

1 ENGROSSED SENATE
2 BILL NO. 1096

By: McCortney of the Senate

3 and

4 Thomsen of the House

5
6 An Act relating to law enforcement training; amending
7 70 O.S. 2011, Section 3311, as last amended by
8 Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.
9 2017, Section 3311), which relates to the Council on
10 Law Enforcement Education and Training; removing
11 certain authority; creating an investigations unit;
12 stating purpose; directing compliance to Oklahoma
13 Open Records Act; allowing certain assistance;
14 directing allocation of fees collected; amending 70
15 O.S. 2011, Section 3311.4, as last amended by Section
16 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp. 2017,
17 Section 3311.4), which relates to continuing law
18 enforcement training; modifying required training;
19 amending 70 O.S. 2011, Section 3311.5, as last
20 amended by Section 1, Chapter 162, O.S.L. 2017 (70
21 O.S. Supp. 2017, Section 3311.5), which relates to
22 law enforcement training materials and academies;
23 authorizing certain power to the Council; creating
24 application form for certain consideration; making
certain requirements; stating certain records and
materials property of CLEET; making certain
consideration; and providing an effective date.

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

20 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
21 last amended by Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.
22 2017, Section 3311), is amended to read as follows:

23 Section 3311. A. There is hereby created a Council on Law
24 Enforcement Education and Training which shall be, and is hereby

1 declared to be, a governmental law enforcement agency of the State
2 of Oklahoma, body politic and corporate, with powers of government
3 and with the authority to exercise the rights, privileges and
4 functions necessary to ensure the professional training and
5 continuing education of law enforcement officers in the State of
6 Oklahoma. These rights, privileges and functions include, but are
7 not limited to, those specified in Sections 3311 through 3311.15 of
8 this title and in the Oklahoma Security Guard and Private
9 Investigator Act and the Oklahoma Bail Enforcement and Licensing
10 Act. The Council shall be composed of thirteen (13) members as
11 follows:

12 1. The Commissioner of the Department of Public Safety, or
13 designee;

14 2. The Director of the Oklahoma State Bureau of Narcotics and
15 Dangerous Drugs Control, or designee;

16 3. The Director of the Oklahoma State Bureau of Investigation,
17 or designee;

18 4. One member appointed by the Governor who shall be a law
19 enforcement administrator representing a tribal law enforcement
20 agency;

21 5. One member appointed by the Governor who shall be a chief of
22 police of a municipality with a population over one hundred thousand
23 (100,000), as determined by the latest Federal Decennial Census;

24

1 6. One member appointed by the Board of Directors of the
2 Oklahoma Sheriffs' Association who shall be a sheriff of a county
3 with a population under twenty-five thousand (25,000), as determined
4 by the latest Federal Decennial Census;

5 7. One member appointed by the Oklahoma Association of Police
6 Chiefs who shall be a chief of police representing a municipality
7 with a population over ten thousand (10,000), as determined by the
8 latest Federal Decennial Census;

9 8. One member shall be appointed by the Board of Directors of
10 the Oklahoma Sheriffs' Association who shall be a sheriff of a
11 county with a population of twenty-five thousand (25,000) or more,
12 as determined by the latest Federal Decennial Census;

13 9. One member appointed by the Board of Directors of the
14 Fraternal Order of Police who shall have experience as a training
15 officer;

16 10. One member appointed by the Chancellor of Higher Education
17 who shall be a representative of East Central University;

18 11. One member appointed by the Board of Directors of the
19 Oklahoma Sheriffs and Peace Officers Association who shall be a
20 full-time law enforcement officer in good standing with CLEET within
21 a county with a population under fifty thousand (50,000);

22 12. The President Pro Tempore of the Senate shall appoint one
23 member from a list of three or more nominees submitted by a
24 statewide organization representing cities and towns that is exempt

1 from taxation under federal law and designated pursuant to the
2 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
3 and

4 13. The Speaker of the House of Representatives shall appoint
5 one member from a list of three or more nominees submitted by an
6 organization that assists in the establishment of accreditation
7 standards and training programs for law enforcement agencies
8 throughout the State of Oklahoma.

9 The Executive Director selected by the Council shall be an ex
10 officio member of the Council and shall act as Secretary. The
11 Council on Law Enforcement Education and Training shall select a
12 chair and vice-chair from among its members. Members of the Council
13 on Law Enforcement Education and Training shall not receive a salary
14 for duties performed as members of the Council, but shall be
15 reimbursed for their actual and necessary expenses incurred in the
16 performance of Council duties pursuant to the provisions of the
17 State Travel Reimbursement Act.

18 B. The Council on Law Enforcement Education and Training is
19 hereby authorized and directed to:

20 1. Appoint a larger Advisory Council to discuss problems and
21 hear recommendations concerning necessary research, minimum
22 standards, educational needs, and other matters imperative to
23 upgrading Oklahoma law enforcement to professional status;
24

1 2. Promulgate rules with respect to such matters as
2 certification, revocation, suspension, withdrawal and reinstatement
3 of certification, minimum courses of study, testing and test scores,
4 attendance requirements, equipment and facilities, minimum
5 qualifications for instructors, minimum standards for basic and
6 advanced in-service courses, and seminars for Oklahoma police and
7 peace officers;

8 3. Authorize research, basic and advanced courses, and seminars
9 to assist in program planning directly and through subcommittees;

10 4. Authorize additional staff and services necessary for
11 program expansion;

12 5. Recommend legislation necessary to upgrade Oklahoma law
13 enforcement to professional status;

14 6. Establish policies and regulations concerning the number,
15 geographic and police unit distribution, and admission requirements
16 of those receiving tuition or scholarship aid available through the
17 Council. Such waiver of costs shall be limited to duly appointed
18 members of legally constituted local, county, and state law
19 enforcement agencies on the basis of educational and financial need;

20 7. Appoint an Executive Director and an Assistant Director to
21 direct the staff, inform the Council of compliance with the
22 provisions of this section and perform such other duties imposed on
23 the Council by law. An Executive Director appointed by the Council
24 must qualify for the position with a bachelor or higher degree in

1 law enforcement from an accredited college or university, or a
2 bachelor or higher degree in a law-enforcement-related subject area,
3 and a minimum of five (5) years of active law enforcement experience
4 including, but not limited to, responsibility for enforcement,
5 investigation, administration, training, or curriculum
6 implementation.

7 ~~The Executive Director of the Council on Law Enforcement~~
8 ~~Education and Training may commission CLEET staff as peace officers~~
9 ~~for purposes consistent with the duties of CLEET as set out in state~~
10 ~~law. The powers and duties conferred on the Executive Director or~~
11 ~~any staff member appointed by the Executive Director as a peace~~
12 ~~officer shall not limit the powers and duties of other peace~~
13 ~~officers of this state or any political subdivision thereof. The~~
14 ~~Executive Director or any staff member appointed by the Executive~~
15 ~~Director as a peace officer may, upon request, assist any federal,~~
16 ~~state, county or municipal law enforcement agency;~~

17 a. There is hereby created an investigations unit within
18 the Council on Law Enforcement Education and Training
19 under the control and direction of the Executive
20 Director or his/her designee.

