

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 55th Legislature (2016)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2864

By: Christian

7
8 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

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

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

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

6 A. There is hereby created the Oklahoma Law Enforcement
7 Commission which shall consist of seven (7) members, not more than
8 two of whom shall be from the same congressional district. When
9 congressional districts are redrawn, each member appointed prior to
10 July 1 of the year in which such modification becomes effective
11 shall complete the current term of office and appointments made
12 after July 1 of the year in which such modification becomes
13 effective shall be based on the redrawn districts. No appointments
14 may be made after July 1 of the year in which such modification
15 becomes effective if such appointment would result in more than two
16 members serving from the same modified district. All members of the
17 Commission shall be confirmed by the Oklahoma State Senate. The
18 term of office for each member shall be seven (7) years. The
19 appointments made by the Oklahoma House of Representatives and the
20 Oklahoma State Senate shall be announced and become effective on
21 September 1, 2016. The appointments made by the Governor shall be
22 announced and become effective on September 5, 2016, for the
23 following terms:
24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

18 5. Oversee the activities of the Oklahoma Department of Law
19 Enforcement and all agencies under the control of the Department
20 and, subject to the policies established by the Commission, act for
21 the Department in all matters, including budgetary matters and
22 expenditures of the agencies, except as may be otherwise provided in
23 this act;

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

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

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

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

12 10. By November 1, 2017, submit to the Commission for approval
13 a plan to develop a focused, common training and leadership
14 development program for all members of the Oklahoma Department of
15 Law Enforcement;

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

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

23 13. Subject to approval by the Commission, create, modify,
24 merge, reorganize, rename or eliminate any of the agencies,

1 divisions or units within the Oklahoma Department of Law Enforcement
2 as the Superintendent of the Oklahoma Department of Law Enforcement
3 may deem appropriate to effectively administer a unified law
4 enforcement system in Oklahoma;

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

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

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

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

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

19 19. The Superintendent, peace officers and other essential
20 employees of the Oklahoma Department of Law Enforcement may be
21 permitted to use a state-owned or leased vehicle to provide
22 transportation between the residence of the employee and the
23 assigned place of employment and between the residence and any
24 location other than the assigned place of employment to which the

1 employee travels in the performance of the official duty of the
2 employee;

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

6 21. By November 1, 2017, submit to the Commission for approval
7 a plan for obtaining national accreditation for the Oklahoma
8 Department of Law Enforcement.

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

15 SECTION 7. AMENDATORY 47 O.S. 2011, Section 2-101, as
16 amended by Section 159, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
17 2015, Section 2-101), is amended to read as follows:

18 Section 2-101. ~~(a)~~ A. A department of the government of this
19 state to be known as the "Department of Public Safety" is hereby
20 created, and offices for the Department shall be furnished by the
21 Office of Management and Enterprise Services. The Department of
22 Public Safety shall be under the control and supervision of the
23 ~~Commissioner~~ Director of Public Safety, which office and position is
24 hereby created.

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

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

22 SECTION 8. AMENDATORY 47 O.S. 2011, Section 2-102, is
23 amended to read as follows:
24

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

7 2. The ~~Commissioner~~ Director of Public Safety shall be a
8 ~~professional law enforcement~~ full-time, certified peace officer with
9 ten (10) ~~years'~~ years of experience in the field of law enforcement
10 or with five (5) ~~years'~~ years of experience in the field of law
11 enforcement and a graduate of a four-year college ~~with a degree in~~
12 ~~law enforcement administration, law, criminology or a related~~
13 ~~science.~~ The position of the Director of Public Safety shall be
14 filled from the body of commissioned officers of the Department of
15 Public Safety.

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

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

21 B. The ~~Commissioner~~ Director of Public Safety, after
22 appointment and before entering upon the discharge of duties, shall
23 take and subscribe to the oath of office required by the
24 Constitution. Bonding of the ~~Commissioner~~ Director of Public Safety

1 and other employees of the Department will be provided under the
2 provisions of Section 85.26 of Title 74 of the Oklahoma Statutes.

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

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

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

19 Section 2-103. A. The ~~Commissioner~~ Director of Public Safety
20 shall organize the Department of Public Safety as prescribed by law
21 and in such manner as may be deemed necessary and proper to
22 segregate and conduct the work of the Department. ~~The Commissioner~~
23 Subject to the approval of the Superintendent of the Oklahoma
24 Department of Law Enforcement, the Director shall appoint

1 assistants, deputies, officers, investigators and other employees as
2 may be necessary to carry out the provisions of this title.

