completed a course of study in another state deemed by the ~~Council~~  
16 CLEET department to meet standards for Oklahoma peace officers  
17 providing the officer's certification in the other state has not  
18 been revoked or voluntarily surrendered and is not currently under  
19 suspension.

20 5. For purposes of this section, a police or peace officer is  
21 defined as a full-time duly appointed or elected officer who is paid  
22 for working more than twenty-five (25) hours per week and whose  
23 duties are to preserve the public peace, protect life and property,  
24 prevent crime, serve warrants, transport prisoners, and enforce laws

1 and ordinances of this state, or any political subdivision thereof;  
2 provided, elected sheriffs and their deputies and elected,  
3 appointed, or acting chiefs of police shall meet the requirements of  
4 this subsection within the first six (6) months after assuming the  
5 duties of the office to which they are elected or appointed or for  
6 which they are an acting chief; provided further, that this section  
7 shall not apply to persons designated by the Director of the  
8 Department of Corrections as peace officers pursuant to Section 510  
9 of Title 57 of the Oklahoma Statutes.

10 F. No person shall be certified as a police or peace officer by  
11 the ~~Council~~ CLEET department or be employed by the state, a county,  
12 a city, or any political subdivision thereof, who is currently  
13 subject to an order of the ~~Council~~ CLEET department revoking,  
14 suspending, or accepting a voluntary surrender of peace officer  
15 certification or who has been convicted of a felony, a crime  
16 involving moral turpitude, or a crime of domestic violence, unless a  
17 full pardon has been granted by the proper agency; however, any  
18 person who has been trained and certified by the Council on Law  
19 Enforcement Education and Training and is actively employed as a  
20 full-time peace officer as of November 1, 1985, shall not be subject  
21 to the provisions of this subsection for convictions occurring prior  
22 to November 1, 1985.

23 G. 1. The ~~Council~~ CLEET department is hereby authorized to  
24 provide to any employing agency the following information regarding

1 a person who is or has applied for employment as a police or peace  
2 officer of such employing agency:

- 3 a. Oklahoma State Bureau of Investigation, Oklahoma  
4 Department of Law Enforcement and Public Safety and  
5 Federal Bureau of Investigation reports,
- 6 b. administration of the psychological tests provided for  
7 herein,
- 8 c. performance in the course of study or other basis of  
9 certification,
- 10 d. previous certifications issued, and
- 11 e. any administrative or judicial determination denying  
12 certification.

13 2. An employing agency shall not be liable in any action  
14 arising out of the release of contents of personnel information  
15 relevant to the qualifications or ability of a person to perform the  
16 duties of a police or peace officer when such information is  
17 released pursuant to written authorization for release of  
18 information signed by such person and is provided to another  
19 employing agency which has employed or has received an application  
20 for employment from such person.

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

1 H. 1. A law enforcement agency employing police or peace  
2 officers in this state shall report the hiring, resignation, or  
3 termination for any reason of a police or peace officer to the  
4 ~~Council~~ CLEET department within ten (10) days. Failure to comply  
5 with the provisions of this subsection may disqualify a law  
6 enforcement agency from participating in training programs sponsored  
7 by the ~~Council~~ CLEET department. Every law enforcement agency  
8 employing police or peace officers in this state shall submit to  
9 CLEET on or before October 1 of each calendar year a complete list  
10 of all commissioned employees with a current mailing address and  
11 phone number for each such employee. In addition to the above,  
12 CLEET may impose an administrative fine for violations of this  
13 section.

14 2. A tribal law enforcement agency that has peace officers  
15 commissioned by an Oklahoma law enforcement agency pursuant to a  
16 cross-deputization agreement with the State of Oklahoma or any  
17 political subdivision of the State of Oklahoma pursuant to the  
18 provisions of Section 1221 of Title 74 of the Oklahoma Statutes  
19 shall report the commissioning, resignation, or termination of  
20 commission for any reason of a cross-deputized tribal police or  
21 peace officer to CLEET within ten (10) days of the commissioning,  
22 resignation, or termination. Failure to comply with the provisions  
23 of this subsection may disqualify a tribal law enforcement agency  
24

1 from participating in training programs sponsored by the ~~Council~~  
2 CLEET department.