21 b. The Executive Director of the Council on Law
22 Enforcement Education and Training may commission
23 peace officers for purposes of investigating
24 violations of any state statute or administrative rule

1 pertaining to the Bail Enforcement and Licensing Act,
2 the Oklahoma Security Guard and Private Investigator
3 Act and the provisions found in this section.

4 c. Records, documents, reports and evidence obtained and
5 created by the investigations unit are subject to
6 Oklahoma Open Records Act.

7 d. The Executive Director or any staff member appointed
8 by the Executive Director as a peace officer may, upon
9 request, assist any federal, state, county or
10 municipal law enforcement agency.

11 8. Enter into contracts and agreements for the payment of
12 classroom space, food, and lodging expenses as may be necessary for
13 law enforcement officers attending any official course of
14 instruction approved or conducted by the Council. Such expenses may
15 be paid directly to the contracting agency or business
16 establishment. The food and lodging expenses for each law
17 enforcement officer shall not exceed the authorized rates as
18 provided for in the State Travel Reimbursement Act; provided,
19 however, the Council may provide food and lodging to law enforcement
20 officials attending any official course of instruction approved or
21 conducted by the Council rather than paying for the provision of
22 such food and lodging by an outside contracting agency or business
23 establishment;

1 9. a. Certify canine teams, consisting of a dog and a
2 handler working together as a team, trained to detect:
3 (1) controlled dangerous substances, or
4 (2) explosives, explosive materials, explosive
5 devices, or materials which could be used to
6 construct an explosive device;

7 provided, the dog of a certified canine team shall not
8 be certified at any time as both a drug dog and a bomb
9 dog, and any dog of a certified canine team who has
10 been previously certified as either a drug dog or a
11 bomb dog shall not be eligible at any time to be
12 certified in the other category.

13 b. Upon retiring the dog from the service it was
14 certified to perform, the law enforcement department
15 that handled the dog shall retain possession of the
16 dog. The handler shall have first option of adopting
17 the dog. If that option is not exercised, the law
18 enforcement department shall provide for its adoption.
19 Once adopted the dog shall not be placed back into
20 active service;

21 10. Enter into a lease, loan or other agreement with the
22 Oklahoma Development Finance Authority or a local public trust for
23 the purpose of facilitating the financing of a new facility for its
24 operations and use and pledge, to the extent authorized by law, all

1 or a portion of its receipts of the assessment penalty herein
2 referenced for the payment of its obligations under such lease, loan
3 or other agreement. It is the intent of the Legislature to increase
4 the assessment penalty to such a level or appropriate sufficient
5 monies to the Council on Law Enforcement Education and Training to
6 make payments on the lease, loan or other agreement for the purpose
7 of retiring the bonds to be issued by the Oklahoma Development
8 Finance Authority or local public trust. Such lease, loan or other
9 agreement and the bonds issued to finance such facilities shall not
10 constitute an indebtedness of the State of Oklahoma or be backed by
11 the full faith and credit of the State of Oklahoma, and the lease,
12 loan or other agreement and the bonds shall contain a statement to
13 such effect;

14 11. Accept gifts, bequests, devises, contributions and grants,
15 public or private, of real or personal property;

16 12. Appoint an advisory committee composed of representatives
17 from security guard and private investigative agencies to advise the
18 Council concerning necessary research, minimum standards for
19 licensure, education, and other matters related to licensure of
20 security guards, security guard agencies, private investigators, and
21 private investigative agencies;

22 13. Enter into agreements with individuals, educational
23 institutions, agencies, and business and tribal entities for
24 professional services, the use of facilities and supplies, and staff

overtime costs incurred as a result of the user's requests to schedule functions after-hours, on weekends, or anytime such requests extend staff beyond its normal capacity, whereby contracting individuals, educational institutions, agencies, and business and tribal entities shall pay a fee to be determined by the Council by rule. All fees collected pursuant to ~~these agreements~~ facilities usage shall be deposited to the credit of the C.L.E.E.T. Training Center Revolving Fund created pursuant to Section 3311.6 of this title. All other fees collected pursuant to these agreements shall be deposited to the credit of the C.L.E.E.T. Peace Officer Revolving Fund created pursuant to Section 3311.7 of this title. The Council is authorized to promulgate emergency rules to effectuate the provisions of this paragraph;

14. Promulgate rules to establish a state firearms requalification standard for active peace officers and meet any requirements imposed on the Council by the federal Law Enforcement Officers Safety Act of 2004;

15. Set minimal criteria relating to qualifications for chief of police administrative training pursuant to Section 34-102 of Title 11 of the Oklahoma Statutes, assist in developing a course of training for a Police Chief Administrative School, and approve all police chief administrative training offered in this state;

16. Appoint a Curriculum Review Board to be composed of six (6) members as follows:

- a. one member shall be selected by the Chancellor for Higher Education, who possesses a background of creation and review of curriculum and experience teaching criminal justice or law enforcement courses, who shall serve an initial term of one (1) year,
- b. one member shall represent a municipal jurisdiction with a population of fifty thousand (50,000) or more and who shall be a management-level CLEET-certified training officer, who shall serve an initial term of two (2) years,
- c. one member shall represent a county jurisdiction with a population of fifty thousand (50,000) or more and who shall be a management-level CLEET-certified training officer, who shall serve an initial term of three (3) years,
- d. one member shall represent a municipal jurisdiction with a population of less than fifty thousand (50,000) and who shall be a CLEET-certified training officer, who shall serve an initial term of two (2) years,
- e. one member shall represent a county jurisdiction with a population of less than fifty thousand (50,000) and who shall be a CLEET-certified training officer, who shall serve an initial term of one (1) year, and

1 f. one member selected by the Oklahoma Department of
2 Career and Technology Education from the Curriculum
3 Material and Instructional Material Center, who shall
4 serve an initial term of three (3) years.

5 After the initial terms of office, all members shall be
6 appointed to serve three-year terms. Any member may be reappointed
7 to serve consecutive terms. Members shall serve without
8 compensation, but may be reimbursed for travel expenses pursuant to
9 the State Travel Reimbursement Act. The Board shall review and
10 establish curriculum for all CLEET academies and training courses
11 pursuant to procedures established by the Council on Law Enforcement
12 Education and Training;

13 17. Conduct review and verification of any records relating to
14 the statutory duties of CLEET;

15 18. Receive requested reports including investigative reports,
16 court documents, statements, or other applicable information from
17 local, county and state agencies and other agencies for use in
18 actions where a certification or license issued by CLEET may be
19 subject to disciplinary or other actions provided by law;

20 19. Summarily suspend a certification of a peace officer,
21 without prior notice but otherwise subject to administrative
22 proceedings, if CLEET finds that the actions of the certified peace
23 officer may present a danger to the peace officer, the public, a
24 family or household member, or involve a crime against a minor. A

1 certified copy of the information or indictment charging such a
2 crime shall be considered clear and convincing evidence of the
3 charge; and

4 20. Approve law enforcement agencies and police departments in
5 accordance with the following:

6 a. this section applies only to an entity authorized by
7 statute or by the Constitution to create a law
8 enforcement agency or police department and
9 commission, appoint, or employ officers that first
10 creates or reactivates an inactive law enforcement
11 agency or police department and first begins to
12 commission, appoint, or employ officers on or after
13 November 1, 2011,

14 b. the entity shall submit to CLEET, a minimum of sixty
15 (60) days prior to creation of the law enforcement
16 agency or police department, information regarding:

17 (1) the need for the law enforcement agency or police
18 department in the community,

19 (2) the funding sources for the law enforcement
20 agency or police department, and proof that no
21 more than fifty percent (50%) of the funding of
22 the entity will be derived from ticket revenue or
23 fines,

24 (3) the physical resources available to officers,

- 1 (4) the physical facilities that the law enforcement
2 agency or police department will operate,
3 including descriptions of the evidence room,
4 dispatch area, restroom facilities, and public
5 area,
- 6 (5) law enforcement policies of the law enforcement
7 agency or police department, including published
8 policies on:
- 9 (a) use of force,
 - 10 (b) vehicle pursuit,
 - 11 (c) mental health,
 - 12 (d) professional conduct of officers,
 - 13 (e) domestic abuse,
 - 14 (f) response to missing persons,
 - 15 (g) supervision of part-time officers, and
 - 16 (h) impartial policing,
- 17 (6) the administrative structure of the law
18 enforcement agency or police department,
- 19 (7) liability insurance, and
- 20 (8) any other information CLEET requires by rule,
- 21 c. within sixty (60) days of receiving an entity's
22 request, CLEET will forward to the entity by certified
23 mail, return receipt requested, a letter of
24 authorization or denial to create a law enforcement

1 agency or police department and commission, appoint,
2 or employ officers, signed by the Executive Director
3 of CLEET, and

4 d. in cases of denial, the entity may appeal the decision
5 of the Executive Director to the full CLEET Council.

6 The Executive Director shall ensure that the final
7 report is provided to all members of the Council. The
8 Council shall review and make recommendations
9 concerning the report at the first meeting of the
10 Council to occur after all members of the Council have
11 received the report. The Council may, by majority
12 vote:

13 (1) order additional information be provided,

14 (2) order confirmation of the opinion of the
15 Executive Director, or

16 (3) order authorization of the entity.

17 C. 1. Payment of any fee provided for in this section may be
18 made by a nationally recognized credit or debit card issued to the
19 applicant. The Council may publicly post and collect a fee for the
20 acceptance of the nationally recognized credit or debit card not to
21 exceed five percent (5%) of the amount of the payment. For purposes
22 of this subsection, "nationally recognized credit card" means any
23 instrument or device, whether known as a credit card, credit plate,
24 charge plate, or by any other name, issued with or without fee by an

1 issuer for the use of the cardholder in obtaining goods, services,
2 or anything else of value and which is accepted by over one thousand
3 merchants in this state. "Debit card" means an identification card
4 or device issued to a person by a business organization which
5 permits such person to obtain access to or activate a consumer
6 banking electronic facility. The Council shall determine which
7 nationally recognized credit or debit cards will be accepted as
8 payment for fees.

9 2. Payment for any fee provided for in this title may be made
10 by a business check. The Council may:

11 a. add an amount equal to the amount of the service
12 charge incurred, not to exceed three percent (3%) of
13 the amount of the check as a service charge for the
14 acceptance and verification of the check, or

15 b. add an amount of no more than Five Dollars (\$5.00) as
16 a service charge for the acceptance and verification
17 of a check. For purposes of this subsection,
18 "business check" shall not mean a money order,
19 cashier's check, or bank certified check.

20 D. Failure of the Legislature to appropriate necessary funds to
21 provide for expenses and operations of the Council on Law
22 Enforcement Education and Training shall not invalidate other
23 provisions of this section relating to the creation and duties of
24 the Council.

1 E. 1. No person shall be eligible for employment as a peace
2 officer or reserve peace officer until the employing law enforcement
3 agency has conducted a background investigation of such person
4 consisting of the following:

5 a. a fingerprint search submitted to the Oklahoma State
6 Bureau of Investigation with a return report to the
7 submitting agency that such person has no felony
8 record,

9 b. a fingerprint search submitted to the Federal Bureau
10 of Investigation with a return report to the
11 submitting agency that such person has no felony
12 record,

13 c. such person has undergone psychological evaluation by
14 a psychologist licensed by the State of Oklahoma and
15 has been evaluated to be suitable to serve as a peace
16 officer in the State of Oklahoma,

17 d. the employing agency has verified that such person has
18 a high school diploma or a GED equivalency certificate
19 as recognized by state law,

20 e. such person is not participating in a deferred
21 sentence agreement for a felony, a crime involving
22 moral turpitude or a crime of domestic violence, and
23 does not have any criminal charges pending in any
24

1 court in this state, another state, in tribal court or
2 pursuant to the United States Code,

3 f. such person is not currently subject to an order of
4 the Council revoking, suspending, or accepting a
5 voluntary surrender of peace officer certification,

6 g. such person is not currently undergoing treatment for
7 a mental illness, condition or disorder. For purposes
8 of this subsection, "currently undergoing treatment
9 for mental illness, condition or disorder" means the
10 person has been diagnosed by a licensed physician,
11 psychologist, or licensed mental health professional
12 as being afflicted with a substantial disorder of
13 thought, mood, perception, psychological orientation
14 or memory that significantly impairs judgment,
15 behavior, capacity to recognize reality, or ability to
16 meet the ordinary demands of life and such condition
17 continues to exist,

18 h. such person is twenty-one (21) years of age.

19 Provided, this requirement shall not affect those
20 persons who are already employed as a police or peace
21 officer prior to November 1, 1985, and

22 i. such person has provided proof of United States
23 citizenship or resident alien status, pursuant to an
24

1 employment eligibility verification form from the
2 United States Citizenship and Immigration Services.

3 2. To aid the evaluating psychologist in interpreting the test
4 results, including automated scoring and interpretations, the
5 employing agency shall provide the psychologist a statement
6 confirming the identity of the individual taking the test as the
7 person who is employed or seeking employment as a peace officer of
8 the agency and attesting that it administered the psychological
9 instrument in accordance with standards within the test document.
10 The psychologist shall report to the employing agency the evaluation
11 of the assessment instrument and may include any additional
12 recommendations to assist the employing agency in determining
13 whether to certify to the Council on Law Enforcement Education and
14 Training that the person being evaluated is suitable to serve as a
15 peace officer in the State of Oklahoma. No additional procedures or
16 requirements shall be imposed for performance of the psychological
17 evaluation. The psychological instrument utilized shall be
18 evaluated by a psychologist licensed by the State of Oklahoma, and
19 the employing agency shall certify to the Council that the
20 evaluation was conducted in accordance with this provision and that
21 the employee or applicant is suitable to serve as a peace officer in
22 the State of Oklahoma.