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

8 ~~C. The Commissioner is authorized to purchase and maintain~~
9 ~~motor vehicles and other equipment for use by the employees of the~~
10 ~~Department.~~

11 SECTION 10. AMENDATORY 47 O.S. 2011, Section 2-104, as
12 amended by Section 160, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
13 2015, Section 2-104), is amended to read as follows:

14 Section 2-104. A. ~~The Commissioner, subject to~~ Subject to the
15 approval of the Superintendent of the Oklahoma Department of Law
16 Enforcement and pursuant to the Merit System laws, the Director of
17 Public Safety shall appoint an Assistant ~~Commissioner~~ Director and
18 such other deputies, subordinates, officers, investigators, and
19 other employees as may be necessary to implement the provisions of
20 this title. Any employee of the Department of Public Safety
21 appointed to the position of Assistant ~~Commissioner~~ Director shall
22 have a right to return to the previous position of the employee
23 without any loss of rights, privileges or benefits immediately upon
24

1 completion of the duties as Assistant ~~Commissioner~~ Director,
2 provided the employee is not otherwise disqualified.

3 ~~B.~~ When traveling with the Governor or at ~~his~~ the request of
4 the Governor:

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

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

15 ~~C.~~ B. Any person appointed to the position of Assistant
16 ~~Commissioner~~ Director of Public Safety shall be eligible for
17 retirement participation as a member of the Highway Patrol Division
18 in the Oklahoma Law Enforcement Retirement System if such person at
19 the time of appointment satisfies the age qualifications of an
20 Oklahoma Highway Patrolman as provided in subsection B of Section 2-
21 105 of this title; however, the Assistant ~~Commissioner~~ Director
22 shall be eligible for participation in only one retirement system
23 and shall elect in writing the system in which he or she intends to
24 participate within thirty (30) days of appointment. Any earned

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

6 ~~D.~~ C. The salaries of the employees of the Department of Public
7 Safety~~7~~ shall be governed by and in accordance with the procedures
8 established by the Office of Management and Enterprise Services,
9 unless otherwise provided by law.

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

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 Director of Public Safety may employ attorneys as
19 needed, which may be on a full-time or part-time basis~~7, which.~~ The
20 attorneys, in addition to advising the ~~Commissioner~~ Director, the
21 Superintendent of the Oklahoma Department of Law Enforcement, the
22 Oklahoma Law Enforcement Commission, Highway Patrol and other
23 Department personnel on legal matters, may appear for and represent
24 the ~~Commissioner~~ Director, the Superintendent, the Oklahoma Law

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

7 SECTION 12. AMENDATORY 63 O.S. 2011, Section 2-103, as
8 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
9 2015, Section 2-103), is amended to read as follows:

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

1 the approval of the Superintendent, the Director may appoint
2 employees to the positions of Chief of Law Enforcement Information
3 and Technology, Public Information/Education Officer, Training
4 Officer, Program Administrators, Grants Administrator, Criminal
5 Analysts, Legal Secretary, and Typist Clerk/Spanish
6 Transcriptionists. The positions shall be unclassified and exempt
7 from the rules and procedures of the Office of Management and
8 Enterprise Services, except leave regulations. ~~The office of the~~
9 ~~Director shall be located at a suitable place in Oklahoma City,~~
10 ~~Oklahoma.~~

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

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

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

1 C. Agents appointed pursuant to the provisions of this section
2 shall have the responsibility of investigating alleged violations
3 and shall have the authority to arrest those suspected of having
4 violated the provisions of the Uniform Controlled Dangerous
5 Substances Act, as well as the crimes of money laundering and human
6 trafficking, as otherwise set forth by laws of this state.

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

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

1 F. A commissioned employee of the Bureau may be entitled to
2 receive, upon retirement by reason of disability, the continued
3 custody and possession of the sidearm and badge carried by such
4 employee immediately prior to retirement upon written approval of
5 the Director.

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

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

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

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

22 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
23 Control Commission is hereby abolished. All duties and powers of
24 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control

1 Commission shall be assumed and be performed by the Oklahoma
2 Department of Law Enforcement. The Director of the Oklahoma State
3 Bureau of Narcotics and Dangerous Drugs Control shall be under the
4 general supervision of the Superintendent of the Oklahoma Department
5 of Law Enforcement.

