

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

COMMITTEE SUBSTITUTE

FOR ENGROSSED

SENATE BILL NO. 27

By: Brecheen of the Senate

and

Murdock of the House

COMMITTEE SUBSTITUTE

An Act relating to the Oklahoma Highway Patrol; amending 47 O.S. 2011, Section 2-105, as last amended by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp. 2016, Section 2-105), which relates to personnel of the Highway Patrol Division; modifying qualifications for certain positions; and providing an effective date.

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

SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-105, as last amended by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp. 2016, Section 2-105), is amended to read as follows:

Section 2-105. A. The Commissioner of Public Safety, subject to the Oklahoma Personnel Act, shall appoint:

1. A Chief of the Oklahoma Highway Patrol Division with the rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol

1 Division with the rank of Lieutenant Colonel, and subordinate  
2 officers and employees of the Oklahoma Highway Patrol Division,  
3 including Majors, Captains, Lieutenants, and Highway Patrolmen with  
4 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol  
5 Division of the Department of Public Safety; provided, any officer  
6 appointed to a commissioned position prescribed in this paragraph  
7 which is unclassified pursuant to Section 840-5.5 of Title 74 of the  
8 Oklahoma Statutes shall have a right of return to the highest  
9 previously held classified commissioned position within the Highway  
10 Patrol Division of the Department of Public Safety without any loss  
11 of rights, privileges or benefits immediately upon completion of the  
12 duties in the unclassified commissioned position;

13 2. A Captain, Lieutenants, and Patrolmen who shall comprise the  
14 Marine Enforcement Section of the Oklahoma Highway Patrol Division  
15 of the Department of Public Safety;

16 3. A Captain, Lieutenants, and Patrolmen, who shall comprise  
17 the Capitol Patrol Section of the Oklahoma Highway Patrol Division  
18 of the Department of Public Safety; and

19 4. Communications Coordinators, Communications Superintendents,  
20 Communications Supervisors, Communications Dispatchers, Radio  
21 Technicians and Tower Maintenance Officers shall comprise the  
22 Communications Division of the Department of Public Safety.

23 B. 1. The Commissioner, when appointing commissioned officers  
24 and employees to the positions set out in subsection A of this

1 section, shall determine, in consultation with the Director of the  
2 Office of Management and Enterprise Services, minimum qualifications  
3 and shall select such officers and employees only after examinations  
4 to determine their physical and mental qualifications for such  
5 positions. The content of the examinations shall be prescribed by  
6 the Commissioner, and all such appointees shall satisfactorily  
7 complete a course of training in operations and procedures as  
8 prescribed by the Commissioner.

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

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

15 (1) an associate's degree or a minimum of sixty-two  
16 (62) successfully completed semester hours from  
17 an accredited college or university as denoted in  
18 the Database of Accredited Postsecondary  
19 Institutions and Programs provided by the U.S.  
20 Department of Education and whose hours are  
21 transferable between such recognized  
22 institutions, or

23 (2) shall have successfully completed thirty-two (32)  
24 semester hours from an accredited college or

1 university as denoted in the Database of  
2 Accredited Postsecondary Institutions and  
3 Programs provided by the U.S. Department of  
4 Education and whose hours are transferable  
5 between such recognized institutions and have  
6 ~~received an honorable discharge after three (3)~~  
7 years of honorable active military or reserve  
8 military service, ~~or~~

9 ~~(3) shall have successfully completed thirty-two (32)~~  
10 ~~semester hours from an accredited college or~~  
11 ~~university as denoted in the Database of~~  
12 ~~Accredited Postsecondary Institutions and~~  
13 ~~Programs provided by the U.S. Department of~~  
14 ~~Education and whose hours are transferable~~  
15 ~~between such recognized institutions, and~~  
16 ~~received an honorable discharge in any active~~  
17 ~~military or reserve military service,~~

- 18 b. applicants with prior military service, shall receive  
19 up to ten (10) semester hours for each year of  
20 honorable service in any active military or reserve  
21 military service up to a maximum of three (3) years or  
22 thirty (30) semester hours, and
- 23 c. for any such position in the Communications Division,  
24 a person shall be at least ~~twenty (20)~~ eighteen (18)

