

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL 27

By: Brecheen

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to the Oklahoma Highway Patrol;  
9 amending 47 O.S. 2011, Section 2-105, as last amended  
10 by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp.  
11 2016, Section 2-105), which relates to personnel of  
the Highway Patrol Division; modifying qualifications  
for certain positions; and providing an effective  
date.

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13  
14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-105, as  
16 last amended by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp.  
17 2016, Section 2-105), is amended to read as follows:

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

20 1. A Chief of the Oklahoma Highway Patrol Division with the  
21 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol  
22 Division with the rank of Lieutenant Colonel, and subordinate  
23 officers and employees of the Oklahoma Highway Patrol Division,  
24 including Majors, Captains, Lieutenants, and Highway Patrolmen with

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

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

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

16 4. Communications Coordinators, Communications Superintendents,  
17 Communications Supervisors, Communications Dispatchers, Radio  
18 Technicians and Tower Maintenance Officers shall comprise the  
19 Communications Division of the Department of Public Safety.

20 B. 1. The Commissioner, when appointing commissioned officers  
21 and employees to the positions set out in subsection A of this  
22 section, shall determine, in consultation with the Director of the  
23 Office of Management and Enterprise Services, minimum qualifications  
24 and shall select such officers and employees only after examinations

1 to determine their physical and mental qualifications for such  
2 positions. The content of the examinations shall be prescribed by  
3 the Commissioner, and all such appointees shall satisfactorily  
4 complete a course of training in operations and procedures as  
5 prescribed by the Commissioner.

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

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

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

20 (2) shall have successfully completed thirty-two (32)  
21 semester hours from an accredited college or  
22 university as denoted in the Database of  
23 Accredited Postsecondary Institutions and  
24 Programs provided by the U.S. Department of

1 Education and whose hours are transferable  
2 between such recognized institutions and have  
3 ~~received an honorable discharge after~~ three (3)  
4 years of honorable active military or reserve  
5 military service, ~~or~~

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

15 b. applicants with prior military service, shall receive  
16 up to ten (10) semester hours for each year of  
17 honorable service in any active military or reserve  
18 military service up to a maximum of three (3) years or  
19 thirty (30) semester hours, and

20 c. for any such position in the Communications Division,  
21 a person shall be at least ~~twenty (20)~~ eighteen (18)  
22 years of age and shall possess a high school diploma  
23 or General Educational Development equivalency  
24 certificate; ~~shall possess either six (6) months of~~

~~previous experience as a dispatcher or fifteen (15) successfully completed semester hours from an accredited college or university as denoted in the Database of Accredited Postsecondary Institutions and Programs provided by the U.S. Department of Education and whose hours are transferable between such recognized institutions.~~

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

4. The Commissioner or any employee of the Department shall not be a candidate for any political office, or in any way be active or participate in any political contest of any Primary, General, or Special Election, except to cast a ballot. No commissioned officer of the Department, while in the performance of the officer's assigned duty of providing security and protection, shall be considered as participating in a political campaign. The provisions of this paragraph shall not be construed to preclude a commissioned officer of the Oklahoma Highway Patrol Division of the Department of

1 Public Safety from being a candidate for a position on a local board  
2 of education.

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

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

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

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

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

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

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

1 officers of the Department which is otherwise in compliance with the  
2 provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

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

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

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

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

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

5                (1) as Commissioner of Public Safety,

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

7                (3) as Assistant Chief,

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

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

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

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

13               (1) as Major or higher rank, or

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

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

17               (1) as Captain or higher rank, or

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

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

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

24                (1) as Commissioner of Public Safety,

- 1                   (2) as Assistant Commissioner of Public Safety, or  
2                   (3) as Colonel,  
3       b. two (2) years of experience in any combination:  
4                   (1) as Major or higher rank, or  
5                   (2) if the experience was prior to April 21, 2006, as  
6                   Captain or higher rank, or  
7       c. four (4) years of experience in any combination:  
8                   (1) as Captain or higher rank, or  
9                   (2) if the experience was prior to April 21, 2006, as  
10                  Highway Patrol First Lieutenant or higher rank.

11       G. The Commissioner of Public Safety is hereby authorized to  
12 send employees of the Department of Public Safety to schools such as  
13 Northwestern University Center for Public Safety, Southern Police  
14 Institute, the FBI National Academy, the Institute of Police  
15 Technology and Management, or to any other schools of similar  
16 training which would be conducive to improving the efficiency of the  
17 Oklahoma Highway Patrol Division and the Department of Public  
18 Safety. While an employee is attending a school, the Commissioner  
19 is authorized to permit the employee to use a state-owned vehicle  
20 and to use a fuel-purchasing card for any expenses related to the  
21 operation of the vehicle. In addition, while an employee is  
22 attending the FBI National Academy, a one-time expense allowance of  
23 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room  
24 and board, and other related expenses shall be paid to the employee

1 by the Department; provided, the employee shall not be further  
2 compensated through the State Travel Reimbursement Act, and, if any  
3 other agency reimburses the employee for any expenses, the  
4 reimbursement shall be given to the Department. All purchases made  
5 by the employee with the expense allowance shall be considered  
6 property of the employee.

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

23 2. In the event of future hostilities wherein the Congress of  
24 the United States declares this nation in a state of war with a

1 foreign nation, including military service brought about by the  
2 Vietnam War, any period of military service served by a commissioned  
3 officer of the Department shall be considered as continued service  
4 with such Department, provided such commissioned officer returns to  
5 duty with the Department within sixty (60) days after release from  
6 military service.

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

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