

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL 2864

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

6 and

7 Shortey of the Senate
8
9

10 COMMITTEE SUBSTITUTE

11 [Unified Law Enforcement Act of 2016 - Oklahoma
12 Department of Law Enforcement - Superintendent -
13 Director of Public Safety - Oklahoma State Bureau of
14 Narcotics and Dangerous Drugs Control Commission -
15 Oklahoma Surplus Property Act - eliminating
16 references - repealer - codification -
17 noncodification - effective dates]
18
19

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

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

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

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

1 A. Effective December 1, 2016, there is hereby created the
2 Oklahoma Department of Law Enforcement. It shall be the mission of
3 the Oklahoma Department of Law Enforcement to enforce the laws
4 protecting the safety of the public and provide for the prevention
5 and detection of crime. The Oklahoma Department of Law Enforcement
6 shall include of the following divisions:

7 1. The Highway Patrol Division, to be comprised of the Oklahoma
8 Highway Patrol previously administered by the Department of Public
9 Safety;

10 2. The Public Safety Division, to be comprised of the remainder
11 of the Department of Public Safety;

12 3. The Oklahoma State Bureau of Investigation Division, to be
13 comprised of the Oklahoma State Bureau of Investigation; and

14 4. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
15 Control Division, to be comprised of the Oklahoma State Bureau of
16 Narcotics and Dangerous Drugs Control.

17 B. The Superintendent of the Oklahoma Department of Law
18 Enforcement, created in Section 5 of this act, shall be the chief
19 administrator of the Oklahoma Department of Law Enforcement. The
20 Superintendent shall have authority to delegate duties and
21 responsibilities to the respective division directors or
22 commissioners.

23 C. Notwithstanding any other provision of law, the
24 Superintendent of the Oklahoma Department of Law Enforcement,

1 created in Section 5 of this act, shall have authority to budget and
2 expend the operating funds of the Department.

3 D. On December 1, 2016, the Director of the Office of
4 Management and Enterprise Services shall transfer by monthly
5 allocation any unencumbered funds originally appropriated to the
6 Oklahoma State Bureau of Investigation, Oklahoma State Bureau of
7 Narcotics and Dangerous Drugs Control and the Department of Public
8 Safety for the fiscal year ending June 30, 2017, to the Oklahoma
9 Department of Law Enforcement to operate the Oklahoma Department of
10 Law Enforcement for the remainder of the fiscal year ending June 30,
11 2017. The funds transferred to the Oklahoma Department of Law
12 Enforcement shall not be subject to any budgetary limits that may
13 have attached to the funds when the funds were originally
14 appropriated. Funds in revolving funds or otherwise not subject to
15 fiscal year limitations previously available to the Oklahoma State
16 Bureau of Investigation, Oklahoma State Bureau of Narcotics and
17 Dangerous Drugs Control and the Department of Public Safety, shall
18 be transferred to the corresponding ODLE fund as provided by this
19 act.

20 E. Notwithstanding any other provision of law, the
21 Superintendent of the Oklahoma Department of Law Enforcement shall
22 have authority to administer all funds appropriated for the fiscal
23 year ending on June 30, 2017, for the operation of the Department of
24

1 Public Safety, the Oklahoma State Bureau of Investigation and the
2 Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

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

6 A. There is hereby created the Oklahoma Law Enforcement Council
7 which shall consist of seven (7) members, none of whom shall be
8 legislators. Not more than two of shall be from the same
9 congressional district. When congressional districts are redrawn,
10 each member appointed prior to July 1 of the year in which such
11 modification becomes effective shall complete the current term of
12 office and appointments made after July 1 of the year in which such
13 modification becomes effective shall be based on the redrawn
14 districts. No appointments may be made after July 1 of the year in
15 which such modification becomes effective if such appointment would
16 result in more than two members serving from the same modified
17 district. The five (5) members of the Council, appointed by the
18 Governor, shall be subject to the advice, consent and confirmation
19 of the Oklahoma State Senate. Council members serve at the pleasure
20 of the Governor, provided however removal from the Council before
21 the end of the designated term shall require approval by the Senate
22 upon recommendation of the Governor.

23 The initial appointments shall be made as follows:
24

1 1. On September 1, 2016, the Speaker of the Oklahoma House of
2 Representatives shall appoint one member to represent the lay
3 citizenry for a term of seven (7) years;

4 2. On September 1, 2016, the President Pro Tempore of the
5 Oklahoma State Senate shall appoint one member to represent the lay
6 citizenry for a term of six (6) years;

7 3. On September 5, 2016, the Governor shall appoint one member
8 who shall be a district attorney while serving in that capacity for
9 a term of five (5) years;

10 4. On September 5, 2016, the Governor shall appoint one member
11 who shall be a sheriff while serving in that capacity for a term of
12 four (4) years;

13 5. On September 5, 2016, the Governor shall appoint one member
14 who shall be a chief of police while serving in that capacity for a
15 term of three (3) years;

16 6. On September 5, 2016, the Governor shall appoint one member
17 who shall represent the lay citizenry for a term of two (2) years;
18 and

19 7. On September 5, 2016, the Governor shall appoint one member
20 who shall represent the lay citizenry for a term of one (1) year.

21 Thereafter, members shall be appointed for seven (7) year terms.
22 Replacement appointments shall be filled in the same procedure used
23 to make initial appointments.
24

1 A member may serve more than one term on the Council. Vacancies
2 occurring during a term shall be filled for the unexpired portion of
3 the term by the same procedure used to make the initial
4 appointments.

5 B. Annually the Council shall select one of the Council members
6 to serve as chair and one member to serve as vice-chair. The
7 Council shall meet at least quarterly. The chair shall preside at
8 all meetings of the Council and shall have the power to call
9 meetings of the Council. In addition, meetings of the Council may
10 be called by a majority of the members. The vice-chair shall
11 perform the duties of the chair in the absence or incapacity of the
12 chair. A quorum of four members of the Council shall be necessary
13 to conduct any official business. All actions taken by the Council
14 shall be by a simple majority vote of a quorum. In the event of a
15 tie vote, the measure being voted upon shall be deemed to have
16 failed. The Council may adopt rules and procedures for the orderly
17 performance of its functions.

18 C. Members of the Council shall serve without salary but may be
19 reimbursed for travel and other expenses in attending meetings and
20 performing their duties in the manner provided for under the State
21 Travel Reimbursement Act. No other provisions of law shall be
22 construed as prohibiting public officers from also serving as
23 members of the Council. Nor shall any other provision of law be
24 construed as prohibiting public officers or public employees from

1 performing services for the Council without compensation. No
2 employee of the Oklahoma Department of Law Enforcement's Department
3 of Public Safety Division, the Highway Patrol Division, the Oklahoma
4 State Bureau of Investigation Division or the Oklahoma Bureau of
5 Narcotics and Dangerous Drugs Control Division, while holding such
6 position, shall also serve on the Council.

7 D. The initial meeting of the Council shall be held no later
8 than September 15, 2016. The Oklahoma State Bureau of Investigation
9 may provide initial legal counsel to the Council. The Oklahoma
10 Bureau of Narcotics and Dangerous Drugs Control may facilitate the
11 initial meetings of the Council by providing staff, facilitating a
12 meeting location and any other services that may be required to
13 support the activities of the Council, with exception of legal
14 counsel. These services shall be provided to the Council until such
15 time as the Council directs otherwise. The Department of Public
16 Safety may provide training for the Council at the initial meeting
17 of the Council. The Council may choose to coordinate legal counsel,
18 staffing, meeting location and training services with the Executive
19 Branch.

20 E. The training program shall provide the Council with
21 information regarding:

22 1. The legislation that created the Oklahoma Department of Law
23 Enforcement and the Oklahoma Law Enforcement Council;

24 2. The powers, duties and responsibilities of the Council;

1 3. The requirements of the Oklahoma Open Records Act and
2 Oklahoma Open Meeting Act;

3 4. Any administrative procedure law that may be relevant for
4 the functioning of the Council; and

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

8 F. The Commissioner of the Department of Public Safety, or
9 designee, the Chief of the Oklahoma Highway Patrol, or designee, the
10 Director of the Oklahoma State Bureau of Investigation, or designee
11 and the Director of the Oklahoma Bureau of Narcotics and Dangerous
12 Drugs Control, or designee, shall each prepare a report to provide
13 the Oklahoma Law Enforcement Council with the following information
14 regarding each of their respective division at the initial Council
15 meeting:

16 1. The duties, powers and responsibilities of the division;

17 2. The role and functions of the division;

18 3. The structure of the division; and

19 4. A fiscal overview and current budget of the division.

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

23 The Oklahoma Law Enforcement Council shall have the following
24 powers, duties and responsibilities:

1 1. 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 Council;

5 2. Review and approve rules established by the Superintendent
6 for the operation of the Oklahoma Department of Law Enforcement;

7 3. Review the budget of the Oklahoma Department of Law
8 Enforcement;

9 4. Appoint an Advisory Committee consisting of local sheriffs,
10 police, tribal police, district attorneys or any other person to act
11 in an advisory capacity to the Council or Superintendent of the
12 Oklahoma Department of Law Enforcement. The Advisory Committee
13 shall remain in effect and operate as directed by the Council until
14 its termination which shall be no later than September 15, 2018; and

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

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

21 A. The Oklahoma Law Enforcement Council shall appoint a
22 Superintendent for the Oklahoma Department of Law Enforcement. The
23 Superintendent of the Oklahoma Department of Law Enforcement shall
24 serve at the pleasure of the Council for such compensation as is set

1 by the Council. The Superintendent shall be qualified for such
2 position by character, knowledge, skill, ability, education,
3 training and successful administrative experience in the field of
4 law enforcement. The Superintendent shall be subject to the advice,
5 consent and confirmation by the Oklahoma State Senate.

6 B. Upon the effective date of this act, the current
7 Commissioner of Public Safety, Chief of the Oklahoma Highway Patrol,
8 Director of the Oklahoma State Bureau of Investigation and Director
9 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
10 Control shall be affirmed by the Council as the Director, Chief or
11 Commissioner of his or her respective division.

12 C. All functions currently performed by the Department of
13 Public Safety, Oklahoma Highway Patrol, Oklahoma State Bureau of
14 Investigation and Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control shall remain under their respective division, unless
16 otherwise modified, merged or reorganized by the Superintendent.
17 Any plan to rename or eliminate any of the existing divisions by the
18 Superintendent would require approval of the Council.