23 a. Any person found not to be suitable for employment or
24 certification by the Council shall not be employed,

1 retained in employment as a peace officer, or
2 certified by the Council for at least one (1) year, at
3 which time the employee or applicant may be
4 reevaluated by a psychologist licensed by the State of
5 Oklahoma. This section shall also be applicable to
6 all reserve peace officers in the State of Oklahoma.

7 b. Any person who is certified by CLEET and has undergone
8 the psychological evaluation required by this
9 subparagraph and has been found to be suitable as a
10 peace officer shall not be required to be reevaluated
11 for any subsequent employment as a peace officer
12 following retirement or any break in service as a
13 peace officer, unless such break in service exceeds
14 five (5) years or the Council determines that a peace
15 officer may present a danger to himself or herself,
16 the public, or a family or household member.

17 c. All persons seeking certification shall have their
18 name, gender, date of birth, and address of such
19 person submitted to the Department of Mental Health
20 and Substance Abuse Services by the Council. The
21 Department of Mental Health and Substance Abuse
22 Services shall respond to the Council within ten (10)
23 days whether the computerized records of the
24 Department indicate the applicant has ever been

1 involuntarily committed to an Oklahoma state mental
2 institution. In the event that the Department of
3 Mental Health and Substance Abuse Services reports to
4 the Council that the applicant has been involuntarily
5 committed, the Council shall immediately inform the
6 employing agency.

7 All basic police courses shall include a minimum of four (4)
8 hours of education and training in recognizing and managing a person
9 appearing to require mental health treatment or services. The
10 training shall include training in crime and drug prevention, crisis
11 intervention, youth and family intervention techniques, recognizing,
12 investigating and preventing abuse and exploitation of elderly
13 persons, mental health issues, and criminal jurisdiction on
14 Sovereign Indian Land.

15 Subject to the availability of funding, for full-time salaried
16 police or peace officers a basic police course academy shall consist
17 of a minimum of six hundred (600) hours.

18 For reserve deputies a basic reserve academy shall consist of a
19 minimum of two hundred forty (240) hours.

20 3. Beginning January 1, 2018, any reserve peace officer who has
21 completed the two-hundred-forty-hour reserve peace officer
22 certification program and who has been in active service in that
23 capacity for the past six (6) months shall be eligible to attend a
24

1 three-hundred-sixty-hour basic full-time training academy to become
2 certified as a full-time peace or police officer.

3 4. Every person who has not been certified as a police or peace
4 officer and is duly appointed or elected as a police or peace
5 officer shall hold such position on a temporary basis only, and
6 shall, within six (6) months from the date of appointment or taking
7 office, qualify as required in this subsection or forfeit such
8 position. In computing the time for qualification, all service
9 shall be cumulative from date of first appointment or taking office
10 as a police or peace officer with any department in this state.

11 a. The Council may extend the time requirement specified
12 in this paragraph for good cause as determined by the
13 Council.

14 b. A duty is hereby imposed upon the employing agency to
15 withhold payment of the compensation or wage of such
16 unqualified officer.

17 c. If the police or peace officer fails to forfeit the
18 position or the employing agency fails to require the
19 officer to forfeit the position, the district attorney
20 shall file the proper action to cause the forfeiting
21 of such position. The district court of the county
22 where the officer is employed shall have jurisdiction
23 to hear the case.
24

1 5. The Council may certify officers who have completed a course
2 of study in another state deemed by the Council to meet standards
3 for Oklahoma peace officers providing the officer's certification in
4 the other state has not been revoked or voluntarily surrendered and
5 is not currently under suspension.

6 6. For purposes of this section, a police or peace officer is
7 defined as a full-time duly appointed or elected officer who is paid
8 for working more than twenty-five (25) hours per week and whose
9 duties are to preserve the public peace, protect life and property,
10 prevent crime, serve warrants, transport prisoners, and enforce laws
11 and ordinances of this state, or any political subdivision thereof;
12 provided, elected sheriffs and their deputies and elected,
13 appointed, or acting chiefs of police shall meet the requirements of
14 this subsection within the first six (6) months after assuming the
15 duties of the office to which they are elected or appointed or for
16 which they are an acting chief; provided further, that this section
17 shall not apply to persons designated by the Director of the
18 Department of Corrections as peace officers pursuant to Section 510
19 of Title 57 of the Oklahoma Statutes.

20 F. No person shall be certified as a police or peace officer by
21 the Council or be employed by the state, a county, a city, or any
22 political subdivision thereof, who is currently subject to an order
23 of the Council revoking, suspending, or accepting a voluntary
24 surrender of peace officer certification or who has been convicted

1 of a felony, a crime involving moral turpitude, or a crime of
2 domestic violence, unless a full pardon has been granted by the
3 proper agency; however, any person who has been trained and
4 certified by the Council on Law Enforcement Education and Training
5 and is actively employed as a full-time peace officer as of November
6 1, 1985, shall not be subject to the provisions of this subsection
7 for convictions occurring prior to November 1, 1985.

8 G. 1. The Council is hereby authorized to provide to any
9 employing agency the following information regarding a person who is
10 or has applied for employment as a police or peace officer of such
11 employing agency:

- 12 a. Oklahoma State Bureau of Investigation and Federal
13 Bureau of Investigation reports,
- 14 b. administration of the psychological tests provided for
15 herein,
- 16 c. performance in the course of study or other basis of
17 certification,
- 18 d. previous certifications issued, and
- 19 e. any administrative or judicial determination denying
20 certification.

21 2. An employing agency shall not be liable in any action
22 arising out of the release of contents of personnel information
23 relevant to the qualifications or ability of a person to perform the
24 duties of a police or peace officer when such information is

1 released pursuant to written authorization for release of
2 information signed by such person and is provided to another
3 employing agency which has employed or has received an application
4 for employment from such person.

5 3. As used in this subsection, "employing agency" means a
6 political subdivision or law enforcement agency which either has
7 employed or received an employment application from a person who, if
8 employed, would be subject to this section.

9 H. 1. A law enforcement agency employing police or peace
10 officers in this state shall report the hiring, resignation, or
11 termination for any reason of a police or peace officer to the
12 Council within ten (10) days. Failure to comply with the provisions
13 of this subsection may disqualify a law enforcement agency from
14 participating in training programs sponsored by the Council. Every
15 law enforcement agency employing police or peace officers in this
16 state shall submit to CLEET on or before October 1 of each calendar
17 year a complete list of all commissioned employees with a current
18 mailing address and phone number for each such employee. In
19 addition to the above, CLEET may impose an administrative fine for
20 violations of this section.

21 2. A tribal law enforcement agency that has peace officers
22 commissioned by an Oklahoma law enforcement agency pursuant to a
23 cross-deputization agreement with the State of Oklahoma or any
24 political subdivision of the State of Oklahoma pursuant to the

1 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
2 shall report the commissioning, resignation, or termination of
3 commission for any reason of a cross-deputized tribal police or
4 peace officer to CLEET within ten (10) days of the commissioning,
5 resignation, or termination. Failure to comply with the provisions
6 of this subsection may disqualify a tribal law enforcement agency
7 from participating in training programs sponsored by the Council.