3 I. It is unlawful for any person to willfully make any  
4 statement in an application to CLEET knowing the statement is false  
5 or intentionally commit fraud in any application to the Council for  
6 attendance in any CLEET-conducted or CLEET-approved peace officer  
7 academy or Collegiate Officer Program or for the purpose of  
8 obtaining peace officer certification or reinstatement. It is  
9 unlawful for any person to willfully submit false or fraudulent  
10 documents relating to continuing education rosters, transcripts or  
11 certificates, or any canine license application. Any person  
12 convicted of a violation of this subsection shall be guilty of a  
13 felony punishable by imprisonment in the Department of Corrections  
14 for a term of not less than two (2) years nor more than five (5)  
15 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
16 or by both such fine and imprisonment. In addition to the above,  
17 CLEET may impose an administrative fine.

18 J. 1. A police or peace officer shall be subject to  
19 disciplinary action to include a denial, suspension, revocation or  
20 acceptance of voluntary surrender of peace officer certification  
21 upon a showing of clear and convincing evidence for the following:

- 22 a. conviction of a felony or a crime of domestic  
23 violence,  
24

- 1 b. conviction of a misdemeanor involving moral turpitude;  
2 provided, if the conviction is a single isolated  
3 incident that occurred more than five (5) years ago  
4 and the ~~Council~~ CLEET department is satisfied that the  
5 person has been sufficiently rehabilitated, the  
6 ~~Council~~ CLEET department may certify such person  
7 providing that all other statutory requirements have  
8 been met,
- 9 c. a verdict of guilt or entry of a plea of guilty or  
10 nolo contendere for a deferred sentence for a felony  
11 offense, a crime of moral turpitude, or a crime of  
12 domestic violence,
- 13 d. falsification or a willful misrepresentation of  
14 information in an employment application or  
15 application to the ~~Council on Law Enforcement~~  
16 ~~Education and Training~~ CLEET department, records of  
17 evidence, or in testimony under oath,
- 18 e. revocation or voluntary surrender of police or peace  
19 officer certification in another state for a violation  
20 of any law or rule or in settlement of any  
21 disciplinary action in such state,
- 22 f. involuntary commitment of a reserve or peace officer  
23 in a mental institution or licensed private mental  
24 health facility for any mental illness, condition or

1 disorder that is diagnosed by a licensed physician,  
2 psychologist or a licensed mental health professional  
3 as a substantial disorder of thought, mood,  
4 perception, psychological orientation, or memory that  
5 significantly impairs judgment, behavior, capacity to  
6 recognize reality, or ability to meet the ordinary  
7 demands of life. Provided, the peace officer  
8 certification may be reinstated upon the ~~Council~~  
9 receiving notification of a psychological evaluation  
10 conducted by a licensed physician, psychologist or  
11 licensed mental health professional which attests and  
12 states by affidavit that the officer and the  
13 evaluation test data of the officer have been examined  
14 and that, in the professional opinion of the  
15 physician, psychologist or licensed mental health  
16 professional, the officer is psychologically suitable  
17 to return to duty as a peace officer. Notwithstanding  
18 any other provision of state law pertaining to  
19 confidentiality of hospital or other medical records,  
20 and as allowable under federal law, CLEET may subpoena  
21 or request a court to subpoena records necessary to  
22 assure compliance with these provisions. Any  
23 confidential information received by CLEET for such  
24

1                   purpose shall retain its confidential character while  
2                   in the possession of CLEET,

- 3           g.    abuse of office,
- 4           h.    entry of a final order of protection against applicant  
5                or officer, or
- 6           i.    any violation of the Oklahoma Private Security  
7                Licensing Act.

8           2.    Disciplinary proceedings shall be commenced by filing a  
9    complaint with the Council on a form approved by the ~~Council~~ CLEET  
10 department. Any employing agency or other person having information  
11 may submit such information to the ~~Council~~ CLEET department for  
12 consideration as provided in this subsection.

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

- 15           a.    there is reason to believe the person has violated any  
16                provision of this subsection or any other provision of  
17                law or rule, or
- 18           b.    there is reason to believe the person has been  
19                convicted of a felony, a crime involving moral  
20                turpitude or a domestic violence offense or is  
21                currently participating in a deferred sentence for  
22                such offenses.