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

22 A. The Superintendent of the Oklahoma Department of Law
23 Enforcement shall have the following powers, duties and
24 responsibilities:

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

6 2. Be directly responsible to the Council for the affairs of
7 the Oklahoma Department of Law Enforcement;

8 3. Act as executive director of the Oklahoma Department of Law
9 Enforcement;

10 4. Appoint a Commissioner of the Public Safety Division, a
11 Director of the Oklahoma State Bureau of Investigation Division, a
12 Chief of the Oklahoma Highway Patrol Division and a Director of the
13 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
14 Division and any other directors, assistant directors, deputy
15 directors and other staff that may be necessary and proper for the
16 administration of the Oklahoma Department of Law Enforcement who
17 shall serve at the pleasure of the Superintendent of the Oklahoma
18 Department of Law Enforcement. Any employee in a classified
19 position under the Merit System of Personnel Administration who is
20 appointed as staff of the Superintendent shall have the right to
21 return to the classified service without any loss of rights,
22 privileges or benefits immediately upon completion of the duties of
23 the employee provided the employee is not otherwise disqualified.
24 Classified personnel transferred from their respective division to

1 the Oklahoma Department of Law Enforcement shall not be required to
2 accept a lesser salary than presently received; provided, the
3 provisions of this section shall not operate to prohibit the
4 imposition of furloughs or reductions-in-force with respect to such
5 personnel as allowed by law. Personnel transferred shall be placed
6 into an existing classified job family at the classification level
7 in which they meet qualifications without an entrance exam or
8 subject to any other competitive hiring process required by the
9 Oklahoma Personnel Act or the Merit System of Personnel
10 Administrative Rules. All such persons shall retain seniority,
11 leave, sick and annual time earned and any retirement benefits which
12 have accrued during their tenure with their respective division.
13 The transfer of personnel among the divisions shall be coordinated
14 with the Office of Management and Enterprise Services;

15 5. Administer the activities of the Oklahoma Department of Law
16 Enforcement and all divisions under the control of the Department
17 and act for the Department in all matters, including budgetary
18 matters and expenditures of the divisions, except as may be
19 otherwise provided in this act;

20 6. Prepare proposed rules and regulations, subject to the
21 approval of the Council, considered necessary for the operation of
22 the Oklahoma Department of Law Enforcement;
23
24

1 7. By November 1, 2017, provide to the Council and the Oklahoma
2 State Legislature a plan for a unified position and compensation
3 system for state law enforcement;

4 8. By November 1, 2017, provide to the Council and the Oklahoma
5 State Legislature a plan to unify state law enforcement data
6 collection and data systems;

7 9. By November 1, 2017, provide to the Council and the Oklahoma
8 State Legislature a plan to standardize and integrate operational
9 boundaries for the Oklahoma Department of Law Enforcement;

10 10. By November 1, 2017, after consultation with the Council on
11 Law Enforcement Education and Training (CLEET), provide to the
12 Council and Oklahoma State Legislature, a plan to develop a focused,
13 common training and leadership development program for all members
14 of the Oklahoma Department of Law Enforcement;

15 11. Enter into contracts with public agencies, institutions of
16 higher education and private organizations or individuals for the
17 purpose of conducting research, demonstrations or special projects
18 which bear directly on the operation of the Department or the
19 reduction of crime;

20 12. Enter into contracts for educational and research
21 activities without performance bonds;

22 13. Create, modify, merge or reorganize any of the divisions or
23 units within the Oklahoma Department of Law Enforcement as the
24 Superintendent of the Oklahoma Department of Law Enforcement may

1 deem appropriate to effectively administer a unified law enforcement
2 system in Oklahoma;

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

5 15. Investigate any complaint against the Oklahoma Department
6 of Law Enforcement or any of its employees;

7 16. Be directly responsible for all monies appropriated for and
8 deposited to the credit of the Oklahoma Department of Law
9 Enforcement and each agency under its control and approve all claims
10 and payments, or delegate responsibility, as provided in Section
11 34.68 of Title 62 of the Oklahoma Statutes;

12 17. Accept gifts, bequests, devices, contributions and grants,
13 public or private, including federal funds or funds from any other
14 source for use in furthering the purpose of the Department;

15 18. Purchase, lease and maintain motor vehicles and other
16 equipment and properties for use by employees of the Oklahoma
17 Department of Law Enforcement;

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

20 20. Authorize the use of a state-owned motor vehicle as
21 authorized in Section 156.1 of Title 47 of the Oklahoma Statutes;

22 21. Transfer assets within the Oklahoma Department of Law
23 Enforcement as may be necessary and proper for the operation of the
24 Department;

1 22. Maintain records of all proceedings and official orders;
2 and

3 23. Effective July 1, 2017, all employees of the Oklahoma
4 Department of Law Enforcement shall be under the authority of the
5 Superintendent and shall be exempt from OMES governance.

6 B. After appointment and before entering upon the discharge of
7 duties, the Superintendent shall take and subscribe to the oath of
8 office required by the Constitution. Bonding of the Superintendent
9 and other employees of the Oklahoma Department of Law Enforcement
10 shall be provided under the provisions of Section 85.26 of Title 74
11 of the Oklahoma Statutes.

12 SECTION 7. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 9105 of Title 74, unless there
14 is created a duplication in numbering, reads as follows:

15 There is hereby created in the State Treasury a revolving fund
16 for the Oklahoma Department of Law Enforcement to be designated the
17 "Department of Law Enforcement Revolving Fund". The fund shall be a
18 continuing fund, not subject to fiscal year limitations, and shall
19 consist of any monies received from the sale of surplus and
20 confiscated property, fees and receipts collected pursuant to the
21 Oklahoma Open Records Act, gifts, bequests, devises, contributions
22 or grants, public or private, including federal funds unless
23 otherwise provided by federal law or regulation, reimbursements,
24 refunds, fees and receipts from any other source. All monies, and

1 other money as provided by law, accruing to the credit of the fund
2 are hereby appropriated and may be budgeted and expended by the
3 Oklahoma Department of Law Enforcement for general operations of the
4 agency. Expenditures from the fund shall be made upon warrants
5 issued by the State Treasurer against claims filed as prescribed by
6 law with the Director of the Office of Management and Enterprise
7 Services for approval and payment.

8 SECTION 8. AMENDATORY 47 O.S. 2011, Section 2-101, as
9 amended by Section 159, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
10 2015, Section 2-101), is amended to read as follows:

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

20 The Commissioner shall have such powers and authority as may be
21 granted by the provisions of the Uniform Vehicle Code or as may
22 otherwise be provided by law.

23 ~~(b) B.~~ The ~~Governor shall be the chief officer of the~~
24 ~~Department of Public Safety and the~~ Commissioner of Public Safety,

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

16 SECTION 9. AMENDATORY 47 O.S. 2011, Section 2-102, is
17 amended to read as follows:

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

1 2. The Commissioner of Public Safety shall be a professional
2 law enforcement officer with ten (10) years' experience in the field
3 of law enforcement or with five (5) years' experience in the field
4 of law enforcement and a graduate of a four-year college with a
5 degree in law enforcement administration, law, criminology or a
6 related science. Effective until December 1, 2018, the Commissioner
7 shall be a current employee of the Public Safety Division of the
8 Oklahoma Department of Law Enforcement.

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

11 4. The Commissioner shall be allowed the actual and necessary
12 expenses incurred in the performance of official duties of the
13 Commissioner while away from the office.

14 B. The Commissioner of Public Safety, after appointment and
15 before entering upon the discharge of duties, shall take and
16 subscribe to the oath of office required by the Constitution.
17 Bonding of the Commissioner of Public Safety and other employees of
18 the Department will be provided under the provisions of Section
19 85.26 of Title 74 of the Oklahoma Statutes.

20 C. The Commissioner of Public Safety shall be eligible to
21 participate in either the Oklahoma Public Employees Retirement
22 System or in the Oklahoma Law Enforcement Retirement System and
23 shall make an irrevocable election in writing to participate in one
24 of the two retirement systems within ninety (90) days of

1 appointment. Any earned benefits or any credits toward retirement
2 benefits from previous participation within the Oklahoma Public
3 Employees Retirement System or the Oklahoma Law Enforcement
4 Retirement System shall remain intact within that System should the
5 Commissioner elect to become a new participant in a different
6 retirement system.

7 SECTION 10. AMENDATORY 47 O.S. 2011, Section 2-103, is
8 amended to read as follows:

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

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

22 C. The Commissioner, with the approval of the Superintendent,
23 ~~is may be~~ authorized to purchase and maintain motor vehicles and
24

1 other equipment for use by the employees of the Oklahoma Department
2 of Law Enforcement.

3 SECTION 11. AMENDATORY 47 O.S. 2011, Section 2-104, as
4 amended by Section 160, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
5 2015, Section 2-104), is amended to read as follows:

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

17 ~~B.~~ When traveling with the Governor or at ~~his~~ the request of
18 the Governor:

19 1. Those personnel assigned by the ~~Commissioner~~ Superintendent
20 for executive security shall be allowed their actual and necessary
21 traveling expenses, upon claims approved by the ~~Commissioner~~
22 Superintendent, and shall receive, in addition to base salary, an
23 additional One Hundred Seventy-five Dollars (\$175.00) per month; and
24

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

5 ~~C.~~ B. Any person appointed to the position of Assistant
6 Commissioner of Public Safety shall be eligible for retirement
7 participation as a member of the Highway Patrol Division in the
8 Oklahoma Law Enforcement Retirement System if such person at the
9 time of appointment satisfies the age qualifications of an Oklahoma
10 Highway Patrolman as provided in subsection B of Section 2-105 of
11 this title; however, the Assistant Commissioner shall be eligible
12 for participation in only one retirement system and shall elect in
13 writing the system in which he or she intends to participate within
14 ninety (90) days of appointment. Any earned benefits or any credits
15 toward retirement benefits from previous participation within the
16 Oklahoma Public Employees Retirement System or the Oklahoma Law
17 Enforcement Retirement System shall remain intact within that System
18 should the Assistant Commissioner elect to become a new participant
19 in a different retirement system.

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

1 SECTION 12. AMENDATORY 47 O.S. 2011, Section 2-105, as
2 last amended by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp.
3 2015, Section 2-105), is amended to read as follows:

4 Section 2-105. A. ~~The Commissioner of Public Safety~~ The
5 Superintendent of the Oklahoma Department of Law Enforcement,
6 subject to the Oklahoma Personnel Act, shall appoint:

7 1. A Chief of the Oklahoma Highway Patrol Division with the
8 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
9 Division with the rank of Lieutenant Colonel, and subordinate
10 officers and employees of the Oklahoma Highway Patrol Division,
11 including Majors, Captains, Lieutenants, and Highway Patrolmen with
12 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
13 Division of the ~~Department of Public Safety~~ Oklahoma Department of
14 Law Enforcement; provided, any officer appointed to a commissioned
15 position prescribed in this paragraph which is unclassified pursuant
16 to Section 840-5.5 of Title 74 of the Oklahoma Statutes shall have a
17 right of return to the highest previously held classified
18 commissioned position within the Highway Patrol Division of the
19 ~~Department of Public Safety~~ Oklahoma Department of Law Enforcement
20 without any loss of rights, privileges or benefits immediately upon
21 completion of the duties in the unclassified commissioned position;

22 2. A Captain, Lieutenants, and Patrolmen who shall comprise the
23 Marine Enforcement Section of the Oklahoma Highway Patrol Division
24

1 of the ~~Department of Public Safety~~ Oklahoma Department of Law
2 Enforcement;

3 3. A Captain, Lieutenants, and Patrolmen, who shall comprise
4 the Capitol Patrol Section of the Oklahoma Highway Patrol Division
5 of the ~~Department of Public Safety~~ Oklahoma Department of Law
6 Enforcement; and

7 4. Communications Coordinators, Communications Superintendents,
8 Communications Supervisors, Communications Dispatchers, Radio
9 Technicians and Tower Maintenance Officers shall comprise the
10 Communications Division of the ~~Department of Public Safety~~ Oklahoma
11 Department of Law Enforcement.

