

SENATE CHAMBER
STATE OF OKLAHOMA

DISPOSITION

☐ FLOOR AMENDMENT

No. _____

☐ COMMITTEE AMENDMENT

(Date)

Mr./Madame President:

I move to amend Senate Bill No. 1561, by substituting the attached floor substitute for the title, enacting clause and entire body of the measure.

Submitted by:

Senator Shortey

Shortey-BH-FS-Req#3226
3/8/2016 5:35 PM

(Floor Amendments Only) Date and Time Filed: _____

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 55th Legislature (2016)

FLOOR SUBSTITUTE

FOR

SENATE BILL NO. 1561

By: Shortey of the Senate

and

Christian of the House

FLOOR SUBSTITUTE

[Unified Law Enforcement Act of 2016 - Oklahoma
Department of Law Enforcement - Superintendent -
Director of Public Safety - Oklahoma State Bureau of
Narcotics and Dangerous Drugs Control Commission -
Oklahoma Surplus Property Act - eliminating
references - repealer - codification -
noncodification - effective date]

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

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

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

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

1 Effective December 1, 2016, a department of the government of
2 this state to be known as the "Oklahoma Department of Law
3 Enforcement" shall be created. It shall be the mission of the
4 Oklahoma Department of Law Enforcement to enforce the laws
5 protecting the safety of the public and provide for the prevention
6 and detection of crime. Upon formation, the divisions of the
7 Oklahoma Department of Law Enforcement shall consist of the
8 Department of Public Safety, the Oklahoma Highway Patrol, the
9 Oklahoma State Bureau of Investigation and the Oklahoma State Bureau
10 of Narcotics and Dangerous Drugs Control. The Superintendent of the
11 Oklahoma Department of Law Enforcement, created in Section 5 of this
12 act, shall oversee the Department of Law Enforcement. The
13 Superintendent shall have authority to delegate duties and
14 responsibilities to the respective division directors or
15 commissioners.

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

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

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

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

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

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

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

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

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

7 A member may serve more than one term on the Council. Vacancies
8 occurring during a term shall be filled for the unexpired portion of
9 the term by the same procedure used to make the regular
10 appointments. The Governor may remove any member of the Council for
11 cause.

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

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

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

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

4 1. The legislation that created the Oklahoma Department of Law
5 Enforcement and the Oklahoma Law Enforcement Council;

6 2. The powers, duties and responsibilities of the Council under
7 Oklahoma law;

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

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

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

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

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

23 2. The role and functions of the agency;

24 3. The structure of the agency; and

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

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

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

7 1. Formulate plans and policies for:

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

10 b. prevention of crime,

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

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

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

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

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

1 5. No later than November 15, 2016, and at 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 6. Develop and implement oversight policies that clearly
6 separate the responsibilities of the Council and the management
7 responsibilities of the Superintendent of the Oklahoma Department of
8 Law Enforcement;

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

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

15 A. The Oklahoma Law Enforcement Council shall appoint a
16 Superintendent for the Oklahoma Department of Law Enforcement. The
17 Superintendent of the Oklahoma Department of Law Enforcement shall
18 serve at the pleasure of the Council for such compensation as is set
19 by the Council. The Superintendent shall be qualified for such
20 position by character, knowledge, skill, ability, education,
21 training and successful administrative experience in the field of
22 law enforcement. The Superintendent shall be subject to the advice,
23 consent and confirmation by the Oklahoma State Senate.

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

7 C. Upon the effective date of this act, all functions performed
8 by the Department of Public Safety, Oklahoma Highway Patrol,
9 Oklahoma State Bureau of Investigation and Oklahoma State Bureau of
10 Narcotics and Dangerous Drugs Control shall remain under the
11 respective agency, unless otherwise modified, merged or reorganized
12 by the Superintendent.