8 I. It is unlawful for any person to willfully make any
9 statement in an application to CLEET knowing the statement is false
10 or intentionally commit fraud in any application to the Council for
11 attendance in any CLEET-conducted or CLEET-approved peace officer
12 academy or Collegiate Officer Program or for the purpose of
13 obtaining peace officer certification or reinstatement. It is
14 unlawful for any person to willfully submit false or fraudulent
15 documents relating to continuing education rosters, transcripts or
16 certificates, or any canine license application. Any person
17 convicted of a violation of this subsection shall be guilty of a
18 felony punishable by imprisonment in the Department of Corrections
19 for a term of not less than two (2) years nor more than five (5)
20 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
21 or by both such fine and imprisonment. In addition to the above,
22 CLEET may impose an administrative fine.

23 J. 1. A police or peace officer shall be subject to
24 disciplinary action to include a denial, suspension, revocation or

1 acceptance of voluntary surrender of peace officer certification
2 upon a showing of clear and convincing evidence for the following:

- 3 a. conviction of a felony or a crime of domestic
4 violence,
- 5 b. conviction of a misdemeanor involving moral turpitude;
6 provided, if the conviction is a single isolated
7 incident that occurred more than five (5) years ago
8 and the Council is satisfied that the person has been
9 sufficiently rehabilitated, the Council may, in its
10 discretion, certify such person providing that all
11 other statutory requirements have been met,
- 12 c. a verdict of guilt or entry of a plea of guilty or
13 nolo contendere or an "Alford" plea or any plea other
14 than a not guilty plea for a felony offense, a crime
15 of moral turpitude, or a crime of domestic violence,
- 16 d. falsification or a willful misrepresentation of
17 information in an employment application or
18 application to the Council on Law Enforcement
19 Education and Training, records of evidence, or in
20 testimony under oath,
- 21 e. revocation or voluntary surrender of police or peace
22 officer certification in another state for a violation
23 of any law or rule or in settlement of any
24 disciplinary action in such state,

1 f. involuntary commitment of a reserve or peace officer
2 in a mental institution or licensed private mental
3 health facility for any mental illness, condition or
4 disorder that is diagnosed by a licensed physician,
5 psychologist or a licensed mental health professional
6 as a substantial disorder of thought, mood,
7 perception, psychological orientation, or memory that
8 significantly impairs judgment, behavior, capacity to
9 recognize reality, or ability to meet the ordinary
10 demands of life. Provided, the peace officer
11 certification may be reinstated upon the Council
12 receiving notification of a psychological evaluation
13 conducted by a licensed physician, psychologist or
14 licensed mental health professional which attests and
15 states by affidavit that the officer and the
16 evaluation test data of the officer have been examined
17 and that, in the professional opinion of the
18 physician, psychologist or licensed mental health
19 professional, the officer is psychologically suitable
20 to return to duty as a peace officer. Notwithstanding
21 any other provision of state law pertaining to
22 confidentiality of hospital or other medical records,
23 and as allowable under federal law, CLEET may subpoena
24 or request a court to subpoena records necessary to

1 assure compliance with these provisions. Any
2 confidential information received by CLEET for such
3 purpose shall retain its confidential character while
4 in the possession of CLEET,

5 g. abuse of office,

6 h. entry of a final order of protection against applicant
7 or officer, or

8 i. any violation of the Oklahoma Private Security
9 Licensing Act.

10 2. Disciplinary proceedings shall be commenced by filing a
11 complaint with the Council on a form approved by the Council. Any
12 employing agency or other person having information may submit such
13 information to the Council for consideration as provided in this
14 subsection.

15 3. Upon the filing of the complaint, a preliminary
16 investigation shall be conducted to determine whether:

17 a. there is reason to believe the person has violated any
18 provision of this subsection or any other provision of
19 law or rule, or

20 b. there is reason to believe the person has been
21 convicted of a felony, a crime involving moral
22 turpitude or a domestic violence offense or is
23 currently participating in a deferred sentence for
24 such offenses.

1 4. When the investigation of a complaint does not find the
2 person has violated any of the provisions of this subsection, or
3 finds that the person is sufficiently rehabilitated as provided in
4 subparagraph b or f of paragraph 1 of this subsection, no
5 disciplinary action shall be required and the person shall remain
6 certified as a police or peace officer. When the investigation of a
7 complaint finds that the person has violated any of the provisions
8 of this subsection, the matter shall be referred for disciplinary
9 proceedings. The disciplinary proceedings shall be in accordance
10 with Articles I and II of the Administrative Procedures Act.

11 5. The Council shall revoke the certification of any person
12 upon determining that such person has been convicted of a felony or
13 a crime involving moral turpitude or a domestic violence offense or
14 has entered a plea of guilty, or nolo contendere or an "Alford" plea
15 or any plea other than a not guilty plea for a felony offense, a
16 crime of moral turpitude or a crime of domestic violence or is the
17 respondent in a final Victims Protective Order; provided, that if
18 the conviction has been reversed, vacated or otherwise invalidated
19 by an appellate court, such conviction shall not be the basis for
20 revocation of certification; provided further, that any person who
21 has been trained and certified by the Council on Law Enforcement
22 Education and Training and is actively employed as a full-time peace
23 officer as of November 1, 1985, shall not be subject to the
24 provisions of this subsection for convictions occurring prior to

1 November 1, 1985. The sole issue to be determined at the hearing
2 shall be whether the person has been convicted of a felony, a crime
3 involving moral turpitude or a domestic violence offense or is the
4 named respondent/defendant in a final Victims Protective Order.

5 6. The Council shall revoke the certification of any person
6 upon determining that such person has received a deferred sentence
7 for a felony, a crime involving moral turpitude or a domestic
8 violence offense.

9 7. The Council may suspend the certification of any person upon
10 a determination that such person has been involuntarily committed to
11 a mental institution or mental health facility for a mental illness,
12 condition or disorder as provided in subparagraph f of paragraph 1
13 of this subsection.

14 8. Every law enforcement agency in this state shall, within
15 thirty (30) days of a final order of termination or resignation
16 while under investigation of a CLEET-certified peace officer, report
17 such order or resignation in writing to the Executive Director of
18 the Council. Any report, upon receipt by the Council, shall be
19 considered as personnel records and shall be afforded confidential
20 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
21 Oklahoma Statutes. Any medical or other confidential records
22 obtained by subpoena pursuant to this subsection shall not be made a
23 part of such report. The Executive Director shall ensure that the
24 report is provided to all members of the Council. The Council shall

1 review and make recommendations concerning the report at the first
2 meeting of the Council to occur after all members of the Council
3 have received the report. The Council may, by a majority vote,
4 order the suspension, for a given period of time, or revocation of
5 the CLEET certification of the peace officer in question if there
6 are grounds for such actions pursuant to this section and the peace
7 officer in question has been provided with notice and an opportunity
8 for a hearing pursuant to the Administrative Procedures Act.

9 Suspension or revocation of CLEET certification pursuant to this
10 paragraph shall be reported to the district attorney for the
11 jurisdiction in which the peace officer was employed, to the
12 liability insurance company of the law enforcement agency that
13 employed the peace officer, the chief elected official of the
14 governing body of the law enforcement agency and the chief law
15 enforcement officer of the law enforcement agency.