12 B. 1. The ~~Commissioner~~ Superintendent, when appointing
13 commissioned officers and employees to the positions set out in
14 subsection A of this section, shall determine, in consultation with
15 the Director of the Office of Management and Enterprise Services,
16 minimum qualifications and shall select such officers and employees
17 only after examinations to determine their physical and mental
18 qualifications for such positions. The content of the examinations
19 shall be prescribed by the ~~Commissioner~~ Superintendent, and all such
20 appointees shall satisfactorily complete a course of training in
21 operations and procedures as prescribed by the ~~Commissioner~~
22 Superintendent.

1 2. No person shall be appointed to any position set out in
2 subsection A of this section unless the person is a citizen of the
3 United States of America, of good moral character, and:

4 a. for commissioned officer positions, shall be at least
5 twenty-one (21) years of age but less than forty-six
6 (46) years of age, and shall possess:

7 (1) an associate's degree or a minimum of sixty-two
8 (62) successfully completed semester hours from
9 an accredited college or university as denoted in
10 the Database of Accredited Postsecondary
11 Institutions and Programs provided by the U.S.
12 Department of Education and whose hours are
13 transferable between such recognized
14 institutions,

15 (2) shall have successfully completed thirty-two (32)
16 semester hours from an accredited college or
17 university as denoted in the Database of
18 Accredited Postsecondary Institutions and
19 Programs provided by the U.S. Department of
20 Education and whose hours are transferable
21 between such recognized institutions and have
22 received an honorable discharge after three (3)
23 years of active military or reserve military
24 service, or

1 (3) shall have successfully completed thirty-two (32)
2 semester hours from an accredited college or
3 university as denoted in the Database of
4 Accredited Postsecondary Institutions and
5 Programs provided by the U.S. Department of
6 Education and whose hours are transferable
7 between such recognized institutions, and
8 received an honorable discharge in any active
9 military or reserve military service,

10 b. applicants with prior military service, shall receive
11 credit for up to ten (10) semester hours for each year
12 of honorable service in any active military or reserve
13 military service up to a maximum of three (3) years or
14 thirty (30) semester hours, and

15 c. for any such position in the Communications Division,
16 a person shall be at least twenty (20) years of age
17 and shall possess a high school diploma or General
18 Educational Development equivalency certificate; shall
19 possess either six (6) months of previous experience
20 as a dispatcher or fifteen (15) successfully completed
21 semester hours from an accredited college or
22 university as denoted in the Database of Accredited
23 Postsecondary Institutions and Programs provided by
24

1 the U.S. Department of Education and whose hours are
2 transferable between such recognized institutions.

3 3. No commissioned officer of the ~~Department~~ division shall,
4 while in such position, be a candidate for any political office or
5 take part in or contribute any money or other thing of value,
6 directly or indirectly, to any political campaign or to any
7 candidate for public office. Anyone convicted of violating the
8 provisions of this paragraph shall be guilty of a misdemeanor and
9 shall be punished as provided by law.

10 4. The ~~Commissioner~~ Superintendent or any employee of the
11 ~~Department~~ division shall not be a candidate for any political
12 office, or in any way be active or participate in any political
13 contest of any Primary, General, or Special Election, except to cast
14 a ballot. No commissioned officer of the Department, while in the
15 performance of the officer's assigned duty of providing security and
16 protection, shall be considered as participating in a political
17 campaign. The provisions of this paragraph shall not be construed
18 to preclude a commissioned officer of the Oklahoma Highway Patrol
19 Division of the ~~Department of Public Safety~~ Oklahoma Department of
20 Law Enforcement from being a candidate for a position on a local
21 board of education.

22 5. Drunkenness or being under the influence of intoxicating
23 substances shall be sufficient grounds for the removal of any
24

1 commissioned officer of the Department, in and by the manner
2 provided for in this section.

3 C. 1. Upon initial appointment to the position of Cadet
4 Highway Patrolman or Probationary Communications Dispatcher, the
5 appointed employee shall be required to serve an initial
6 probationary period of twelve (12) months. The ~~Commissioner~~ Chief,
7 subject to the approval of the Superintendent may extend the
8 probationary period for up to three (3) additional months provided
9 that the employee and the Office of Management and Enterprise
10 Services are notified in writing as to such action and the reasons
11 thereof. During such probationary period, the employee may be
12 terminated at any time and for any reason at the discretion of the
13 ~~Commissioner~~ Chief, subject to the approval of the Superintendent.
14 Retention in the service after expiration of the initial
15 probationary period shall entitle such employee to be classified as
16 a permanent employee and the employee shall be so classified. No
17 permanent employee may be discharged or removed except as provided
18 for in this section.

19 2. A commissioned officer of the Oklahoma Highway Patrol
20 Division may be promoted during the initial probationary period if
21 such officer satisfactorily completes all training requirements
22 prescribed by the ~~Commissioner~~ Superintendent.

23 D. 1. No permanent employee, as provided for in this section,
24 who is a commissioned officer of the Department, may be suspended

1 without pay or dismissed unless the employee has been notified in
2 writing by the ~~Commissioner~~ Chief, subject to the approval of the
3 Superintendent of such intended action and the reasons thereof. No
4 such notice shall be given by the ~~Commissioner~~ Chief, subject to the
5 approval of the Superintendent unless sworn charges or statements
6 have been obtained to justify the action.

7 2. Whenever such charges are preferred, the ~~Commissioner~~ Chief,
8 subject to the approval of the Superintendent may suspend the
9 accused pending the hearing and final determination of such charges.
10 If the charges are not sustained in whole or in part, the accused
11 shall be entitled to pay during the period of such suspension. If
12 the charges are sustained in whole or in part, the accused shall not
13 receive any pay for the period of such suspension.

14 3. Commissioned officers of the ~~Department of Public Safety~~
15 Oklahoma Department of Law Enforcement are not entitled to appeal
16 intra-agency transfer to the Oklahoma Merit Protection Commission
17 pursuant to the Oklahoma Personnel Act unless transfer is in
18 violation of Section 840-2.5 or 840-2.9 of Title 74 of the Oklahoma
19 Statutes.

20 4. The ~~Department of Public Safety~~ Oklahoma Department of Law
21 Enforcement shall follow the uniform grievance procedure established
22 and adopted by the Office of Management and Enterprise Services for
23 permanent classified employees, except for those employees who are
24 commissioned officers of the Department. The ~~Department of Public~~

1 ~~Safety~~ Oklahoma Department of Law Enforcement shall establish and
2 adopt a proprietary grievance procedure for commissioned officers of
3 the Department which is otherwise in compliance with the provisions
4 of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

5 E. 1. The ~~Commissioner~~ Chief, subject to the approval of the
6 Superintendent, is hereby authorized to purchase and issue uniforms
7 and necessary equipment for all commissioned officers of the Highway
8 Patrol Division of the Department. All uniforms and equipment shall
9 be used only in the performance of the official duties of such
10 officers and shall remain the property of the Department, except as
11 provided in Section 2-150 of this title.

12 2. Each commissioned officer of the Highway Patrol Division of
13 the ~~Department of Public Safety~~ Oklahoma Department of Law
14 Enforcement shall be entitled to reimbursement of expenses pursuant
15 to the State Travel Reimbursement Act while away from the assigned
16 area of the officer as designated by the Chief of the Oklahoma
17 Highway Patrol Division, subject to the approval of the
18 Superintendent, when such expense is incurred in the service of the
19 state.

20 F. 1. The positions with the rank of Colonel and Lieutenant
21 Colonel of the Oklahoma Highway Patrol Division shall be filled from
22 the body of commissioned officers of the Oklahoma Highway Patrol
23 Division and appointment to ~~said~~ the position shall be based on
24 qualifications, previous record as a commissioned officer of the

Oklahoma Highway Patrol Division, length of service, years of experience within the Oklahoma Highway Patrol Division or other service as prescribed in this subsection, and efficiency of service performed.

2. In addition to the requirements of paragraph 1 of this subsection, the position of Chief of the Oklahoma Highway Patrol Division shall be based on one of the following:

a. one (1) year of experience in any combination:

- (1) as Commissioner of Public Safety,
- (2) as Assistant Commissioner of Public Safety, or
- (3) as Assistant Chief,

b. two (2) years of experience in any combination:

- (1) as Deputy Chief or higher rank, or
- (2) if the experience was prior to April 21, 2006, as Major or higher rank,

c. four (4) years of experience in any combination:

- (1) as Major or higher rank, or
- (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or

d. six (6) years of experience in any combination:

- (1) as Captain or higher rank, or
- (2) if the experience was prior to April 21, 2006, as First Lieutenant or higher rank.

1 3. In addition to the requirements of paragraph 1 of this
2 subsection, the position of Deputy Chief of the Oklahoma Highway
3 Patrol Division shall be based on one of the following:

4 a. one (1) year of experience in any combination:

5 (1) as Commissioner of Public Safety,

6 (2) as Assistant Commissioner of Public Safety, or

7 (3) as Colonel,

8 b. two (2) years of experience in any combination:

9 (1) as Major or higher rank, or

10 (2) if the experience was prior to April 21, 2006, as
11 Captain or higher rank, or

12 c. four (4) years of experience in any combination:

13 (1) as Captain or higher rank, or

14 (2) if the experience was prior to April 21, 2006, as
15 Highway Patrol First Lieutenant or higher rank.

16 G. ~~The Commissioner of Public Safety~~ Superintendent of the
17 Oklahoma Department of Law Enforcement is hereby authorized to send
18 employees of the Department ~~of Public Safety~~ to schools such as
19 Northwestern University Center for Public Safety, Southern Police
20 Institute, the FBI National Academy, the Institute of Police
21 Technology and Management, or to any other schools of similar
22 training which would be conducive to improving the efficiency of the
23 Oklahoma Highway Patrol Division and the Department ~~of Public~~
24 ~~Safety~~. While an employee is attending a school, the ~~Commissioner~~

1 Superintendent is authorized to permit the employee to use a state-
2 owned vehicle and to use a fuel-purchasing card for any expenses
3 related to the operation of the vehicle. In addition, while an
4 employee is attending the FBI National Academy, a one-time expense
5 allowance of Two Thousand Dollars (\$2,000.00) for uniforms, fees,
6 travel, room and board, and other related expenses shall be paid to
7 the employee by the Department; provided, the employee shall not be
8 further compensated through the State Travel Reimbursement Act, and,
9 if any other agency reimburses the employee for any expenses, the
10 reimbursement shall be given to the Department. All purchases made
11 by the employee with the expense allowance shall be considered
12 property of the employee.