23           4.    When the investigation of a complaint does not find the  
24 person has violated any of the provisions of this subsection, or

1 finds that the person is sufficiently rehabilitated as provided in  
2 subparagraph b or f of paragraph 1 of this subsection, no  
3 disciplinary action shall be required and the person shall remain  
4 certified as a police or peace officer. When the investigation of a  
5 complaint finds that the person has violated any of the provisions  
6 of this subsection, the matter shall be referred for disciplinary  
7 proceedings. The disciplinary proceedings shall be in accordance  
8 with Articles I and II of the Administrative Procedures Act.

9 5. The ~~Council~~ CLEET department shall revoke the certification  
10 of any person upon determining that such person has been convicted  
11 of a felony or a crime involving moral turpitude or a domestic  
12 violence offense; provided, that if the conviction has been  
13 reversed, vacated or otherwise invalidated by an appellate court,  
14 such conviction shall not be the basis for revocation of  
15 certification; provided further, that any person who has been  
16 trained and certified by the Council on Law Enforcement Education  
17 and Training or its successor agency, the Oklahoma Department of Law  
18 Enforcement and Public Safety, and is actively employed as a full-  
19 time peace officer as of November 1, 1985, shall not be subject to  
20 the provisions of this subsection for convictions occurring prior to  
21 November 1, 1985. The sole issue to be determined at the hearing  
22 shall be whether the person has been convicted of a felony, a crime  
23 involving moral turpitude or a domestic violence offense.  
24

1           6. The ~~Council~~ CLEET department shall revoke the certification  
2 of any person upon determining that such person has received a  
3 deferred sentence for a felony, a crime involving moral turpitude or  
4 a domestic violence offense.

5           7. The ~~Council~~ CLEET department may suspend the certification  
6 of any person upon a determination that such person has been  
7 involuntarily committed to a mental institution or mental health  
8 facility for a mental illness, condition or disorder as provided in  
9 subparagraph f of paragraph 1 of this subsection.

10           8. Every law enforcement agency in this state shall, within  
11 thirty (30) days of a final order of termination or resignation  
12 while under investigation of a CLEET-certified peace officer, report  
13 such order or resignation in writing to the Executive Director of  
14 the ~~Council~~ CLEET department. Any report, upon receipt by the  
15 ~~Council~~ CLEET department, shall be considered as personnel records  
16 and shall be afforded confidential protection pursuant to Sections  
17 24A.7 and 24A.8 of Title 51 of the Oklahoma Statutes. Any medical  
18 or other confidential records obtained by subpoena pursuant to this  
19 subsection shall not be made a part of such report. The Executive  
20 Director shall ensure that the report is provided to all members of  
21 the ~~Council~~ CLEET department. The ~~Council~~ CLEET department shall  
22 review and make recommendations concerning the report at the first  
23 meeting of the ~~Council~~ CLEET department to occur after all members  
24 of the ~~Council~~ have received the report. The ~~Council~~ CLEET

1 department may, by a majority vote, order the suspension, for a  
2 given period of time, or revocation of the CLEET certification of  
3 the peace officer in question if there are grounds for such actions  
4 pursuant to this section and the peace officer in question has been  
5 provided with notice and an opportunity for a hearing pursuant to  
6 the Administrative Procedures Act. Suspension or revocation of  
7 CLEET certification pursuant to this paragraph shall be reported to  
8 the district attorney for the jurisdiction in which the peace  
9 officer was employed, to the liability insurance company of the law  
10 enforcement agency that employed the peace officer, the chief  
11 elected official of the governing body of the law enforcement agency  
12 and the chief law enforcement officer of the law enforcement agency.

13 9. For all other violations of this subsection, the hearing  
14 examiner shall take into consideration the severity of the  
15 violation, any mitigating circumstances offered by the person  
16 subject to disciplinary action, and any other evidence relevant to  
17 the person's character to determine the appropriate disciplinary  
18 action.

19 10.