16 9. For all other violations of this subsection, the hearing
17 examiner shall take into consideration the severity of the
18 violation, any mitigating circumstances offered by the person
19 subject to disciplinary action, and any other evidence relevant to
20 the person's character to determine the appropriate disciplinary
21 action.

22 10. a. A police or peace officer may voluntarily surrender
23 and relinquish the peace officer certification to
24 CLEET. Pursuant to such surrender or relinquishment,

1 the person surrendering the certification shall be
2 prohibited from applying to CLEET for reinstatement
3 within five (5) years of the date of the surrender or
4 relinquishment, unless otherwise provided by law for
5 reinstatement.

6 b. No person who has had a police or peace officer
7 certification from another state revoked or
8 voluntarily surrendered and has not been reinstated by
9 that state shall be considered for certification by
10 CLEET.

11 c. Any person seeking reinstatement of police or peace
12 officer certification which has been suspended,
13 revoked, or voluntarily surrendered may apply for
14 reinstatement pursuant to promulgated CLEET rules
15 governing reinstatement. Except as provided in this
16 subsection, any person whose certification has been
17 revoked, suspended or voluntarily surrendered for any
18 reason, including failure to comply with mandatory
19 education and training requirements, shall pay a
20 reinstatement fee of One Hundred Fifty Dollars
21 (\$150.00) to be deposited to the credit of the Peace
22 Officer Revolving Fund created pursuant to Section
23 3311.7 of this title.
24

1 11. A duty is hereby imposed upon the district attorney who, on
2 behalf of the State of Oklahoma, prosecutes a person holding police
3 or peace officer or reserve peace officer certification for a
4 felony, a crime involving moral turpitude, or a crime of domestic
5 violence in which a plea of guilty, nolo contendere, or an "Alford"
6 plea or any other plea other than a not guilty plea or other finding
7 of guilt is entered by, against or on behalf of a certified police
8 or peace officer to report such plea, agreement, or other finding of
9 guilt to the Council on Law Enforcement Education and Training
10 within ten (10) days of such plea agreement or the finding of guilt.

11 12. Any person or agency required or authorized to submit
12 information pursuant to this section to the Council shall be immune
13 from liability arising from the submission of the information as
14 long as the information was submitted in good faith and without
15 malice.

16 13. Any peace officer employed by a law enforcement agency in
17 this state which has internal discipline policies and procedures on
18 file with CLEET shall be exempt from the disciplinary proceedings
19 and actions provided for in this subsection; provided, however, such
20 exemption shall not apply if the peace officer has been convicted of
21 a felony crime, a crime of moral turpitude, or a crime of domestic
22 violence.

23 14. All criminal proceedings initiated against a CLEET-
24 certified peace officer or reserve peace officer shall be reported

1 by the officer to CLEET immediately after arrest or discovery of the
2 filing of such criminal proceeding. All CLEET-certified peace
3 officers and reserve peace officers shall be required to report when
4 a Victim Protective Order has been issued against the officer,
5 including orders issued on an emergency basis and all final orders
6 of protection. Failure to give notice pursuant to the provisions of
7 this paragraph may be cause to initiate an action against the
8 officer by CLEET.

9 15. As used in this subsection:

- 10 a. "law enforcement agency" means any department or
11 agency of the state, a county, a municipality, or
12 political subdivision thereof, with the duties to
13 maintain public order, make arrests, and enforce the
14 criminal laws of this state or municipal ordinances,
15 which employs CLEET-certified personnel,
- 16 b. "final order of termination" means a final notice of
17 dismissal from employment provided after all
18 grievance, arbitration, and court actions have been
19 completed, and
- 20 c. "resignation while under investigation" means the
21 resignation from employment of a peace officer who is
22 under investigation for any felony violation of law, a
23 crime of moral turpitude, a crime of domestic
24 violence, or the resignation from employment of a

1 peace officer as part of an arbitration or plea
2 agreement.

3 K. 1. Every canine team in the state trained to detect
4 controlled dangerous substances shall be certified, by test, in the
5 detection of such controlled dangerous substances and shall be
6 recertified annually so long as the canine is used for such
7 detection purposes. The certification test and annual
8 recertification test provisions of this subsection shall not be
9 applicable to canines that are owned by a law enforcement agency and
10 that are certified and annually recertified in the detection of
11 controlled dangerous substances by the United States Customs
12 Service. No employee of CLEET may be involved in the training or
13 testing of a canine team.

14 2. The Council shall appoint a Drug Dog Advisory Council to
15 make recommendations concerning minimum standards, educational
16 needs, and other matters imperative to the certification of canines
17 and canine teams trained to detect controlled dangerous substances.
18 The Council shall promulgate rules based upon the recommendations of
19 the Advisory Council. Members of the Advisory Council shall
20 include, but need not be limited to, a commissioned officer with
21 practical knowledge of such canines and canine teams from each of
22 the following:

23 a. the Oklahoma State Bureau of Narcotics and Dangerous
24 Drugs Control,

- b. the Department of Public Safety,
- c. a police department, and
- d. a sheriff's office, ~~and~~
- e. ~~a university or college campus police department.~~

3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team. A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee shall be charged to any local, state or federal government agency. The fees provided for in this paragraph shall be deposited to the credit of the CLEET Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

L. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense. No employee of CLEET may be involved in the training or testing of a canine team.

1 2. The Council shall appoint a Bomb Dog Advisory Council to
2 make recommendations concerning minimum standards, educational
3 needs, and other matters imperative to the certification of canines
4 and canine teams trained to detect explosives, explosive materials,
5 explosive devices and materials which could be used to construct an
6 explosive device. The Council shall promulgate rules based upon the
7 recommendations of the Advisory Council. Members of the Advisory
8 Council shall include, but need not be limited to, a commissioned
9 officer with practical knowledge of such canines and canine teams
10 from each of the following:

- 11 a. the Department of Public Safety,
- 12 b. a police department,
- 13 c. a sheriff's office, and
- 14 d. a university or college campus police department.

15 3. The fee for the certification test shall be Two Hundred
16 Dollars (\$200.00) and the annual recertification test fee shall be
17 One Hundred Dollars (\$100.00) per canine team. A retest fee of
18 Fifty Dollars (\$50.00) will be charged if the team fails the test.
19 No such fee shall be charged to any local, state or federal
20 government agency. The fees provided for in this paragraph shall be
21 deposited to the credit of the CLEET Fund created pursuant to
22 Section 1313.2 of Title 20 of the Oklahoma Statutes.

23 M. All tribal police officers of any Indian tribe or nation who
24 have been commissioned by an Oklahoma law enforcement agency

1 pursuant to a cross-deputization agreement with the State of
2 Oklahoma or any political subdivision of the State of Oklahoma
3 pursuant to the provisions of Section 1221 of Title 74 of the
4 Oklahoma Statutes shall be eligible for peace officer certification
5 under the same terms and conditions required of members of the law
6 enforcement agencies of the State of Oklahoma and its political
7 subdivisions. CLEET shall issue peace officer certification to
8 tribal police officers who, as of July 1, 2003, are commissioned by
9 an Oklahoma law enforcement agency pursuant to a cross-deputization
10 agreement with the State of Oklahoma or any political subdivision of
11 the State of Oklahoma pursuant to the provisions of Section 1221 of
12 Title 74 of the Oklahoma Statutes and have met the training and
13 qualification requirements of this section.