13 H. 1. Any former commissioned officer of the Department whose
14 separation from the Department was at such officer's own request and
15 not a result of such officer's own actions contrary to the policy of
16 the Department or was not as a result of the retirement of that
17 officer from the Department may make application for reinstatement
18 as a commissioned officer of the division or section of the
19 Department in which such officer was previously employed, provided
20 such reinstated officer will be able to complete twenty (20) years
21 of credited service by the time the reinstated officer reaches
22 sixty-two (62) years of age. The ~~Commissioner~~ Superintendent may
23 waive the requirements of possessing the number of semester hours or
24 degree as required in subsection B of this section for any former

1 commissioned officer making application for reinstatement as a
2 commissioned officer of the Department. The ~~Commissioner~~
3 Superintendent may require the applicant for reinstatement to attend
4 selected courses of instruction, as prescribed by the ~~Commissioner~~
5 Superintendent.

6 2. In the event of future hostilities wherein the Congress of
7 the United States declares this nation in a state of war with a
8 foreign nation, including military service brought about by the
9 Vietnam War, any period of military service served by a commissioned
10 officer of the Department shall be considered as continued service
11 with such Department, provided such commissioned officer returns to
12 duty with the Department within sixty (60) days after release from
13 military service.

14 SECTION 13. AMENDATORY 47 O.S. 2011, Section 2-118, is
15 amended to read as follows:

16 Section 2-118. ~~(a)~~ A. The ~~Commissioner~~ Superintendent of the
17 Oklahoma Department of Law Enforcement shall require that the
18 Division of Highway Patrol properly patrol the highways of this
19 state and cooperate with sheriffs and police officers in enforcing
20 the laws regulating the operation of vehicles and the use of
21 highways.

22 ~~(b)~~ B. The ~~Commissioner~~ Superintendent of the Oklahoma
23 Department of Law Enforcement may establish a school for the
24 training and education of the members of ~~said~~ the Division in

1 traffic regulation, the promotion of traffic safety and enforcement
2 of the laws regulating the operation of vehicles and the use of the
3 highways.

4 ~~(e)~~ C. All members of ~~said~~ the Division when on duty shall be
5 dressed in distinctive uniform and display a badge of office.

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

23 SECTION 15. AMENDATORY 47 O.S. 2011, Section 2-122.1, is
24 amended to read as follows:

1 Section 2-122.1. All funds appropriated to the Oklahoma
2 Department of Law Enforcement, or available funds previously
3 appropriated to the Department of Public Safety may be used and
4 expended in conjunction or cooperation with any federal agency or
5 instrumentality under such terms and conditions considered
6 appropriate or necessary by the ~~Commissioner of Public Safety~~
7 Superintendent to obtain grants or federal aid assistance in
8 accordance with state law. The ~~Department of Public Safety~~ Oklahoma
9 Department of Law Enforcement is hereby authorized to collect,
10 receive and use any and all grants, reimbursements, or court-ordered
11 forfeitures made available through any agency or instrumentality of
12 the federal government, provided, however, such funds shall be
13 deposited in the State Treasury and disbursed in accordance with the
14 agreement between the ~~Department of Public Safety~~ Oklahoma
15 Department of Law Enforcement and the applicable federal agency or
16 instrumentality.

17 SECTION 16. AMENDATORY 47 O.S. 2011, Section 2-142, as
18 amended by Section 166, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
19 2015, Section 2-142), is amended to read as follows:

20 Section 2-142. There is hereby created in the State Treasury a
21 revolving fund for the Oklahoma Department of Law Enforcement's
22 Department of Public Safety Division, to be designated the "Computer
23 Imaging System Revolving Fund". The fund shall be a continuing fund
24 not subject to fiscal year limitations. All monies accruing to the

1 credit of ~~said~~ the fund are hereby appropriated and shall be
2 budgeted and expended by the Department for the exclusive purpose of
3 implementing, developing, administering, and maintaining the
4 computer imaging system of the ~~Department of Public Safety~~ Oklahoma
5 Department of Law Enforcement. Expenditures from ~~said~~ the fund
6 shall be made upon warrants issued by the State Treasurer against
7 claims filed as prescribed by law with the Director of the Office of
8 Management and Enterprise Services for approval and payment.

9 SECTION 17. AMENDATORY 47 O.S. 2011, Section 2-143, as
10 amended by Section 167, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
11 2015, Section 2-143), is amended to read as follows:

12 Section 2-143. There is hereby created in the State Treasury a
13 revolving fund for the Oklahoma Department of Law Enforcement's
14 Department of Public Safety Division, to be designated the "Oklahoma
15 Department of Law Enforcement's Department of Public Safety Patrol
16 Vehicle Revolving Fund". The fund shall be a continuing fund, not
17 subject to fiscal year limitations. All monies accruing to the
18 credit of the fund are hereby appropriated and shall be budgeted and
19 expended by the Department for the purpose of purchasing, equipping,
20 and maintaining of patrol vehicles and patrol aircraft and for any
21 other purpose related to the duties and responsibilities of the
22 Transportation Division of the Department, as well as any other
23 operational expenses of the Oklahoma Department of Law Enforcement's
24 Oklahoma Highway Patrol Division. No monies shall be expended from

1 this fund without expressed authorization by the Legislature.
2 Expenditures from ~~said~~ the fund shall be made upon warrants issued
3 by the State Treasurer against claims filed as prescribed by law
4 with the Director of the Office of Management and Enterprise
5 Services for approval and payment.

6 SECTION 18. AMENDATORY 47 O.S. 2011, Section 2-144.1, as
7 last amended by Section 168, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
8 2015, Section 2-144.1), is amended to read as follows:

9 Section 2-144.1. A. There is hereby created in the State
10 Treasury a revolving fund for the Oklahoma Department of Law
11 Enforcement's Department of Public Safety Division to be designated
12 the Oklahoma Department of Law Enforcement's Department of Public
13 Safety Revolving Fund. The fund shall be a continuing fund, not
14 subject to fiscal year limitations, and shall consist of all money
15 received by the ~~Department of Public Safety~~ Oklahoma Department of
16 Law Enforcement from:

- 17 1. Sale of surplus property;
- 18 2. Insurance and other reimbursements for damaged, lost or
19 stolen property;
- 20 3. Reimbursement for services of Department personnel as
21 approved by the Department if such personnel are representing the
22 Department or are in any uniform of the Department;

1 4. Reimbursement for supplies or facsimile or data
2 transmissions or for contractual services or products not otherwise
3 provided by law;

4 5. Fees and costs paid by subscribers to the Oklahoma Law
5 Enforcement Telecommunications Systems;

6 6. Refund of federal gasoline tax;

7 7. Reimbursements by federal, state and municipal government
8 agencies for the use of ~~Department of Public Safety~~ Oklahoma
9 Department of Law Enforcement airplanes;

10 8. Fees from users of the Robert R. Lester Training Center or
11 other ~~Department of Public Safety~~ Oklahoma Department of Law
12 Enforcement training facilities;

13 9. Federal funds, unless otherwise provided by federal law or
14 regulation; and

15 10. Any other funds received pursuant to law and designated for
16 deposit into the fund.

17 B. All monies accruing to the credit of the fund are hereby
18 appropriated and may be budgeted and expended by the ~~Department of~~
19 ~~Public Safety~~ Oklahoma Department of Law Enforcement for the
20 operating expenses of the Department.

21 C. The Director of the Office of the Office of Management and
22 Enterprise Services shall provide a distinct numbering system for
23 the identification and tracking of the expenditures of the various
24 programs budgeted from the revolving fund.

1 D. Expenditures from the fund shall be made upon warrants
2 issued by the State Treasurer against claims filed as prescribed by
3 law with the Director of the Office of Management and Enterprise
4 Services for approval and payment.

5 SECTION 19. AMENDATORY 47 O.S. 2011, Section 2-145, as
6 amended by Section 169, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
7 2015, Section 2-145), is amended to read as follows:

8 Section 2-145. A. There is hereby created in the State
9 Treasury a revolving fund for the Oklahoma Department of Law
10 Enforcement's Department of Public Safety Division, to be designated
11 the " Oklahoma Department of Law Enforcement's Department of Public
12 Safety Division Restricted Revolving Fund". The fund shall be a
13 continuing fund, not subject to fiscal year limitations. All monies
14 accruing to the credit of ~~said~~ the fund are hereby appropriated and
15 shall be budgeted and expended by the ~~Department of Public Safety~~
16 Oklahoma Department of Law Enforcement for the restricted purposes
17 of the monies as prescribed by law. Expenditures from ~~said~~ the
18 funds shall be made upon warrants issued by the State Treasurer
19 against claims filed as prescribed by law with the Director of the
20 Office of Management and Enterprise Services for approval and
21 payment.

22 B. Any statutory references to the Department of Public Safety
23 Revolving Fund shall mean the Oklahoma Department of Law
24 Enforcement's Department of Public Safety Division Restricted

1 Revolving Fund, as provided for in this section, whenever the
2 expenditure of the monies is restricted by law.

3 C. The Oklahoma Department of Law Enforcement's Department of
4 Public Safety Division shall transfer all funds, for which
5 expenditure is restricted by law, from the Oklahoma Department of
6 Law Enforcement's Department of Public Safety Division Revolving
7 Fund to the Oklahoma Department of Law Enforcement's Department of
8 Public Safety Division Restricted Revolving Fund.

9 SECTION 20. AMENDATORY 47 O.S. 2011, Section 2-146, as
10 amended by Section 170, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
11 2015, Section 2-146), is amended to read as follows:

12 Section 2-146. There is hereby created in the State Treasury a
13 revolving fund for the Oklahoma Department of Law Enforcement's
14 Department of Public Safety Division, to be designated the "
15 Oklahoma Department of Law Enforcement's Department of Public Safety
16 Division Patrol Academy Revolving Fund". The fund shall be a
17 continuing fund, not subject to fiscal year limitations. All monies
18 accruing to the credit of ~~said~~ the fund are hereby appropriated and
19 shall be budgeted and expended by the ~~Department of Public Safety~~
20 Oklahoma Department of Law Enforcement for the exclusive purpose of
21 Oklahoma Highway Patrol Division Trooper Academies. Expenditures
22 from ~~said~~ the fund shall be made upon warrants issued by the State
23 Treasurer against claims filed as prescribed by law with the
24

1 Director of the Office of Management and Enterprise Services for
2 approval and payment.

3 SECTION 21. AMENDATORY 47 O.S. 2011, Section 156.1, as
4 amended by Section 3, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2015,
5 Section 156.1), is amended to read as follows:

6 Section 156.1. A. It shall be unlawful for any state official,
7 officer, or employee, except any essential employees approved by the
8 Governor and those officers or employees authorized in subsection B
9 of this section, to ride to or from the place of residence of the
10 employee in a state-owned or -leased automobile, truck, or pickup,
11 except in the performance of the official duty of the employee, or
12 to use or permit the use of any such automobile, truck, ambulance,
13 or pickup for other personal or private purposes. Any person
14 convicted of violating the provisions of this section shall be
15 guilty of a misdemeanor and shall be punished by a fine of not more
16 than One Hundred Dollars (\$100.00) or by imprisonment in the county
17 jail for a period to not exceed thirty (30) days, or by both ~~said~~
18 the fine and imprisonment, and in addition thereto, shall be
19 discharged from state employment.