- 20 a. A police or peace officer may voluntarily surrender  
21 and relinquish the peace officer certification to  
22 CLEET. Pursuant to such surrender or relinquishment,  
23 the person surrendering the certification shall be  
24 prohibited from applying to CLEET for reinstatement

1 within five (5) years of the date of the surrender or  
2 relinquishment, unless otherwise provided by law for  
3 reinstatement.

4 b. No person who has had a police or peace officer  
5 certification from another state revoked or  
6 voluntarily surrendered shall be considered for  
7 certification by CLEET within five (5) years of the  
8 effective date of any such revocation or voluntary  
9 surrender of certification.

10 c. Any person seeking reinstatement of police or peace  
11 officer certification which has been suspended,  
12 revoked, or voluntarily surrendered may apply for  
13 reinstatement pursuant to promulgated CLEET rules  
14 governing reinstatement. Except as provided in this  
15 subsection, any person whose certification has been  
16 revoked, suspended or voluntarily surrendered for any  
17 reason, including failure to comply with mandatory  
18 education and training requirements, shall pay a  
19 reinstatement fee of One Hundred Fifty Dollars  
20 (\$150.00) to be deposited to the credit of the Peace  
21 Officer Revolving Fund created pursuant to Section  
22 3311.7 of this title.

23 11. A duty is hereby imposed upon the district attorney who, on  
24 behalf of the State of Oklahoma, prosecutes a person holding police

1 or peace officer certification for a felony, a crime involving moral  
2 turpitude, or a crime of domestic violence in which a plea of  
3 guilty, nolo contendere, or other finding of guilt is entered by,  
4 against or on behalf of a certified police or peace officer to  
5 report such plea, agreement, or other finding of guilt to the  
6 Council on Law Enforcement Education and Training or its successor  
7 agency within ten (10) days of such plea agreement or the finding of  
8 guilt.

9 12. Any person or agency required or authorized to submit  
10 information pursuant to this section to the ~~Council~~ CLEET department  
11 shall be immune from liability arising from the submission of the  
12 information as long as the information was submitted in good faith  
13 and without malice.

14 13. Any peace officer employed by a law enforcement agency in  
15 this state which has internal discipline policies and procedures on  
16 file with CLEET shall be exempt from the disciplinary proceedings  
17 and actions provided for in this subsection; provided, however, such  
18 exemption shall not apply if the peace officer has been convicted of  
19 a felony crime, a crime of moral turpitude, or a crime of domestic  
20 violence.

21 14. As used in this subsection:

- 22 a. "law enforcement agency" means any department or  
23 agency of the state, a county, a municipality, or  
24 political subdivision thereof, with the duties to

1 maintain public order, make arrests, and enforce the  
2 criminal laws of this state or municipal ordinances,  
3 which employs CLEET-certified personnel,

4 b. "final order of termination" means a final notice of  
5 dismissal from employment provided after all  
6 grievance, arbitration, and court actions have been  
7 completed, and

8 c. "resignation while under investigation" means the  
9 resignation from employment of a peace officer who is  
10 under investigation for any felony violation of law, a  
11 crime of moral turpitude, a crime of domestic  
12 violence, or the resignation from employment of a  
13 peace officer as part of an arbitration or plea  
14 agreement.

15 K. 1. Every canine team in the state trained to detect  
16 controlled dangerous substances shall be certified, by test, in the  
17 detection of such controlled dangerous substances and shall be  
18 recertified annually so long as the canine is used for such  
19 detection purposes. The certification test and annual  
20 recertification test provisions of this subsection shall not be  
21 applicable to canines that are owned by a law enforcement agency and  
22 that are certified and annually recertified in the detection of  
23 controlled dangerous substances by the United States Customs  
24 Service.

1           2. The ~~Council~~ CLEET department shall appoint a Drug Dog  
2 Advisory Council to make recommendations concerning minimum  
3 standards, educational needs, and other matters imperative to the  
4 certification of canines and canine teams trained to detect  
5 controlled dangerous substances. The ~~Council~~ CLEET department shall  
6 promulgate rules based upon the recommendations of the Advisory  
7 Council. Members of the Advisory Council shall include, but need  
8 not be limited to, a commissioned officer with practical knowledge  
9 of such canines and canine teams from each of the following:

- 10           a. ~~the Oklahoma State Bureau of Narcotics and Dangerous~~  
11                 ~~Drugs Control,~~
- 12           b. ~~the Department of Public Safety,~~
- 13           c. ~~a~~ a police department,
- 14           d. a sheriff's office, and
- 15           e. a university or college campus police department.