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

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

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

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

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

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

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

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

17 6. Promulgate rules and regulations, subject to the approval of
18 the Council, considered necessary for the control of the Oklahoma
19 Department of Law Enforcement;

20 7. By November 1, 2017, submit to the Council for approval a
21 plan for a unified position and compensation system for state law
22 enforcement;
23
24

1 8. By November 1, 2017, submit to the Council for approval a
2 plan to unify state law enforcement data collection and data
3 systems;

4 9. By November 1, 2017, submit to the Council for approval a
5 plan to standardize and integrate operational boundaries for the
6 Oklahoma Department of Law Enforcement;

7 10. By November 1, 2017, after consultation with the Council on
8 Law Enforcement Education and Training (CLEET), submit to the
9 Council for approval, a plan to develop a focused, common training
10 and leadership development program for all members of the Oklahoma
11 Department of Law Enforcement;

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

17 12. Enter into contracts for educational and research
18 activities without performance bonds;

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

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

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

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

10 17. Purchase, lease and maintain motor vehicles and other
11 equipment and properties for use by employees of the Oklahoma
12 Department of Law Enforcement;

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

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

1 20. Subject to approval by the Council, transfer assets within
2 the Oklahoma Department of Law Enforcement as may be necessary and
3 proper for the operation of the Department; and

4 21. By November 1, 2017, submit to the Council a plan for
5 obtaining national accreditation for the Oklahoma Department of Law
6 Enforcement.

7 22. Prepare, swear to, submit to the Governor or a designee and
8 file in the records of the department, a quarterly statement
9 containing an itemized list of all funds received and spent, the
10 source of said funds and the purpose for which the funds were
11 expended.

12 23. Effective July 1, 2017, the Oklahoma Department of Law
13 Enforcement may be exempt from the Oklahoma Office of Management and
14 Enterprise Services (OMES) Information Technology rules related to
15 the operation and maintenance of the land mobile radio system. The
16 Department shall be responsible for the state-wide land mobile radio
17 system and all related equipment and software.

18 24. Effective July 1, 2017, all employees of the Oklahoma
19 Department of Law Enforcement may be under the authority of the
20 Superintendent and shall be exempt from OMES governance.

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

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

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

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

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

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

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

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

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

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

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

1 4. The Commissioner shall be allowed the actual and necessary
2 expenses incurred in the performance of official duties of the
3 Commissioner while away from the office.

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

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

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

23 Section 2-103. A. The Commissioner shall organize the
24 Department of Public Safety as prescribed by law and in such manner

1 as may be deemed necessary and proper to segregate and conduct the
2 work of the Department. The Commissioner, with the approval of the
3 Superintendent of the Oklahoma Department of Law Enforcement, shall
4 appoint assistants, deputies, officers, investigators and other
5 employees as may be necessary to carry out the provisions of this
6 title.

7 B. Unless otherwise provided by law, salaries and traveling
8 expenses of employees of the Department of Public Safety and the
9 cost of equipment ~~for the Department~~ shall be paid from the
10 appropriations made to the Oklahoma Department of ~~Public Safety~~ Law
11 Enforcement.

12 C. The Commissioner, with the approval of the Superintendent,
13 ~~is~~ may be authorized to purchase and maintain motor vehicles and
14 other equipment for use by the employees of the Oklahoma Department
15 of Law Enforcement.

16 SECTION 10. AMENDATORY 47 O.S. 2011, Section 2-104, as
17 amended by Section 160, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
18 2015, Section 2-104), is amended to read as follows:

19 Section 2-104. A. The Commissioner, subject to the approval of
20 the Superintendent of the Oklahoma Department of Law Enforcement and
21 pursuant to the Merit System laws, the Commissioner of Public Safety
22 ~~shall~~ may appoint an Assistant Commissioner and such other deputies,
23 subordinates, officers, investigators, and other employees as may be
24 necessary to implement the provisions of this title. Any employee

1 of the Department of Public Safety appointed to the position of
2 Assistant Commissioner shall have a right to return to the previous
3 position of the employee without any loss of rights, privileges or
4 benefits immediately upon completion of the duties as Assistant
5 Commissioner, provided the employee is not otherwise disqualified.