20 B. 1. Any state employee, other than the individuals provided
21 for in paragraph 2 of this subsection and any employee of the
22 Department of Public Safety who is an employee in the Driver License
23 Examining Division or the Driver Compliance Division or a wrecker
24 inspector or auditor of the Wrecker Services Division as provided

1 for in paragraph 3 of this subsection, who receives emergency
2 telephone calls regularly at the residence of the employee when the
3 employee is not on duty and is regularly called upon to use a
4 vehicle after normal work hours in response to such emergency calls,
5 may be permitted to use a vehicle belonging to the State of Oklahoma
6 to provide transportation between the residence of the employee and
7 the assigned place of employment, provided such distance does not
8 exceed seventy-five (75) miles in any round trip or is within the
9 county where the assigned place of employment is located. Provided
10 further, an employee may be permitted to use a state-owned or -
11 leased vehicle to provide temporary transportation between a
12 specific work location other than the assigned place of employment
13 and the residence of the employee, if such use shall result in a
14 monetary saving to the agency, and such authorization shall not be
15 subject to the distance or area restrictions provided for in this
16 paragraph. Authorization for temporary use of a state-owned or -
17 leased vehicle for a specific project shall be in writing stating
18 the justification for this use and the saving expected to result.
19 Such authorization shall be valid for not to exceed sixty (60) days.
20 Any state entity other than law enforcement that avails itself of
21 this provision shall keep a monthly record of all participating
22 employees, the number of emergency calls received, and the number of
23 times that a state vehicle was used in the performance of such
24 emergency calls.

1 2. Any employee of the ~~Department of Public Safety, Oklahoma~~
2 ~~State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma~~
3 ~~State Bureau of Investigation~~ Oklahoma Department of Law
4 Enforcement, Alcoholic Beverage Laws Enforcement Commission,
5 Oklahoma Horse Racing Commission, Oklahoma Department of
6 Agriculture, Food, and Forestry, Office of the Inspector General
7 within the Department of Human Services or Office of the State Fire
8 Marshal, who is a law enforcement officer or criminalist, Public
9 Information officer, Special Investigator or Assistant Director of
10 the Oklahoma State Bureau of Investigation, CLEET-certified
11 Investigator for a state board or any employee of a district
12 attorney who is a law enforcement officer, may be permitted to use a
13 state-owned or -leased vehicle to provide transportation between the
14 residence of the employee and the assigned place of employment and
15 between the residence and any location other than the assigned place
16 of employment to which the employee travels in the performance of
17 the official duty of the employee.

18 3. Any employee of the Department of Public Safety who is an
19 employee in the Driver License Examining Division, an employee of
20 the Driver Compliance Division, a wrecker inspector or auditor of
21 the Wrecker Services Division, or a noncommissioned pilot may be
22 permitted, as determined by the Commissioner, subject to the
23 approval of the Superintendent of the Oklahoma Department of Law
24 Enforcement, to use a state-owned or -leased vehicle to provide

1 transportation between the residence of the employee and the
2 assigned place of employment and between the residence and any
3 location other than the assigned place of employment to which the
4 employee travels in the performance of the official duty of the
5 employee.

6 4. The ~~Director~~ Superintendent of the Oklahoma Department of
7 Law Enforcement, department heads and other essential employees of
8 the Department of Wildlife Conservation, as authorized by the
9 Wildlife Conservation Commission, may be permitted to use a state-
10 owned or -leased vehicle to provide transportation between the
11 residence of the employee and the assigned place of employment and
12 between the residence and any location other than the assigned place
13 of employment to which the employee travels in the performance of
14 the official duty of the employee.

15 C. The principal administrator of the state agency with which
16 the employee is employed shall so designate the status of the
17 employee in writing or provide a copy of the temporary authorization
18 to the Governor, the President Pro Tempore of the Senate, and the
19 Speaker of the House of Representatives. Such employee status
20 report shall also be provided to the State Fleet Manager of the
21 Division of Fleet Management if the motor vehicle for emergency use
22 is provided by ~~said~~ the Division.

1 SECTION 22. AMENDATORY 47 O.S. 2011, Section 40-123, as
2 amended by Section 175, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
3 2015, Section 40-123), is amended to read as follows:

4 Section 40-123. There is hereby created in the State Treasury a
5 revolving fund for the Oklahoma Department of Law Enforcement's
6 Department of Public Safety to be designated the "Motorcycle Safety
7 and Education Program Revolving Fund". The fund shall be a
8 continuing fund, not subject to fiscal year limitations, and shall
9 consist of all fees, donations, federal funds and grants received
10 for the purpose of motorcycle safety and education programming. All
11 monies accruing to the credit of ~~said~~ the fund are hereby
12 appropriated and may be budgeted and expended by the ~~Commissioner of~~
13 ~~Public Safety~~ Superintendent of the Oklahoma Department of Law
14 Enforcement for the purpose of operating the Motorcycle Safety and
15 Education Program. Expenditures from ~~said~~ the fund shall be made
16 upon warrants issued by the State Treasurer against claims filed as
17 prescribed by law with the Director of the Office of Management and
18 Enterprise Services for approval and payment.

19 SECTION 23. AMENDATORY Section 3, Chapter 378, O.S.L.
20 2015 (47 O.S. Supp. 2015, Section 1104.27), is amended to read as
21 follows:

22 Section 1104.27. A. Twenty Dollars (\$20.00) of the fee
23 authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes
24 for Remembering Fallen Heroes license plates shall be deposited to

1 the Oklahoma Concerns of Police Survivors License Plate Revolving
2 Fund created in subsection B of this section.

3 B. There is hereby created in the State Treasury a revolving
4 fund for the ~~Oklahoma Department of Public Safety~~ Oklahoma
5 Department of Law Enforcement to be designated the "Oklahoma
6 Concerns of Police Survivors License Plate Revolving Fund". The
7 fund shall consist of all monies received pursuant to subsection A
8 of this section. All monies accruing to the credit of ~~said~~ the fund
9 are hereby appropriated and may be budgeted and expended by the
10 ~~Oklahoma Department of Public Safety~~ Oklahoma Department of Law
11 Enforcement for the purpose of providing programs and services to
12 surviving families of Oklahoma's fallen law enforcement officers.
13 Expenditures from ~~said~~ the fund shall be made upon warrants issued
14 by the State Treasurer against claims filed as prescribed by law
15 with the Director of the Office of Management and Enterprise
16 Services for approval and payment.

17 SECTION 24. AMENDATORY 63 O.S. 2011, Section 2-103, as
18 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
19 2015, Section 2-103), is amended to read as follows:

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

1 ~~1984, shall be initially appointed as Director. Superintendent of~~
2 ~~the Oklahoma Department of Law Enforcement. The succeeding Director~~
3 shall, at the time of the appointment, have a Bachelor's Degree from
4 an accredited college or university and at least five (5) years of
5 experience in drug law enforcement. Effective until December 1,
6 2018, the Director must be a current employee of the Division. The
7 Subject to the approval of the Superintendent of the Oklahoma
8 Department of Law Enforcement, the Director may appoint necessary
9 assistants, agents, and other personnel to perform the work of the
10 office and may prescribe their titles and duties ~~and fix their~~
11 ~~compensation pursuant to Merit System rules. The~~ Subject to the
12 approval of the Superintendent, the Director may appoint employees
13 to the positions of Chief of Law Enforcement Information and
14 Technology, Public Information/Education Officer, Training Officer,
15 Program Administrators, Grants Administrator, Criminal Analysts,
16 Legal Secretary, and Typist Clerk/Spanish Transcriptionists. The
17 positions shall be unclassified and exempt from the rules and
18 procedures of the Office of Management and Enterprise Services,
19 except leave regulations. ~~The office of the Director shall be~~
20 ~~located at a suitable place in Oklahoma City, Oklahoma.~~

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

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

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

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

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

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

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

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

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

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

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

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

1 Retirement System or in the Oklahoma Law Enforcement Retirement
2 System and shall make an irrevocable election in writing to
3 participate in one of the two retirement systems within ninety (90)
4 days of appointment.

5 SECTION 25. 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~~ Subject to the approval of the
9 Superintendent, the Director of the Oklahoma State Bureau of
10 Narcotics and Dangerous Drugs Control shall, in addition to other
11 powers and duties vested in the Director:

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

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

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

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

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 Subject to the approval of the Superintendent, the
13 Director is further authorized and directed to:

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

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

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

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

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~~ Subject to the approval of the Superintendent, the
19 Director is further authorized and directed to:

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

22 2. Cooperate in establishing methods to assess accurately the
23 effects of controlled dangerous substances and to identify and
24

1 characterize controlled dangerous substances with potential for
2 abuse; and

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

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

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

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

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

22 F. The Subject to the approval of the Superintendent, the
23 Director may enter into contracts with public agencies, institutions
24 of higher education and private organizations or individuals for the

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

4 G. The Subject to the approval of the Superintendent, the
5 Director may enter into contracts for educational and research
6 activities without performance bonds.

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

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

1 J. ~~The~~ Subject to the approval of the Superintendent, the
2 Director is authorized to accept gifts, bequests, devises,
3 contributions and grants, public or private, including federal funds
4 or funds from any other source for use in furthering the purpose of
5 the ~~office of the Director~~ Bureau.

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

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

13 M. ~~The Director shall be in charge of all monies appropriated~~
14 ~~for or deposited to the credit of the office of the Director and is~~
15 ~~authorized to approve claims and payrolls as provided in Section~~
16 ~~41.26 of Title 62 of the Oklahoma Statutes.~~

17 N. ~~The Director shall have the authority of a peace officer and~~
18 ~~is authorized to commission assistants of the office as peace~~
19 ~~officers.~~

20 O. ~~L.~~ Upon determining that a practitioner is prescribing a
21 controlled dangerous substance to a person engaged in fraudulent or
22 deceptive efforts to fill or refill multiple prescriptions for
23 controlled dangerous substances, Subject to the approval of the
24 Superintendent, the Director shall provide written or electronic

1 notification alerting the practitioner to the possibility that the
2 person may be unlawfully obtaining prescription drugs in violation
3 of the Uniform Controlled Dangerous Substances Act.

4 SECTION 26. AMENDATORY 63 O.S. 2011, Section 2-106.2, is
5 amended to read as follows:

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

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

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

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

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

1 SECTION 27. AMENDATORY 63 O.S. 2011, Section 2-107, as
2 amended by Section 497, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
3 2015, Section 2-107), is amended to read as follows:

4 Section 2-107. There is hereby created in the State Treasury a
5 revolving fund for the Oklahoma Department of Law Enforcement's
6 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
7 Division to be designated the "Bureau of Narcotics Revolving Fund".
8 The fund shall be a continuing fund, not subject to fiscal year
9 limitations, and shall consist of any monies received from the sale
10 of surplus and confiscated property, fees and receipts collected
11 pursuant to the Oklahoma Open Records Act, gifts, bequests, devises,
12 contributions or grants, public or private, including federal funds
13 unless otherwise provided by federal law or regulation, registration
14 fees and receipts relating to prescription pads and receipts from
15 any other source. All monies accruing to the credit of ~~said~~ the
16 fund are hereby appropriated and may be budgeted and expended by the
17 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
18 Oklahoma Department of Law Enforcement for general operations of the
19 agency. Expenditures from ~~said~~ the fund shall be made upon warrants
20 issued by the State Treasurer against claims filed as prescribed by
21 law with the Director of the Office of Management and Enterprise
22 Services for approval and payment.