16           3. The fee for the certification test shall be Two Hundred  
17 Dollars (\$200.00) and the annual recertification test fee shall be  
18 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
19 Fifty Dollars (\$50.00) will be charged if the team fails the test.  
20 No such fee shall be charged to any local, state or federal  
21 government agency. The fees provided for in this paragraph shall be  
22 deposited to the credit of the CLEET Fund created pursuant to  
23 Section 1313.2 of Title 20 of the Oklahoma Statutes.  
24

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

12 2. The ~~Council~~ CLEET department shall appoint a Bomb Dog  
13 Advisory Council to make recommendations concerning minimum  
14 standards, educational needs, and other matters imperative to the  
15 certification of canines and canine teams trained to detect  
16 explosives, explosive materials, explosive devices and materials  
17 which could be used to construct an explosive device. The ~~Council~~  
18 CLEET department shall promulgate rules based upon the  
19 recommendations of the Advisory Council. Members of the Advisory  
20 Council shall include, but need not be limited to, a commissioned  
21 officer with practical knowledge of such canines and canine teams  
22 from each of the following:

- 23 a. ~~the Department of Public Safety,~~
- 24 b. ~~a~~ a police department,

1 c. a sheriff's office, and

2 d. a university or college campus police department.

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

11 M. All tribal police officers of any Indian tribe or nation who  
12 have been commissioned by an Oklahoma law enforcement agency  
13 pursuant to a cross-deputization agreement with the State of  
14 Oklahoma or any political subdivision of the State of Oklahoma  
15 pursuant to the provisions of Section 1221 of Title 74 of the  
16 Oklahoma Statutes shall be eligible for peace officer certification  
17 under the same terms and conditions required of members of the law  
18 enforcement agencies of the State of Oklahoma and its political  
19 subdivisions. CLEET shall issue peace officer certification to  
20 tribal police officers who, as of July 1, 2003, are commissioned by  
21 an Oklahoma law enforcement agency pursuant to a cross-deputization  
22 agreement with the State of Oklahoma or any political subdivision of  
23 the State of Oklahoma pursuant to the provisions of Section 1221 of  
24

1 Title 74 of the Oklahoma Statutes and have met the training and  
2 qualification requirements of this section.

3 N. If an employing law enforcement agency in this state has  
4 paid the salary of a person while that person is completing in this  
5 state a basic police course approved by the Council and if within  
6 one (1) year after certification that person resigns and is hired by  
7 another law enforcement agency in this state, the second agency or  
8 the person receiving the training shall reimburse the original  
9 employing agency for the salary paid to the person while completing  
10 the basic police course by the original employing agency.

11 O. ~~The Council on Law Enforcement Education and Training~~ CLEET  
12 department, in its discretion, may waive all or part of any moneys  
13 due to the ~~Council~~ CLEET department, if deemed uncollectable by the  
14 ~~Council~~ CLEET department .

15 P. Peace officers, reserve peace officers, tribal peace  
16 officers, agencies, bail enforcers, security guards and private  
17 investigators shall maintain with the ~~Council~~ CLEET department  
18 current residential addresses and shall notify the ~~Council~~ CLEET  
19 department, in writing, of any change of name. Notification of  
20 change of name shall require certified copies of any marriage  
21 license or other court document which reflects the change of name.  
22 Notice of change of address or telephone number must be made within  
23 ten (10) days of the effected change. Notices shall not be accepted  
24 over the phone. In any proceeding in which the ~~Council~~ CLEET

1 department is required to serve notice or an order on an individual  
2 or an agency, the ~~Council~~ CLEET department may send a letter to the  
3 address on file with the ~~Council~~ CLEET department. If the letter is  
4 returned and a notation of the U.S. Postal Service indicates  
5 "unclaimed", or "moved", or "refused" or any other nondelivery  
6 markings and the records of the ~~Council~~ CLEET department indicate  
7 that no change of address as required by this subsection has been  
8 received by the ~~Council~~ CLEET department, the notice and any  
9 subsequent notices or orders shall be deemed by the Court as having  
10 been legally served for all purposes.