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

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

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

16 1. Cooperate with federal and other state agencies in
17 discharging the responsibilities concerning traffic in narcotics and
18 dangerous substances and in suppressing the abuse of dangerous
19 substances;

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

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

24

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

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

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

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

18 1. Coordinate and cooperate in educational programs designed to
19 prevent and deter misuse and abuse of controlled dangerous
20 substances;

21 2. Promote better recognition of the problems of misuse and
22 abuse of controlled dangerous substances within the regulated
23 industry and among interested groups and organizations;
24

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

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

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

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

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

16 8. ~~Conduct~~ Subject to the availability of funds, conduct an
17 annual seminar to be attended by selected law enforcement officers
18 in order to teach new techniques and advances in the investigation
19 of violations of the Uniform Controlled Dangerous Substances Act;
20 and

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

23 D. The Director is further authorized and directed to:
24

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

3 2. Cooperate in establishing methods to assess accurately the
4 effects of controlled dangerous substances and to identify and
5 characterize controlled dangerous substances with potential for
6 abuse; and

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

9 a. develop new or improved approaches, techniques,
10 systems, equipment and devices to strengthen the
11 enforcement of this act,

12 b. determine patterns of misuse and abuse of controlled
13 dangerous substances and the social effects thereof,
14 and

15 c. improve methods for preventing, predicting,
16 understanding and dealing with the misuse and abuse of
17 controlled dangerous substances.

18 E. The Director shall prepare a yearly report on all deaths and
19 nonfatal overdoses which were the result or probable result of abuse
20 of a controlled dangerous substance. The yearly report shall be
21 limited to statistical information including, but not limited to,
22 the county where the death or nonfatal overdose occurred, age, race,
23 gender, type of controlled dangerous substances involved in the
24

1 death or nonfatal overdose, and the method in which the controlled
2 dangerous substance was obtained by the person, when available.

3 F. ~~The~~ Subject to the approval of the Superintendent of the
4 Oklahoma Department of Law Enforcement, the Director may enter into
5 contracts with public agencies, institutions of higher education and
6 private organizations or individuals for the purpose of conducting
7 research, demonstrations or special projects which bear directly on
8 misuse and abuse of controlled dangerous substances.

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

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

19 I. The Director may authorize the lawful possession,
20 distribution and use of controlled dangerous substances by persons
21 engaged in research or scientific activities; authorization for
22 possession of controlled dangerous substances may be extended to
23 persons engaged in a program of drug education or persons in the
24 performance of an official duty. Persons who obtain this

1 authorization shall be exempt from state prosecution for possession,
2 distribution or use of dangerous substances to the extent authorized
3 by the Director.

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

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

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

15 ~~M. The Director shall be in charge of all monies appropriated~~
16 ~~for or deposited to the credit of the office of the Director and is~~
17 ~~authorized to approve claims and payrolls as provided in Section~~
18 ~~41.26 of Title 62 of the Oklahoma Statutes.~~

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

22 ~~Ø. L.~~ Upon determining that a practitioner is prescribing a
23 controlled dangerous substance to a person engaged in fraudulent or
24 deceptive efforts to fill or refill multiple prescriptions for

1 controlled dangerous substances, the Director shall provide written
2 or electronic notification alerting the practitioner to the
3 possibility that the person may be unlawfully obtaining prescription
4 drugs in violation of the Uniform Controlled Dangerous Substances
5 Act.

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

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

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

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

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

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

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

7 Section 2-110. ~~The~~ Subject to the approval of the
8 Superintendent of the Oklahoma Department of Law Enforcement, the
9 Director of the Oklahoma State Bureau of Narcotics and Dangerous
10 Drugs Control may employ attorneys, who shall be unclassified
11 employees of the state, or contract with attorneys, as needed.
12 These attorneys may advise the Director, the Superintendent of the
13 Oklahoma Department of Law Enforcement, the ~~Oklahoma State Bureau of~~
14 ~~Narcotics and Dangerous Drugs Control~~ Law Enforcement Commission and
15 Bureau personnel on all legal matters and shall appear for and
16 represent the Director, the Superintendent, the Oklahoma Law
17 Enforcement Commission and Bureau personnel in all administrative
18 hearings and all litigation or other proceedings which may arise in
19 the discharge of their duties. At the request of the Oklahoma State
20 Bureau of Narcotics and Dangerous Drugs Control Commission, such
21 attorney shall assist the district attorney in prosecuting charges
22 of violators of the Uniform Controlled Dangerous Substances Act or
23 any felony relating to or arising from a violation of the Uniform
24 Controlled Dangerous Substances Act. Attorneys for the Bureau who