23 SECTION 28. AMENDATORY 63 O.S. 2011, Section 2-107a, is
24 amended to read as follows:

1 Section 2-107a. There is hereby created in the State Treasury a
2 revolving fund for the Oklahoma Department of Law Enforcement's
3 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
4 Division to be designated the "Bureau of Narcotics Drug Education
5 Revolving Fund". The fund shall be a continuing fund, not subject
6 to fiscal year limitations, and shall consist of any monies received
7 pursuant to subsection F of Section 1313.2 of Title 20 of the
8 Oklahoma Statutes. All monies accruing to the credit of the fund
9 are hereby appropriated and may be budgeted and expended by the
10 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
11 Oklahoma Department of Law Enforcement for purposes relating to drug
12 education and information in the State of Oklahoma.

13 SECTION 29. AMENDATORY 63 O.S. 2011, Section 2-107b, as
14 amended by Section 498, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
15 2015, Section 2-107b), is amended to read as follows:

16 Section 2-107b. There is hereby created in the State Treasury a
17 revolving fund for the Oklahoma Department of Law Enforcement's
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
19 Division to be designated the "Drug Money Laundering and Wire
20 Transmitter Revolving Fund". The fund shall be a continuing fund,
21 not subject to fiscal year limitations, and shall consist of all
22 monies received by the ~~Oklahoma State Bureau of Narcotics and~~
23 ~~Dangerous Drugs Control~~ Oklahoma Department of Law Enforcement from
24 the fees imposed pursuant to Section 2-503.1j of this title. All

1 monies accruing to the credit of the fund are hereby appropriated
2 and may be budgeted and expended by the ~~Oklahoma State Bureau of~~
3 ~~Narcotics and Dangerous Drugs Control~~ Oklahoma Department of Law
4 Enforcement for the purpose of drug enforcement. Expenditures from
5 ~~said~~ the fund shall be made upon warrants issued by the State
6 Treasurer against claims filed as prescribed by law with the
7 Director of the Office of Management and Enterprise Services for
8 approval and payment.

9 SECTION 30. AMENDATORY 63 O.S. 2011, Section 2-110, as
10 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2015,
11 Section 2-110), is amended to read as follows:

12 Section 2-110. ~~The~~ Subject to the approval of the
13 Superintendent of the Oklahoma Department of Law Enforcement, the
14 Director of the Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control may employ attorneys, who shall be unclassified
16 employees of the state, or contract with attorneys, as needed.
17 These attorneys may advise the Director, the Superintendent of the
18 Oklahoma Department of Law Enforcement, the ~~Oklahoma State Bureau of~~
19 ~~Narcotics and Dangerous Drugs Control~~ Law Enforcement Council
20 ~~Commission~~ and Bureau personnel on all legal matters and shall
21 appear for and represent the Director, the ~~Commission~~
22 Superintendent, the Oklahoma Law Enforcement Council and Bureau
23 personnel in all administrative hearings and all litigation or other
24 proceedings which may arise in the discharge of their duties. At

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

20 SECTION 31. AMENDATORY 63 O.S. 2011, Section 2-503, as
21 amended by Section 5, Chapter 154, O.S.L. 2014 (63 O.S. Supp. 2015,
22 Section 2-503), is amended to read as follows:

23 Section 2-503. A. The following shall be subject to
24 forfeiture:

1 1. All controlled dangerous substances and synthetic controlled
2 substances which have been manufactured, distributed, dispensed,
3 acquired, concealed or possessed in violation of the Uniform
4 Controlled Dangerous Substances Act;

5 2. All raw materials, products and equipment of any kind and
6 all drug paraphernalia as defined by the Uniform Controlled
7 Dangerous Substances Act, which are used, or intended for use, in
8 manufacturing, compounding, processing, delivering, importing or
9 exporting, injecting, ingesting, inhaling, or otherwise introducing
10 into the human body any controlled dangerous substance or synthetic
11 controlled substance in violation of the provisions of the Uniform
12 Controlled Dangerous Substances Act;

13 3. All property which is used, or intended for use, as a
14 container for property described in paragraphs 1, 2, 5 and 6 of this
15 subsection;

16 4. All conveyances, including aircraft, vehicles, vessels, or
17 farm implements which are used to transport, conceal, or cultivate
18 for the purpose of distribution as defined in the Uniform Controlled
19 Dangerous Substances Act, or which are used in any manner to
20 facilitate the transportation or cultivation for the purpose of sale
21 or receipt of property described in paragraphs 1 or 2 of this
22 subsection or when the property described in paragraphs 1 or 2 of
23 this subsection is unlawfully possessed by an occupant thereof,
24 except that:

1 a. no conveyance used by a person as a common carrier in
2 the transaction of business as a common carrier shall
3 be forfeited under the provisions of the Uniform
4 Controlled Dangerous Substances Act unless it shall
5 appear that the owner or other person in charge of
6 such conveyance was a consenting party or privy to a
7 violation of the Uniform Controlled Dangerous
8 Substances Act, and

9 b. no conveyance shall be forfeited under the provisions
10 of this section by reason of any act or omission
11 established by the owner thereof to have been
12 committed or omitted without the knowledge or consent
13 of such owner, and if the act is committed by any
14 person other than such owner the owner shall establish
15 further that the conveyance was unlawfully in the
16 possession of a person other than the owner in
17 violation of the criminal laws of the United States,
18 or of any state;

19 5. All books, records and research, including formulas,
20 microfilm, tapes and data which are used in violation of the Uniform
21 Controlled Dangerous Substances Act;

22 6. All things of value furnished, or intended to be furnished,
23 in exchange for a controlled dangerous substance in violation of the
24 Uniform Controlled Dangerous Substances Act, all proceeds traceable

1 to such an exchange, and all monies, negotiable instruments, and
2 securities used, or intended to be used, to facilitate any violation
3 of the Uniform Controlled Dangerous Substances Act;

4 7. All monies, coin and currency found in close proximity to
5 any amount of forfeitable substances, to forfeitable drug
6 manufacturing or distribution paraphernalia or to forfeitable
7 records of the importation, manufacture or distribution of
8 substances, which are rebuttably presumed to be forfeitable under
9 the Uniform Controlled Dangerous Substances Act. The burden of
10 proof is upon claimants of the property to rebut this presumption;

11 8. All real property, including any right, title, and interest
12 in the whole of any lot or tract of land and any appurtenance or
13 improvement thereto, which is used, or intended to be used, in any
14 manner or part, to commit, or to facilitate the commission of, a
15 violation of the Uniform Controlled Dangerous Substances Act which
16 is punishable by imprisonment for more than one (1) year, except
17 that no property right, title or interest shall be forfeited
18 pursuant to this paragraph, by reason of any act or omission
19 established by the owner thereof to have been committed or omitted
20 without the knowledge or consent of that owner; and

21 9. All weapons possessed, used or available for use in any
22 manner to facilitate a violation of the Uniform Controlled Dangerous
23 Substances Act.

1 B. Any property or thing of value of a person is subject to
2 forfeiture if it is established by a preponderance of the evidence
3 that such property or thing of value was acquired by such person
4 during the period of the violation of the Uniform Controlled
5 Dangerous Substances Act or within a reasonable time after such
6 period and there was no likely source for such property or thing of
7 value other than the violation of the Uniform Controlled Dangerous
8 Substances Act.

9 C. Any property or thing of value of a person is subject to
10 forfeiture if it is established by a preponderance of the evidence
11 that the person has not paid all or part of a fine imposed pursuant
12 to the provisions of Section 2-415 of this title.

13 D. All items forfeited in this section shall be forfeited under
14 the procedures established in Section 2-506 of this title. Whenever
15 any item is forfeited pursuant to this section except for items
16 confiscated by the Oklahoma Department of Law Enforcement, the
17 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
18 Division, the Department of Public Safety Division, the Oklahoma
19 State Bureau of Investigation Division, the Alcoholic Beverage Laws
20 Enforcement Commission, the Department of Corrections, or the Office
21 of the Attorney General, the district court of the district shall
22 order that such item, money, or monies derived from the sale of such
23 item be deposited by the state, county or city law enforcement
24 agency which seized the item in the revolving fund provided for in

1 Section 2-506 of this title; provided, such item, money or monies
2 derived from the sale of such item forfeited due to nonpayment of a
3 fine imposed pursuant to the provisions of Section 2-415 of this
4 title shall be apportioned as provided in Section 2-416 of this
5 title. Items, money or monies seized pursuant to subsections A and
6 B of this section shall not be applied or considered toward
7 satisfaction of the fine imposed by Section 2-415 of this title.
8 All raw materials used or intended to be used by persons to
9 unlawfully manufacture or attempt to manufacture any controlled
10 dangerous substance in violation of the Uniform Controlled Dangerous
11 Substances Act shall be summarily forfeited pursuant to the
12 provisions of Section 2-505 of this title.

13 E. All property taken or detained under this section by the
14 Oklahoma Department of Law Enforcement, the Oklahoma State Bureau of
15 Narcotics and Dangerous Drugs Control Division, the Department of
16 Public Safety Division, the Oklahoma State Bureau of Investigation
17 Division, the Alcoholic Beverage Laws Enforcement Commission, the
18 Department of Corrections, or the Office of the Attorney General,
19 shall not be repleviable, but shall remain in the custody of the
20 Bureaus, Departments, Commission, or Office, respectively, subject
21 only to the orders and decrees of a court of competent jurisdiction.
22 ~~The Director of the Oklahoma State Bureau of Narcotics and Dangerous~~
23 ~~Drugs Control, the Commissioner of Public Safety, the Director of~~
24 ~~the Oklahoma State Bureau of Investigation~~ Superintendent of the

1 Oklahoma Department of Law Enforcement, the Director of the
2 Alcoholic Beverage Laws Enforcement Commission, the Director of the
3 Department of Corrections, and the Attorney General shall follow the
4 procedures outlined in Section 2-506 of this title dealing with
5 notification of seizure, intent of forfeiture, final disposition
6 procedures, and release to innocent claimants with regard to all
7 property included in this section detained by the Oklahoma
8 Department of Law Enforcement, the Department of Public Safety
9 Division, the Oklahoma State Bureau of Investigation Division, the
10 Alcoholic Beverage Laws Enforcement Commission, the Department of
11 Corrections, or the Office of the Attorney General. Property taken
12 or detained by the Oklahoma Department of Law Enforcement, the
13 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
14 Division, the Department of Public Safety Division, the Oklahoma
15 State Bureau of Investigation Division, the Alcoholic Beverage Laws
16 Enforcement Commission, the Department of Corrections, or the Office
17 of the Attorney General shall be disposed of or sold pursuant to the
18 provisions of Section 2-508 of this title. Any money, coins, and
19 currency, taken or detained pursuant to this section may be
20 deposited in an interest bearing account by or at the direction of
21 the State Treasurer if the seizing agency determines the currency is
22 not to be held as evidence. All interest earned on such monies
23 shall be returned to the claimant or forfeited with the money,
24 coins, and currency which was taken or detained as provided by law.