11 SECTION 12. NEW LAW A new section of law to be codified  
12 in the Oklahoma Statutes as Section 11007 of Title 74, unless there  
13 is created a duplication in numbering, reads as follows:

14 The State Fire Marshal Commission is hereby abolished and the  
15 Office of the State Fire Marshal shall be consolidated into the  
16 Oklahoma Department of Law Enforcement and Public Safety. All  
17 references to the State Fire Marshal Commission and the Office of  
18 the State Fire Marshal shall be deemed to refer to the Fire Marshal  
19 Department of the Oklahoma Department of Law Enforcement and Public  
20 Safety.

21 SECTION 13. AMENDATORY 74 O.S. 2011, Section 324.4, is  
22 amended to read as follows:

23 Section 324.4. A. The ~~State Fire Marshal Commission Law~~  
24 Enforcement and Public Safety Cabinet shall appoint a full-time

1 State Fire Marshal to serve as Director of the Fire Marshal  
2 Department. The State Fire Marshal Department shall administer and  
3 enforce the provisions of law pertaining to the former Office of the  
4 State Fire Marshal to include, but not be limited to, fire and arson  
5 investigations, code enforcement, and public education under the  
6 supervision of the ~~State Fire Marshal Commission~~ Cabinet and in  
7 accordance with ~~Commission~~ Cabinet policies. The State Fire Marshal  
8 shall be a person of good moral character and a resident of Oklahoma  
9 at the time of appointment. The State Fire Marshal must have a  
10 minimum of ten (10) years' experience in fire protection, fire  
11 prevention, investigation, or criminal justice, which may include  
12 experience with any state, county, municipal, federal, military, or  
13 industrial fire protection or criminal justice agency. Successful  
14 completion of a degree in fire protection and prevention, criminal  
15 justice or administration from an accredited college or university,  
16 may be substituted for experience on a year-to-year basis. The  
17 State Fire Marshal shall possess administrative ability and  
18 experience. The State Fire Marshal may be required to obtain  
19 certification as a peace officer in the State of Oklahoma from the  
20 ~~Council on Law Enforcement Education and Training~~ CLEET, and shall  
21 be subject to an extensive background investigation, psychological  
22 testing, and drug testing. The ~~Commission~~ Cabinet may also require  
23 additional qualifications. The State Fire Marshal must have or be  
24

1 able to obtain a valid Oklahoma driver license and be a citizen of  
2 the United States.

3 B. The ~~Commission~~ Cabinet shall appoint a full-time Assistant  
4 State Fire Marshal upon recommendation from the State Fire Marshal.  
5 The Assistant State Fire Marshal must have a minimum of seven (7)  
6 years experience in fire protection, fire prevention, investigations  
7 or criminal justice, which may include experience with any state,  
8 county, municipal, federal, military, or industrial fire protection  
9 or criminal justice agency. Successful completion of a degree in  
10 fire protection and prevention, criminal justice, or administration  
11 from an accredited college or university, may be substituted for  
12 experience on a year-to-year basis. The Assistant State Fire  
13 Marshal shall possess administrative ability and experience. The  
14 Assistant State Fire Marshal may be required to obtain certification  
15 as a peace officer from the Council on Law Enforcement and Education  
16 Training, and shall be subject to an extensive background  
17 investigation, psychological testing, and drug testing. The  
18 ~~Commission~~ Cabinet may require additional qualifications. The  
19 Assistant State Fire Marshal must have or be able to obtain a valid  
20 Oklahoma driver license and be a citizen of the United States.

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

23 SECTION 15. REPEALER 74 O.S. 2011, Sections 150.1, 150.3  
24 and 324.1 are hereby repealed.

1 SECTION 16. This act shall become effective July 1, 2016.

2 SECTION 17. It being immediately necessary for the preservation of  
3 the public peace, health and safety, an emergency is hereby declared  
4 to exist, by reason whereof this act shall take effect and be in  
5 full force from and after its passage and approval.

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