1 have been certified by the Council on Law Enforcement Education and
2 Training to carry a weapon or have been issued a handgun license
3 pursuant to the provisions of the Oklahoma Self-Defense Act shall be
4 allowed to carry weapons pursuant to paragraph 3 of subsection A of
5 Section 1272 of Title 21 of the Oklahoma Statutes. These attorneys,
6 pursuant to this provision, shall not be considered eligible to
7 participate in the Oklahoma Law Enforcement Retirement System. If a
8 conflict of interest would be created by such attorney representing
9 the Director, the Superintendent, the Oklahoma Law Enforcement
10 Commission or Bureau personnel, additional counsel may be hired upon
11 approval of the Superintendent of the Oklahoma State Bureau of
12 ~~Narcotics and Dangerous Drugs Control Commission~~ Department of Law
13 Enforcement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 B. On or after December 15, 2016, any reference in the Oklahoma
24 Statutes to the Oklahoma State Bureau of Investigation Commission

1 shall be deemed to be a reference to the Oklahoma Department of Law
2 Enforcement.

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

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

18 B. Any Director appointed on or after July 1, 2003, may
19 participate in either the Oklahoma Public Employees Retirement
20 System or in the Oklahoma Law Enforcement Retirement System and
21 shall make an irrevocable election in writing to participate in one
22 of the two retirement systems within thirty (30) days of
23 appointment. Any earned benefits or any credits toward retirement
24 benefits from previous participation within the Oklahoma Public

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

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

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

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

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

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

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

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

20 4. ~~To~~ Upon approval of the Superintendent of the Oklahoma
21 Department of Law Enforcement, designate positions, and appoint
22 employees and fix salaries of the Bureau, other than the salaries
23 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. ~~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.—To~~ Upon approval of the Superintendent of the Oklahoma
13 Department of Law Enforcement, enter into local cooperative
14 agreements with local law enforcement agencies for the purpose of
15 appointing affiliate task force agents to assist the Bureau in the
16 investigation of major crimes under the jurisdiction of the Bureau.
17 Affiliate task force agents shall be employees and commissioned law
18 enforcement officers of the local law enforcement agency entering
19 into agreement with the Bureau and shall not be employees of the
20 Bureau. Affiliate task force agents shall have general peace
21 officer powers and the authority to arrest persons throughout the
22 state while serving as an affiliate task force agent. Affiliate
23 task force agents serve solely at the discretion and will of the
24 Director. ~~The~~ Upon approval of the Superintendent, the Director may

1 renew, suspend, or revoke any agreement appointing an affiliate task
2 force agent at any time.

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

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

9 Superintendent of the Oklahoma Department of Law Enforcement,

10 special officers that shall have enforcement authority related to
11 the investigation of oil and gas industry crimes, which shall
12 include the larceny of equipment, property, supplies or products.

13 The number of special officers shall not exceed twenty (20)

14 positions and those special officers shall not be salaried employees
15 of the Bureau, but shall at all times be subject to the orders and
16 directions of the Director. In addition, the special officers shall

17 not have authority to enforce any laws except the provisions of the
18 Oklahoma Statutes relating directly to oil and gas industry crimes,
19 for which they will have the same authority as any other peace

20 officer. The special officers shall be known as Special
21 Investigators.

22 B. Special Investigators shall not receive any compensation or
23 expenses from this state or any of its departments, agencies or
24 subdivisions for their services. Before the issuance of a special

1 commission, each Special Investigator shall enter into a good and
2 sufficient bond executed by a surety company authorized to do
3 business in this state in the sum of Five Hundred Thousand Dollars
4 (\$500,000.00). The bond shall also be approved by the ~~Director~~
5 Superintendent of the Oklahoma Department of Law Enforcement and
6 shall indemnify all persons against damages accruing as a result of
7 any illegal or unlawful acts on the part of the Special
8 Investigators. The special commissions shall expire on January 1 of
9 the odd-numbered year after the appointment. ~~The~~ Upon approval of
10 the Superintendent of the Oklahoma Department of Law Enforcement,
11 the Director may renew, suspend or revoke any special commission at
12 any time.

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

16 Section 150.16 ~~The Oklahoma State Bureau of Investigation~~
17 Department of Law Enforcement is hereby authorized to own and
18 operate aircraft and to rent or charter aircraft on a project or
19 mission basis, such rental or charter to last only for the duration
20 of the project or mission. ~~The Bureau~~ Superintendent of the
21 Oklahoma Department of Law Enforcement is also authorized to pay,
22 from any funds available ~~to the Bureau,~~ expenses involved in
23 qualifying multiengine and instrument pilots as may be required to
24 accomplish agency responsibilities.

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

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

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

1 SECTION 25. REPEALER 74 O.S. 2011, Sections 150.3 and
2 150.4, are hereby repealed.

3

4 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
5 02/25/2016 - DO PASS, As Amended.

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