14 N. If an employing law enforcement agency in this state has
15 paid the salary of a person while that person is completing in this
16 state a basic police course approved by the Council and if within
17 one (1) year after certification that person resigns and is hired by
18 another law enforcement agency in this state, the second agency or
19 the person receiving the training shall reimburse the original
20 employing agency for the salary paid to the person while completing
21 the basic police course by the original employing agency. CLEET
22 shall not be a party to any court action based on this provision.

1 O. The Council on Law Enforcement Education and Training, in
2 its discretion, may waive all or part of any moneys due to the
3 Council, if deemed uncollectable by the Council.

4 P. Peace officers, reserve peace officers, tribal peace
5 officers, agencies, bail enforcers, security guards and private
6 investigators shall maintain with the Council current mailing
7 addresses and shall notify the Council, in writing, of any change of
8 address or name. Notification of change of name shall require
9 certified copies of any marriage license or other court document
10 which reflects the change of name. Notice of change of address or
11 telephone number must be made within ten (10) days of the effected
12 change. Notices shall not be accepted over the phone. In any
13 proceeding in which the Council is required to serve notice or an
14 order on an individual or an agency, the Council may send a letter
15 to the mailing address on file with the Council. If the letter is
16 returned and a notation of the U.S. Postal Service indicates
17 "unclaimed", or "moved", or "refused" or any other nondelivery
18 markings and the records of the Council indicate that no change of
19 address as required by this subsection has been received by the
20 Council, the notice and any subsequent notices or orders shall be
21 deemed by the Court as having been legally served for all purposes.

22 Q. All CLEET records of Bail Enforcers may be released only in
23 compliance with this section and the Oklahoma Bail Enforcement and
24 Licensing Act. All records in CLEET possession concerning other

1 persons or entities shall be released only in compliance with this
2 section and the Oklahoma Open Records Act.

3 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.4, as
4 last amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp.
5 2017, Section 3311.4), is amended to read as follows:

6 Section 3311.4. A. Beginning January 1, 2008, and annually
7 thereafter, every active full-time peace officer, certified by the
8 Council on Law Enforcement Education and Training (CLEET) pursuant
9 to Section 3311 of this title, shall attend and complete a minimum
10 of twenty-five (25) hours of continuing law enforcement training
11 accredited or provided by CLEET which shall include a mandatory two
12 (2) hours on mental health issues. CLEET shall promulgate rules to
13 enforce the provisions of this section and shall enter into
14 contracts and agreements for the payment of classroom space,
15 training, food, and lodging expenses as may be necessary for law
16 enforcement officers attending such training in accordance with
17 subsection B of Section 3311 of this title. Such training and
18 seminars shall be conducted in all areas of this state at technology
19 center schools, institutions of higher education, or other approved
20 sites.

21 B. Beginning January 1, 2017, and annually thereafter, every
22 active reserve peace officer, certified by CLEET pursuant to Section
23 3311 of this title, shall attend and complete a minimum of eight (8)
24 hours of continuing law enforcement training accredited or provided

1 by CLEET which shall include a mandatory one (1) hour on mental
2 health issues.

3 C. Every inactive full-time or reserve peace officer, certified
4 by CLEET, shall be exempt from these requirements during the
5 inactive status. Upon reentry to full-time active status, the peace
6 officer shall be required to comply with subsection A of this
7 section. If a full-time certified peace officer has been inactive
8 for five (5) or more years, the officer must complete refresher
9 training as prescribed by CLEET and which shall include a minimum of
10 four (4) hours of mental health education and training, within one
11 (1) year of employment. Upon reentry to active reserve status, the
12 peace officer shall be required to comply with subsection B of this
13 section. If a certified reserve officer has been inactive for five
14 (5) or more years, the certified reserve officer shall complete a
15 legal update as prescribed by CLEET. The Director of CLEET may
16 waive these requirements based on review of all records of
17 employment and training.

18 D. Every tribal officer who is commissioned by an Oklahoma law
19 enforcement agency pursuant to a cross-deputization agreement with
20 the State of Oklahoma or any political subdivision of the State of
21 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
22 the Oklahoma Statutes shall comply with the provisions of this
23 section.

24

1 E. Any active full-time or reserve certified peace officer, or
2 CLEET-certified cross-deputized tribal officer who fails to meet the
3 annual training requirements specified in this section, shall be
4 subject to having the certification of the peace officer suspended,
5 after the peace officer and the employer have been given written
6 notice of noncompliance and a reasonable time, as defined by the
7 Council, to comply with the provisions of this section. A peace
8 officer shall not be employed in the capacity of a peace officer
9 during any period of suspension. The suspension period shall be for
10 a period of time until the officer files a statement attesting to
11 full compliance with the provisions of this section. Suspension of
12 peace officer certification shall be reported to the District
13 Attorney for the jurisdiction in which the officer is employed, the
14 liability insurance company of the law enforcement agency that
15 employed the peace officer, the chief elected official of the
16 governing body of the law enforcement agency and the chief law
17 enforcement officer of the law enforcement agency. Any officer
18 whose certification is suspended pursuant to this section may
19 request a hearing with CLEET. Such hearings shall be governed by
20 the Administrative Procedures Act except that the affected officer
21 has the burden to show CLEET why CLEET should not have the
22 certification of the officer suspended.

23 F. All certified, active full-time or reserve peace officers
24 employed, commissioned or appointed for a period of ninety (90) days

1 in a calendar year, who become inactive prior to the end of a
2 calendar year, are responsible for meeting mandatory continuing
3 education requirements as set forth in this section upon return to
4 active full-time or reserve peace officer status within sixty (60)
5 days of the date of return to employment, commission or appointment.
6 Failure to complete the mandatory continuing education within sixty
7 (60) days may result in disciplinary action as set forth in CLEET
8 Rules at OAC 390:2. Full-time or reserve certified peace officers
9 who return to active status within the calendar year they become
10 inactive must complete the annual mandatory continuing education
11 requirements outlined in this section within the remaining portion
12 of the calendar year.

13 G. Peace officers with full-time certification who worked
14 during a calendar year only as a reserve officer are required to
15 complete only the training requirements for reserve certification.
16 For purposes of the requirements outlined in subsection F of this
17 section, full-time peace officers who worked both in the capacity of
18 a full-time peace officer and reserve officer in a calendar year
19 must complete full-time continuing education requirements.

20 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3311.5, as
21 last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp.
22 2017, Section 3311.5), is amended to read as follows:

23 Section 3311.5. A. On and after November 1, 2007, the Council
24 on Law Enforcement Education and Training (CLEET), pursuant to its

1 authority granted by Section 3311 of this title, shall include in
2 its required basic training courses for law enforcement
3 certification a minimum of four (4) hours of education and training
4 relating to recognizing and managing a person appearing to require
5 mental health treatment or services. The Council shall further
6 offer a minimum of four (4) hours of education and training on
7 specific mental health issues pursuant to Section 3311.4 of this
8 title to meet the annual requirement for continuing education in the
9 areas of mental health issues.