6 ~~B.~~ When traveling with the Governor or at ~~his~~ the request of
7 the Governor:

8 1. Those personnel assigned by the Commissioner of Public
9 Safety for executive security shall be allowed their actual and
10 necessary traveling expenses, upon claims approved by the
11 ~~Commissioner~~ Superintendent, and shall receive, in addition to base
12 salary, an additional One Hundred Seventy-five Dollars (\$175.00) per
13 month; and

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

18 ~~C.~~ B. Any person appointed to the position of Assistant
19 Commissioner of Public Safety shall be eligible for retirement
20 participation as a member of the Highway Patrol Division in the
21 Oklahoma Law Enforcement Retirement System if such person at the
22 time of appointment satisfies the age qualifications of an Oklahoma
23 Highway Patrolman as provided in subsection B of Section 2-105 of
24 this title; however, the Assistant Commissioner shall be eligible

1 for participation in only one retirement system and shall elect in
2 writing the system in which he or she intends to participate within
3 thirty (30) days of appointment. Any earned benefits or any credits
4 toward retirement benefits from previous participation within the
5 Oklahoma Public Employees Retirement System or the Oklahoma Law
6 Enforcement Retirement System shall remain intact within that System
7 should the Assistant Commissioner elect to become a new participant
8 in a different retirement system.

9 ~~D.~~ C. The salaries of the employees of the Department of Public
10 Safety, shall be governed by and in accordance with the procedures
11 established by the Office of Management and Enterprise Services,
12 unless otherwise provided by law.

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

15 Section 2-121. The Department of Public Safety shall establish
16 or provide for a Legal Division ~~and the Commissioner.~~ Subject to
17 the approval of the Superintendent of the Oklahoma Department of Law
18 Enforcement, the Commissioner of Public Safety may employ attorneys
19 as needed, which may be on a full-time or part-time basis, ~~which.~~
20 The attorneys, in addition to advising the Commissioner, the
21 Superintendent of the Oklahoma Department of Law Enforcement, the
22 Oklahoma Law Enforcement Council, Highway Patrol and other
23 Department personnel on legal matters, may appear for and represent
24 the Commissioner, the Superintendent, the Oklahoma Law Enforcement

1 Commission, Highway Patrol and Department in administrative hearings
2 and other legal actions and proceedings. Provided, that it shall
3 continue to be the duty of the Attorney General to give his or her
4 official opinion to the Commissioner and Superintendent and to
5 prosecute and defend actions therefor, if requested to do so.

6 SECTION 12. AMENDATORY 63 O.S. 2011, Section 2-103, as
7 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
8 2015, Section 2-103), is amended to read as follows:

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

1 Program Administrators, Grants Administrator, Criminal Analysts,
2 Legal Secretary, and Typist Clerk/Spanish Transcriptionists. The
3 positions shall be unclassified and exempt from the rules and
4 procedures of the Office of Management and Enterprise Services,
5 except leave regulations. ~~The office of the Director shall be~~
6 ~~located at a suitable place in Oklahoma City, Oklahoma.~~

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

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

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

20 C. Agents appointed pursuant to the provisions of this section
21 shall have the responsibility of investigating alleged violations
22 and shall have the authority to arrest those suspected of having
23 violated the provisions of the Uniform Controlled Dangerous
24

1 Substances Act, as well as the crimes of money laundering and human
2 trafficking, as otherwise set forth by laws of this state.

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

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

21 F. A commissioned employee of the Bureau may be entitled to
22 receive, upon retirement by reason of disability, the continued
23 custody and possession of the sidearm and badge carried by such
24

1 employee immediately prior to retirement upon written approval of
2 the Director.

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

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

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

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

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

1 supervision of the Superintendent of the Oklahoma Department of Law
2 Enforcement.