1 years of age and shall possess a high school diploma  
2 or General Educational Development equivalency  
3 certificate; ~~shall possess either six (6) months of~~  
4 ~~previous experience as a dispatcher or fifteen (15)~~  
5 ~~successfully completed semester hours from an~~  
6 ~~accredited college or university as denoted in the~~  
7 ~~Database of Accredited Postsecondary Institutions and~~  
8 ~~Programs provided by the U.S. Department of Education~~  
9 ~~and whose hours are transferable between such~~  
10 ~~recognized institutions.~~

11 3. No commissioned officer of the Department shall, while in  
12 such position, be a candidate for any political office or take part  
13 in or contribute any money or other thing of value, directly or  
14 indirectly, to any political campaign or to any candidate for public  
15 office. Anyone convicted of violating the provisions of this  
16 paragraph shall be guilty of a misdemeanor and shall be punished as  
17 provided by law.

18 4. The Commissioner or any employee of the Department shall not  
19 be a candidate for any political office, or in any way be active or  
20 participate in any political contest of any Primary, General, or  
21 Special Election, except to cast a ballot. No commissioned officer  
22 of the Department, while in the performance of the officer's  
23 assigned duty of providing security and protection, shall be  
24 considered as participating in a political campaign. The provisions

1 of this paragraph shall not be construed to preclude a commissioned  
2 officer of the Oklahoma Highway Patrol Division of the Department of  
3 Public Safety from being a candidate for a position on a local board  
4 of education.

5 5. Drunkenness or being under the influence of intoxicating  
6 substances shall be sufficient grounds for the removal of any  
7 commissioned officer of the Department, in and by the manner  
8 provided for in this section.

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

23 2. A commissioned officer of the Oklahoma Highway Patrol  
24 Division may be promoted during the initial probationary period if

1 such officer satisfactorily completes all training requirements  
2 prescribed by the Commissioner.

3 D. 1. No permanent employee, as provided for in this section,  
4 who is a commissioned officer of the Department, may be suspended  
5 without pay or dismissed unless the employee has been notified in  
6 writing by the Commissioner of such intended action and the reasons  
7 thereof. No such notice shall be given by the Commissioner unless  
8 sworn charges or statements have been obtained to justify the  
9 action.

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

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

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

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

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

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

17 F. 1. The positions with the rank of Colonel and Lieutenant  
18 Colonel of the Oklahoma Highway Patrol Division shall be filled from  
19 the body of commissioned officers of the Oklahoma Highway Patrol  
20 Division and appointment to said position shall be based on  
21 qualifications, previous record as a commissioned officer of the  
22 Oklahoma Highway Patrol Division, length of service, years of  
23 experience within the Oklahoma Highway Patrol Division or other  
24



1 service as prescribed in this subsection, and efficiency of service  
2 performed.

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

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

7 (1) as Commissioner of Public Safety,

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

9 (3) as Assistant Chief,

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

11 (1) as Deputy Chief or higher rank, or

12 (2) if the experience was prior to April 21, 2006, as  
13 Major or higher rank,

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

15 (1) as Major or higher rank, or

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

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

19 (1) as Captain or higher rank, or

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

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

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

2               (1)   as Commissioner of Public Safety,

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

4               (3)   as Colonel,

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

6               (1)   as Major or higher rank, or

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

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

10              (1)   as Captain or higher rank, or

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

13           G.   The Commissioner of Public Safety is hereby authorized to  
14   send employees of the Department of Public Safety to schools such as  
15   Northwestern University Center for Public Safety, Southern Police  
16   Institute, the FBI National Academy, the Institute of Police  
17   Technology and Management, or to any other schools of similar  
18   training which would be conducive to improving the efficiency of the  
19   Oklahoma Highway Patrol Division and the Department of Public  
20   Safety. While an employee is attending a school, the Commissioner  
21   is authorized to permit the employee to use a state-owned vehicle  
22   and to use a fuel-purchasing card for any expenses related to the  
23   operation of the vehicle. In addition, while an employee is  
24   attending the FBI National Academy, a one-time expense allowance of

1 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room  
2 and board, and other related expenses shall be paid to the employee  
3 by the Department; provided, the employee shall not be further  
4 compensated through the State Travel Reimbursement Act, and, if any  
5 other agency reimburses the employee for any expenses, the  
6 reimbursement shall be given to the Department. All purchases made  
7 by the employee with the expense allowance shall be considered  
8 property of the employee.

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

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

9        SECTION 2. This act shall become effective November 1, 2017.

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11        56-1-7363        JM        03/29/17  
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