10 B. By January 1, 2008, CLEET, pursuant to its authority granted
11 by Sections 3311 and 3311.4 of this title, shall include in its
12 required courses of study for law enforcement certification a
13 minimum of six (6) hours of evidence-based sexual assault and sexual
14 violence training. A portion of the sexual assault and sexual
15 violence training shall include instruction presented by a certified
16 sexual assault service provider.

17 C. By January 1, 2012, every active full-time peace officer,
18 previously certified by CLEET pursuant to Section 3311 of this
19 title, shall be required to attend and complete the evidence-based
20 sexual assault and sexual violence training provided in subsection B
21 of this section.

22 D. CLEET shall promulgate rules to enforce the provisions of
23 subsections B and C of this section and shall, with the assistance
24 of certified sexual assault service providers, establish a

1 comprehensive integrated curriculum for the teaching of evidence-
2 based sexual assault and sexual violence issues.

3 E. The Council is required to update that block of training or
4 course materials relating to legal issues, concepts, and state laws
5 annually, but not later than ninety (90) days following the
6 adjournment of any legislative session.

7 F. By January 1, 2009, CLEET, pursuant to its authority granted
8 by Sections 3311 and 3311.4 of this title, shall include in its
9 required courses of study for law enforcement certification a
10 minimum of four (4) hours of oil field equipment theft training.

11 G. By January 1, 2012, CLEET, pursuant to its authority granted
12 by Sections 3311 and 3311.4 of this title, shall establish and
13 include in its required courses of study for law enforcement
14 certification a minimum of eight (8) hours of evidence-based
15 domestic violence and stalking investigation training. The training
16 should include, at a minimum, the importance of reporting domestic
17 violence incidents, determining the predominant aggressor, evidence-
18 based investigation of domestic violence and stalking, lethality
19 assessment, and personal safety planning necessary at the pretrial
20 stages of a potential criminal case. A portion of the training
21 shall include instruction presented by an expert victim advocate
22 selected from recommendations provided by the Office of the Attorney
23 General or the Domestic Violence Fatality Review Board. The
24 training shall be developed in collaboration with the Domestic

1 Violence Fatality Review Board, and where applicable, shall replace
2 existing domestic violence and stalking courses currently required.

3 H. By January 1, 2012, the evidence-based domestic violence and
4 stalking investigation curriculum developed in collaboration with
5 the Domestic Violence Fatality Review Board shall be submitted to
6 the Council for approval.

7 I. CLEET shall establish the training provided in subsection G
8 of this section as a part of CLEET's peace officer continuing
9 education program and develop a plan to train full-time peace
10 officers previously certified by CLEET pursuant to Section 3311 of
11 this title where applicable. The Office of the Attorney General
12 shall provide a list of expert victim advocates that are available
13 to assist in the training.

14 J. The Council is authorized to pay for and send training staff
15 and employees to one or more training and education courses in
16 jurisdictions outside this state for the purpose of expanding
17 curriculum, training skill development, and general knowledge within
18 the field of law enforcement education and training.

19 K. On and after November 1, 2013, the Council on Law
20 Enforcement Education and Training (CLEET), pursuant to its
21 authority granted by Section 3311 of this title, shall include in
22 its required basic training courses for law enforcement
23 certification a minimum of two (2) hours of education and training
24

1 relating to recognizing and managing a person experiencing dementia
2 or Alzheimer's disease.

3 L. The Council shall promulgate rules, including emergency
4 rules, to evaluate and approve municipalities and counties that are
5 deemed capable of conducting separate basic law enforcement training
6 academies in their jurisdiction and to certify officers successfully
7 completing such academy training courses. Upon application to the
8 Council, any municipality ~~with a population of sixty-five thousand~~
9 ~~(65,000) or more~~ or any county ~~with a population of five hundred~~
10 ~~thousand (500,000) or more~~ shall be authorized to operate a basic
11 ~~law enforcement academy~~ may make application on a form created and
12 approved by the Council or by the Executive Director of CLEET.
13 CLEET will conduct an investigation to determine if the requesting
14 municipality or county meets the criteria and requirements to
15 conduct a basic law enforcement training academy. The Council ~~shall~~
16 may, at the sole discretion of the Council and by majority vote in
17 an open meeting, approve an application when the municipality or
18 county making the application meets the criteria for a separate
19 training academy and demonstrates to the satisfaction of the Council
20 that the municipality or county proposing the academy has sufficient
21 resources to conduct the training, the instructional staff is
22 appropriately trained and qualified to teach the course materials,
23 the curriculum is composed of comparable or higher quality course
24 segments to the CLEET academy curriculum, and the facilities where

1 the academy will be conducted are safe and sufficient for law
2 enforcement training purposes. No entity proposing basic academy
3 training will be approved to conduct such training unless the
4 training coordinator has attended the annual coordinator meeting
5 immediately preceding the proposed training.

6 Notwithstanding any other provision of law, any materials and
7 records provided by CLEET to any municipality, county or Collegiate
8 Officer Program (COP) conducting a basic law enforcement training
9 shall remain the property of CLEET and retain confidential status
10 and shall not be released except under the conditions contained in
11 Section 24A.8 of Title 51 of the Oklahoma Statutes. In addition,
12 any materials and records provided by the municipality, county, or
13 Collegiate Officer Program (COP) to CLEET shall be subject to these
14 same limitations on release. Such materials and records include,
15 but are not limited to, all records maintained pursuant to Section
16 3311 of this title and records relating to any employed or certified
17 full-time officer, reserve officer, retired officer or other person;
18 teacher lesson plans, tests and other teaching materials; and
19 personal communications concerning individual students except under
20 the circumstances set form in Section 24A.8 of Title 51 of the
21 Oklahoma Statutes.

22 Any entity authorized to operate a basic law enforcement academy
23 prior to July 1, 2017, shall continue to be approved to conduct a
24

1 basic law enforcement academy training subject to approval by the
2 Executive Director.

3 Any municipality or county authorized to operate a basic law
4 enforcement academy after November 1, 2007, shall not be eligible to
5 receive funds pursuant to subsection E of Section 1313.2 of Title 20
6 of the Oklahoma Statutes. The Council shall not provide any funding
7 for the operation of any separate training academy authorized by
8 this subsection.

9 M. Any municipality or county that, prior to November 1, 2007,
10 was authorized to conduct a basic law enforcement academy shall
11 continue to receive funding pursuant to subsection E of Section
12 1313.2 of Title 20 of the Oklahoma Statutes.

13 SECTION 4. This act shall become effective November 1, 2018.

14 Passed the Senate the 13th day of March, 2018.

15
16 _____
17 Presiding Officer of the Senate

18 Passed the House of Representatives the ____ day of _____,
19 2018.

20
21 _____
22 Presiding Officer of the House
23 of Representatives
24