1 F. The proceeds of any forfeiture of items seized by the
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
3 Division of the Oklahoma Department of Law Enforcement shall be
4 distributed as follows:

5 1. To the bona fide or innocent purchaser, conditional sales
6 vendor or mortgagee of the property, if any, up to the amount of his
7 interest in the property, when the court declaring a forfeiture
8 orders a distribution to such person; and

9 2. The balance to the Oklahoma Department of Law Enforcement
10 Bureau of Narcotics Division Revolving Fund established pursuant to
11 Section 2-107 of this title, provided the Bureau, with the approval
12 of the Superintendent of the Oklahoma Department of Law Enforcement,
13 may enter into agreements with municipal, tribal, county, state or
14 federal law enforcement agencies, or other state agencies with
15 CLEET-certified law enforcement officers, assisting in the
16 forfeiture or underlying criminal investigation, to return to such
17 an agency a percentage of ~~said~~ the proceeds.

18 G. Any agency that acquires seized or forfeited property or
19 money shall maintain a true and accurate inventory and record of all
20 such property seized pursuant to this section.

21 SECTION 32. AMENDATORY 63 O.S. 2011, Section 4236, as
22 amended by Section 522, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
23 2015, Section 4236), is amended to read as follows:
24

1 Section 4236. There is hereby created in the State Treasury a
2 revolving fund for the Oklahoma Department of Law Enforcement's
3 Department of Public Safety Division to be designated the "Boating
4 Safety Education Fund". The fund shall be a continuing fund, not
5 subject to fiscal year limitations, and shall consist of fine monies
6 collected pursuant to Section 4235 of this title and any monies
7 contributed to the fund from any other source. All monies accruing
8 to the credit of such fund are hereby appropriated and shall be
9 budgeted and expended by the Department for the exclusive purposes
10 of establishing and maintaining a boating safety education program
11 throughout the State of Oklahoma. Expenditures from such fund shall
12 be made upon warrants issued by the State Treasurer against claims
13 filed as prescribed by law with the Director of the Office of
14 Management and Enterprise Services for approval and payment.

15 SECTION 33. AMENDATORY 74 O.S. 2011, Section 51.2, as
16 amended by Section 701, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
17 2015, Section 51.2), is amended to read as follows:

18 Section 51.2. A. There is hereby created in the State Treasury
19 a revolving fund for the Oklahoma Office of Homeland Security to be
20 designated the "Oklahoma Homeland Security Revolving Fund". The
21 Oklahoma Homeland Security Revolving Fund shall be a continuing
22 fund, not subject to fiscal year limitations and shall consist of
23 monies received by the Oklahoma Office of Homeland Security or the
24

1 ~~Department of Public Safety~~ Oklahoma Department of Law Enforcement

2 from:

3 1. Reimbursements from responsible parties for reasonable
4 actions taken and costs incurred by a regional team in response to
5 an incident or event involving a dangerous substance;

6 2. Reimbursements, grants, or other monies received from other
7 state agencies and entities of state government;

8 3. Reimbursements, grants, or other monies received by the
9 Oklahoma Office of Homeland Security or the ~~Department of Public~~
10 ~~Safety~~ Oklahoma Department of Law Enforcement from the United States
11 government or pursuant to proceedings in district court to enforce
12 claims initiated pursuant to the Oklahoma Homeland Security Act or
13 the Oklahoma Emergency Response Act;

14 4. Gifts, donations, and bequests;

15 5. Monies appropriated or apportioned by the state; and

16 6. Receipts from other ancillary services related to incidents
17 or events related to dangerous substances, not otherwise provided by
18 law.

19 B. All monies accruing to the credit of the Oklahoma Homeland
20 Security Revolving Fund are hereby appropriated and may be budgeted
21 and expended by the Oklahoma Office of Homeland Security for:

22 1. Operating expenses;

23 2. Administrative duties; and
24

1 3. Education and reimbursement for expenses of regional teams,
2 including maintenance of equipment.

3 C. Expenditures from the Oklahoma Homeland Security Revolving
4 Fund shall be made upon warrants issued by the State Treasurer
5 against claims filed as prescribed by law with the Director of the
6 Office of Management and Enterprise Services for approval and
7 payment.

8 SECTION 34. AMENDATORY 74 O.S. 2011, Section 62.9, is
9 amended to read as follows:

10 Section 62.9. Unless otherwise prohibited, as funds become
11 available from appropriations approved by the United States Congress
12 or grants awarded by federal agencies to the Oklahoma Department of
13 Law Enforcement or to the former Oklahoma State Bureau of
14 Investigation, or from the Oklahoma Department of Law Enforcement's
15 OSBI Revolving Fund, the Oklahoma Department of Law Enforcement's
16 A.F.I.S. Fund, or the Oklahoma Department of Law Enforcement's
17 Forensic Science Improvement Revolving Fund, the ~~Oklahoma State~~
18 ~~Bureau of Investigation~~ Oklahoma Department of Law Enforcement shall
19 be authorized to use the funds to purchase equipment and provide
20 training to law enforcement agencies located in this state at no
21 cost to the agencies. The costs of training may include tuition,
22 equipment, supplies, and costs involved in attending training, and
23 travel costs paid in accordance with the State Travel Reimbursement
24 Act. In consideration of the economic benefit provided to the State

1 of Oklahoma, its citizens, their health, and their property, by the
2 continued use of the equipment and training for use in law
3 enforcement efforts, the ~~Oklahoma State Bureau of Investigation~~
4 Oklahoma Department of Law Enforcement may transfer title to any
5 such equipment to a law enforcement agency for official law
6 enforcement uses only.

7 SECTION 35. AMENDATORY 74 O.S. 2011, Section 150.2, as
8 amended by Section 7, Chapter 397, O.S.L. 2015 (74 O.S. Supp. 2015,
9 Section 150.2), is amended to read as follows:

10 Section 150.2. ~~The Oklahoma State Bureau of Investigation~~ The
11 Superintendent of the Oklahoma Department of Law Enforcement shall
12 have the power and duty to:

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

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

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

22 4. Operate teletype, mobile and fixed radio or other
23 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 Commission~~ established in
9 ~~Section 150.3 of this title~~ Superintendent;

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,~~ and provide
20 security to foreign elected or appointed officials while they are in
21 this state on official business;

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

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 36. AMENDATORY 74 O.S. 2011, Section 150.6, is
5 amended to read as follows:

6 Section 150.6. A. ~~The Oklahoma State Bureau of Investigation~~
7 ~~shall be under the operational control of a Director.~~ The Director
8 of the Oklahoma State Bureau of Investigation shall be appointed or
9 dismissed by ~~a majority vote of the total membership of the~~
10 ~~Commission~~ Superintendent of the Oklahoma Department of Law
11 Enforcement. The Director shall be a ~~professional law enforcement~~
12 full-time, certified peace officer who possesses a bachelor's degree
13 from an accredited college or university and who shall have a
14 minimum of five (5) ~~years'~~ years of experience in criminal
15 investigation and/or law enforcement or five (5) years' experience
16 as an agent with ~~said~~ the Bureau and ~~must have~~ has at least two (2)
17 ~~years'~~ years of experience in an administrative position. Effective
18 until December 1, 2018, the Director must be a current employee of
19 the Division.

20 B. Any Director appointed on or after July 1, 2003, may
21 participate in either the Oklahoma Public Employees Retirement
22 System or in the Oklahoma Law Enforcement Retirement System and
23 shall make an irrevocable election in writing to participate in one
24 of the two retirement systems within ninety (90) days of

1 appointment. Any earned benefits or any credits toward retirement
2 benefits from previous participation within the Oklahoma Public
3 Employees Retirement System or the Oklahoma Law Enforcement
4 Retirement System shall remain intact within that System should the
5 Director elect to become a new participant in a different retirement
6 system.

7 SECTION 37. AMENDATORY 74 O.S. 2011, Section 150.7, as
8 amended by Section 1, Chapter 136, O.S.L. 2015 (74 O.S. Supp. 2015,
9 Section 150.7), is amended to read as follows:

10 Section 150.7. The Director of the Oklahoma State Bureau of
11 Investigation shall have the following powers, duties and
12 responsibilities:

13 1. ~~To~~ Subject to the approval of the Superintendent of the
14 Oklahoma Department of Law Enforcement, appoint or dismiss a Deputy
15 Director who shall have the same qualifications as the Director;
16 2. ~~To supervise~~ Subject to the approval of the Superintendent,
17 supervise the maintaining of all reports and records of the Bureau
18 and to promulgate administrative rules concerning the destruction
19 and retention of such records. Such records shall not be
20 transferred to the custody or control of the Archives and Records
21 Commission or be subject to the provisions of Section 590 of Title
22 21 of the Oklahoma Statutes. The Director may, pursuant to adopted
23 and promulgated administrative rule, order the destruction of
24 records deemed to be no longer of value to the Bureau, excluding

1 criminalistic and investigative records which shall forever be kept
2 and maintained;

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

- 12 ~~a. what types of investigations are pending,~~
- 13 ~~b. what new types of investigations have been opened,~~
- 14 ~~c. what types of investigations have been closed, and~~
- 15 ~~d. what criminal charges have been filed as a result of~~
16 ~~Bureau investigations.~~

17 ~~The reports shall not contain any information on the individual~~
18 ~~subjects of the investigation or persons questioned in connection~~
19 ~~with an investigation. These reports shall be open for public~~
20 ~~inspection;~~

21 ~~4. To~~ Upon approval of the Superintendent of the Oklahoma
22 Department of Law Enforcement, ~~designate positions,~~ and ~~appoint~~
23 ~~employees and fix salaries of the Bureau, other than the salaries~~
24 ~~established by subsection A of Section 150.6a of this title, and to~~

1 authorize the payment of necessary certification expenses for the
2 employees;

3 ~~5.~~ 4. ~~To~~ Upon approval of the Superintendent of the Oklahoma
4 Department of Law Enforcement, authorize the purchase and issuance
5 of uniforms for all law enforcement officers, criminalists, and
6 other personnel of the Bureau as designated by the Director and to
7 purchase and issue necessary equipment for all employees of the
8 Bureau. All uniforms and equipment shall be used only in the
9 performance of the official duties of the officers, criminalists or
10 other personnel and shall remain the property of the Bureau except
11 as otherwise provided by law; and

12 ~~6.~~ 5. ~~To~~ The Superintendent of the Oklahoma Department of Law
13 Enforcement may enter into local cooperative agreements with local
14 law enforcement agencies for the purpose of appointing affiliate
15 task force agents to assist the ~~Bureau~~ Oklahoma Department of Law
16 Enforcement in the investigation of major crimes under the
17 jurisdiction of ~~the Bureau~~ all divisions of the Department.