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

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

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

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

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

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

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

1 offenders within the state, and make such information available for
2 federal, state and local law enforcement purposes; and may collect
3 and furnish statistics for other appropriate purposes; and

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

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

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

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

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

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

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

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

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

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

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

1 which bear directly on misuse and abuse of controlled dangerous
2 substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 Section 2-110. ~~The~~ Subject to the approval of the
2 Superintendent of the Oklahoma Department of Law Enforcement, the
3 Director of the Oklahoma State Bureau of Narcotics and Dangerous
4 Drugs Control may employ attorneys, who shall be unclassified
5 employees of the state, or contract with attorneys, as needed.
6 These attorneys may advise the Director, the Superintendent of the
7 Oklahoma Department of Law Enforcement, the Oklahoma ~~State Bureau of~~
8 ~~Narcotics and Dangerous Drugs Control~~ Law Enforcement Council
9 ~~Commission~~ and Bureau personnel on all legal matters and shall
10 appear for and represent the Director, the ~~Commission~~
11 Superintendent, the Oklahoma Law Enforcement Council and Bureau
12 personnel in all administrative hearings and all litigation or other
13 proceedings which may arise in the discharge of their duties. At
14 the request of the ~~Oklahoma State Bureau of Narcotics and Dangerous~~
15 ~~Drugs Control Commission~~ Superintendent, such attorney shall assist
16 the district attorney in prosecuting charges of violators of the
17 Uniform Controlled Dangerous Substances Act or any felony relating
18 to or arising from a violation of the Uniform Controlled Dangerous
19 Substances Act. Attorneys for the Bureau who have been certified by
20 the Council on Law Enforcement Education and Training to carry a
21 weapon or have been issued a handgun license pursuant to the
22 provisions of the Oklahoma Self-Defense Act shall be allowed to
23 carry weapons pursuant to paragraph 3 of subsection A of Section
24 1272 of Title 21 of the Oklahoma Statutes. These attorneys,

1 pursuant to this provision, shall not be considered eligible to
2 participate in the Oklahoma Law Enforcement Retirement System. If a
3 conflict of interest would be created by such attorney representing
4 the Director, the ~~Commission~~ the Superintendent, Oklahoma Law
5 Enforcement Council or Bureau personnel, additional counsel may be
6 hired upon approval of the Superintendent of the Oklahoma State
7 ~~Bureau of Narcotics and Dangerous Drugs Control Commission~~
8 Department of Law Enforcement.

9 SECTION 17. AMENDATORY 74 O.S. 2011, Section 62.3, as
10 amended by Section 707, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
11 2015, Section 62.3), is amended to read as follows:

12 Section 62.3. A. The Director of the Office of Management and
13 Enterprise Services shall promulgate rules for use by state agencies
14 and the Office of Management and Enterprise Services to dispose of
15 surplus property. The rules shall include standards for
16 recordkeeping, methods for removal or disposal of surplus property,
17 and acquisition by state agencies and authorized entities of surplus
18 property, and for Office management of surplus property programs.

19 B. A state agency selling, trading, redistributing or otherwise
20 disposing of surplus property shall comply with the rules
21 promulgated by the Director.

22 C. The Office shall make surplus property available to state
23 agencies and authorized entities, which shall include political
24

1 subdivisions, school districts, and nonprofit entities of this
2 state.

3 D. The provisions of the Oklahoma Surplus Property Act shall
4 not apply to institutions of higher education in this state, or the
5 Northeast Oklahoma Public Facilities Authority. The Grand River Dam
6 Authority shall be exempt from the provisions of the Oklahoma
7 Surplus Property Act for any surplus property disposed of prior to
8 November 1, 2006. ~~CompSource Oklahoma shall be exempt from the~~
9 ~~provisions of the Oklahoma Surplus Property Act if CompSource~~
10 ~~Oklahoma is operating pursuant to a pilot program authorized by~~
11 ~~Sections 3316 and 3317 of this title.~~

12 E. Notwithstanding the provisions of the Oklahoma Surplus
13 Property Act, the Oklahoma ~~State Bureau of Investigation~~ Department
14 of Law Enforcement may, pursuant to rules promulgated by the
15 Oklahoma ~~State Bureau of Investigation Commission~~ Department of Law
16 Enforcement for that purpose, donate any surplus property, as
17 defined in Section 62.2 of this title, to any law enforcement agency
18 of any political subdivision of the State of Oklahoma. The use of
19 such donated equipment shall be limited to valid and authorized law
20 enforcement efforts by the receiving agency.