18 Affiliate task force agents shall be employees and commissioned law
19 enforcement officers of the local law enforcement agency entering
20 into agreement with the ~~Bureau~~ Department and ~~shall not~~ may be
21 employees of the ~~Bureau~~ any divisions of the Department. Affiliate
22 task force agents shall have general peace officer powers and the
23 authority to arrest persons throughout the state while serving as an
24 affiliate task force agent. Affiliate task force agents serve

1 solely at the discretion and will of the ~~Director~~ Superintendent.

2 The ~~Director~~ Superintendent may renew, suspend, or revoke any
3 agreement appointing an affiliate task force agent at any time.

4 SECTION 38. AMENDATORY 74 O.S. 2011, Section 150.13A, as
5 amended by Section 1, Chapter 89, O.S.L. 2012 (74 O.S. Supp. 2015,
6 Section 150.13A), is amended to read as follows:

7 Section 150.13A. A. The ~~Director of the Oklahoma State Bureau~~
8 ~~of Investigation is hereby authorized to appoint, with the approval~~
9 ~~of the Oklahoma State Bureau of Investigation Commission,~~

10 Superintendent of the Oklahoma Department of Law Enforcement may

11 appoint special officers that shall have enforcement authority

12 related to the investigation of oil and gas industry crimes, which

13 shall include the larceny of equipment, property, supplies or

14 products. The number of special officers shall not exceed twenty

15 (20) positions and those special officers shall not be salaried

16 employees of the ~~Bureau~~ Department, but shall at all times be

17 subject to the orders and directions of the ~~Director~~ Superintendent.

18 In addition, the special officers shall not have authority to

19 enforce any laws except the provisions of the Oklahoma Statutes

20 relating directly to oil and gas industry crimes, for which they

21 will have the same authority as any other peace officer. The

22 special officers shall be known as Special Oil and Gas

23 Investigators.
24

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

16 SECTION 39. AMENDATORY 74 O.S. 2011, Section 150.16, as
17 amended by Section 1, Chapter 156, O.S.L. 2012 (74 O.S. Supp. 2015,
18 Section 150.16), is amended to read as follows:

19 Section 150.16. The Oklahoma ~~State Bureau of Investigation~~
20 Department of Law Enforcement is hereby authorized to own and
21 operate aircraft and to rent or charter aircraft on a project or
22 mission basis, such rental or charter to last only for the duration
23 of the project or mission. The ~~Bureau~~ Superintendent of the
24 Oklahoma Department of Law Enforcement is also authorized to pay,

1 from any funds available ~~to the Bureau~~, expenses involved in
2 qualifying multiengine and instrument pilots as may be required to
3 accomplish agency responsibilities.

4 SECTION 40. AMENDATORY 74 O.S. 2011, Section 150.19a, as
5 amended by Section 833, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
6 2015, Section 150.19a), is amended to read as follows:

7 Section 150.19a. There is hereby created in the State Treasury
8 a revolving fund for the Oklahoma Department of Law Enforcement's
9 Oklahoma State Bureau of Investigation Division to be designated the
10 "OSBI Division Revolving Fund". The fund shall be a continuing
11 fund, not subject to fiscal year limitations, and shall consist of
12 any monies received from the sale of surplus property, fees and
13 receipts collected pursuant to the Oklahoma Open Records Act, fines,
14 forfeitures, fees, charges, receipts, donations, gifts, bequests,
15 contributions, devises, interagency reimbursements, federal funds
16 unless otherwise provided by federal law or regulation, or any other
17 source. All monies accruing to the credit of ~~said~~ the fund are
18 hereby appropriated and may be budgeted and expended by the ~~Oklahoma~~
19 ~~State Bureau of Investigation~~ Oklahoma Department of Law Enforcement
20 for operating expenses of the ~~Bureau~~ Oklahoma Department of Law
21 Enforcement, for the purpose of implementing the Oklahoma Reward
22 System pursuant to Section 150.18 of this title, and to purchase
23 equipment and provide training to law enforcement agencies located
24 in the state, pursuant to Section 62.9 of this title. Expenditures

1 from ~~said~~ the fund shall be made upon warrants issued by the State
2 Treasurer against claims filed as prescribed by law with the
3 Director of the Office of Management and Enterprise Services for
4 approval and payment.

5 SECTION 41. AMENDATORY 74 O.S. 2011, Section 150.21, is
6 amended to read as follows:

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

1 Director, ~~Commission~~ the Superintendent, the Oklahoma Law
2 Enforcement Council and employees of the Bureau, if requested to do
3 so.

4 SECTION 42. AMENDATORY 74 O.S. 2011, Section 150.25, as
5 amended by Section 834, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
6 2015, Section 150.25), is amended to read as follows:

7 Section 150.25. There is hereby created in the State Treasury a
8 revolving fund for the Oklahoma Department of Law Enforcement's
9 Oklahoma State Bureau of Investigation Division, to be designated
10 the "A.F.I.S. Fund". The fund shall be a continuing fund, not
11 subject to fiscal year limitations, and shall consist of all monies
12 received by the ~~Oklahoma State Bureau of Investigation~~ Oklahoma
13 Department of Law Enforcement, from appropriations, federal grants
14 and assessments levied to ~~said~~ the fund pursuant to law. All monies
15 accruing to the credit of ~~said~~ the fund are hereby appropriated and
16 shall be budgeted and expended by the ~~Oklahoma State Bureau of~~
17 ~~Investigation~~ Oklahoma Department of Law Enforcement for the purpose
18 of maintaining and operating the Automated Fingerprint
19 Identification System (A.F.I.S.) until the indebtedness for the
20 purchase of the automated fingerprint identification system
21 equipment has been satisfied and to purchase equipment and provide
22 training to law enforcement agencies located in the state, pursuant
23 to Section 62.9 of this title. After the indebtedness has been
24 satisfied, any monies not necessary for the maintenance, operating

1 and upgrading expenses of the A.F.I.S. may be used for purchase,
2 renovation or leasing of buildings, upgrading of laboratory
3 equipment, and other capital expenditures of the ~~Oklahoma State~~
4 ~~Bureau of Investigation~~ Oklahoma Department of Law Enforcement and
5 to purchase equipment and provide training to law enforcement
6 agencies located in the state, pursuant to Section 62.9 of this
7 title. Expenditures from ~~said~~ the fund shall be made upon warrants
8 issued by the State Treasurer against claims filed as prescribed by
9 law with the Director of the Office of Management and Enterprise
10 Services for approval and payment.

11 SECTION 43. AMENDATORY 74 O.S. 2011, Section 150.35, as
12 amended by Section 836, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
13 2015, Section 150.35), is amended to read as follows:

14 Section 150.35. There is hereby created in the State Treasury a
15 revolving fund for the Oklahoma Department of Law Enforcement's
16 Oklahoma State Bureau of Investigation Division to be designated the
17 "Forensic Science Improvement Revolving Fund". The fund shall be a
18 continuing fund, not subject to fiscal year limitations, and shall
19 consist of all appropriated funds, any funds from state, federal or
20 other grants, the funds collected from assessments provided by
21 Section 1313.4 of Title 20 of the Oklahoma Statutes, any monies
22 transferred from the Oklahoma Department of Law Enforcement's OSBI
23 Division Revolving Fund; and any other monies designated to or
24 deposited to the benefit of this fund. All monies accruing to the

1 credit of this fund are hereby appropriated and may be budgeted and
2 expended by the ~~Oklahoma State Bureau of Investigation~~ Oklahoma
3 Department of Law Enforcement for the purpose of improvement of the
4 forensic science services of the ~~Oklahoma State Bureau of~~
5 ~~Investigation~~ Oklahoma Department of Law Enforcement including, but
6 not limited to:

7 1. Purchase, construction, renovation, financing or leasing of
8 facilities and equipment;

9 2. Purchase, rental, upgrades, repair, and maintenance of
10 instrumentation and equipment;

11 3. Salaries, benefits, training, equipment, supplies, and
12 overhead expenses for agency personnel;

13 4. Education, training and development of OSBI personnel;

14 5. Destruction of seized property and chemicals;

15 6. Accreditation and quality assurance expenses;

16 7. Professional services contracts;

17 8. Purchase equipment and provide training to law enforcement
18 agencies located in this state, pursuant to Section 62.9 of this
19 title; and

20 9. Enhancement or implementation of forensic technologies.

21 Expenditures from the fund shall be made upon warrants issued by the
22 State Treasurer against claims filed as prescribed by law with the
23 Director of the Office of Management and Enterprise Services for
24 approval and payment.

1 SECTION 44. AMENDATORY 74 O.S. 2011, Section 152.5, as
2 amended by Section 837, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
3 2015, Section 152.5), is amended to read as follows:

4 Section 152.5. A. All monies received from fines and
5 forfeitures for violations of the provisions of this act on behalf
6 of the ~~Bureau~~ Oklahoma Department of Law Enforcement, when collected
7 by the court clerk, shall be deposited by such clerk as follows:

8 1. Fifty percent (50%) thereof with the county treasurer to be
9 credited to the general fund of the county and so reported; and

10 2. Fifty percent (50%) shall be transmitted to the Oil and Gas
11 Theft Recovery Fund by cash voucher and so reported.

12 B. All transmittals of monies under this section shall be
13 accompanied by a report showing the name of the court, the number of
14 the case, the style of the case and the amount of fine and
15 forfeiture in each separate instance.

16 C. There is hereby created in the State Treasury a revolving
17 fund for the ~~Bureau~~ Department, to be designated the "Oil and Gas
18 Theft Recovery Revolving Fund". The fund shall be a continuing
19 fund, not subject to fiscal year limitations, and shall consist of
20 all monies received by the ~~Bureau~~ Department, from fines and
21 forfeitures received pursuant to this act. All monies accruing to
22 the credit of ~~said~~ the fund are hereby appropriated and may be
23 budgeted and expended by the ~~Bureau~~ Division for the purpose of
24 effectuating the provisions of this act. Expenditures from said

1 fund shall be made upon warrants issued by the State Treasurer
2 against claims filed as prescribed by law with the Director of the
3 Office of Management and Enterprise Services for approval and
4 payment.

5 SECTION 45. AMENDATORY 22 O.S. 2011, Section 1518, is
6 amended to read as follows:

7 Section 1518. There is hereby created in the State Treasury a
8 revolving fund for the Oklahoma Department of Law Enforcement's
9 Oklahoma State Bureau of Investigation Division to be designated the
10 "Oklahoma Criminal Justice Resource Revolving Fund". The fund shall
11 be a continuing fund, not subject to fiscal year limitations, and
12 shall consist of all grants, gifts, bequests and any other lawful
13 monies received for the benefit of the ~~Bureau~~ Department. All
14 monies accruing to the credit of ~~said~~ the fund are hereby
15 appropriated and may be budgeted and expended by the ~~Director of the~~
16 ~~Bureau~~ Superintendent of the Department for the operation of the
17 ~~Bureau~~ Department in furtherance of its duties as set forth in
18 Section 1517 of this title or other purposes authorized by law.

19 SECTION 46. REPEALER 63 O.S. 2011, Section 2-104.1, is
20 hereby repealed.

21 SECTION 47. REPEALER 74 O.S. 2011, Sections 150.3 and
22 150.4, are hereby repealed.

1 SECTION 48. Sections 46 and 47 of this act shall become
2 effective December 1, 2016.

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