21 SECTION 18. AMENDATORY 74 O.S. 2011, Section 150.2, as
22 amended by Section 7, Chapter 397, O.S.L. 2015 (74 O.S. Supp. 2015,
23 Section 150.2), is amended to read as follows:
24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

9 SECTION 20. AMENDATORY 74 O.S. 2011, Section 150.6, is
10 amended to read as follows:

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

23 B. Any Director appointed on or after July 1, 2003, may
24 participate in either the Oklahoma Public Employees Retirement

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

10 SECTION 21. AMENDATORY 74 O.S. 2011, Section 150.7, as
11 amended by Section 1, Chapter 136, O.S.L. 2015 (74 O.S. Supp. 2015,
12 Section 150.7), is amended to read as follows:

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

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

19 2. ~~To supervise~~ Supervise the maintaining of all reports and
20 records of the Bureau and to promulgate administrative rules
21 concerning the destruction and retention of such records. Such
22 records shall not be transferred to the custody or control of the
23 Archives and Records Commission or be subject to the provisions of
24 Section 590 of Title 21 of the Oklahoma Statutes. The Director may,

1 pursuant to adopted and promulgated administrative rule, order the
2 destruction of records deemed to be no longer of value to the
3 Bureau, excluding criminalistic and investigative records which
4 shall forever be kept and maintained;

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

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

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

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

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

16 ~~6.~~ ~~To~~ Upon approval of the Superintendent of the Oklahoma
17 Department of Law Enforcement, enter into local cooperative
18 agreements with local law enforcement agencies for the purpose of
19 appointing affiliate task force agents to assist the Bureau in the
20 investigation of major crimes under the jurisdiction of the Bureau.
21 Affiliate task force agents shall be employees and commissioned law
22 enforcement officers of the local law enforcement agency entering
23 into agreement with the Bureau and shall not be employees of the
24 Bureau. Affiliate task force agents shall have general peace

1 officer powers and the authority to arrest persons throughout the
2 state while serving as an affiliate task force agent. Affiliate
3 task force agents serve solely at the discretion and will of the
4 ~~Director~~ Superintendent. ~~The~~ Upon approval of the Superintendent,
5 the Director may renew, suspend, or revoke any agreement appointing
6 an affiliate task force agent at any time.

7 SECTION 22. AMENDATORY 74 O.S. 2011, Section 150.13A, as
8 amended by Section 1, Chapter 89, O.S.L. 2012 (74 O.S. Supp. 2015,
9 Section 150.13A), is amended to read as follows:

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

1 officer. The special officers shall be known as Special
2 Investigators.

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

18 SECTION 23. AMENDATORY 74 O.S. 2011, Section 150.16, as
19 amended by Section 1, Chapter 156, O.S.L. 2012 (74 O.S. Supp. 2015,
20 Section 150.16), is amended to read as follows:

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

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

6 SECTION 24. AMENDATORY 74 O.S. 2011, Section 150.21, is
7 amended to read as follows:

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

1 official opinions to and to prosecute and defend actions for the
2 Director, ~~Commission~~ the Superintendent, the Oklahoma Law
3 Enforcement Council and employees of the Bureau, if requested to do
4 so.

5 SECTION 25. REPEALER 63 O.S. 2011, Section 2-104.1, is
6 hereby repealed.

7 SECTION 26. REPEALER 74 O.S. 2011, Sections 150.3 and
8 150.4, are hereby repealed.

9 SECTION 27. Sections 1 through 24 of this act shall become
10 effective November 1, 2016.

11 SECTION 28. Sections 25 and 26 of this act shall become
12 effective December 1, 2016.

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