

1 ENGROSSED SENATE
2 BILL NO. 279

By: Newberry of the Senate

3 and

4 Mulready of the House

5
6 [counties and county officers - protection -
7 codification - effective date]
8

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

10 SECTION 1. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 565 of Title 19, unless there is
12 created a duplication in numbering, reads as follows:

13 A. The following definitions apply in this section:

14 1. "Employing agency" means a sheriff's department or county
15 police department; and

16 2. "County law enforcement officer" means a full-time paid
17 employee of an employing agency who is actively serving in a
18 position with assigned primary duties and responsibilities for
19 prevention and detection of crime or the general enforcement of the
20 criminal laws of the state or serving civil processes and who
21 possesses the power of arrest by virtue of an oath administered
22 under the authority of the state.

23 B. It is the policy of this state that county law enforcement
24 officers shall be encouraged to report verbally or in writing to

1 their supervisor, department head or other appropriate authority
2 evidence of activity constituting any of the following:

3 1. A violation of state or federal law, rule or regulation or
4 the United States Constitution or the Constitution of the State of
5 Oklahoma;

6 2. Fraud;

7 3. Misappropriation of state and local government resources;

8 4. Substantial and specific danger to the public health and
9 safety; or

10 5. Gross mismanagement, a gross waste of monies or gross abuse
11 of authority. Further, it is the policy of this state that county
12 law enforcement officers be free of intimidation or harassment when
13 reporting to public bodies about matters of public concern,
14 including offering testimony to or testifying before appropriate
15 legislative or judicial panels.

16 C. No employing agency shall discharge, threaten or otherwise
17 discriminate against a county law enforcement officer regarding the
18 officer's compensation, terms, conditions, location or privileges of
19 employment because the officer or a person acting on behalf of the
20 officer reports or is about to report verbally or in writing any
21 activity described in subsection B of this section unless the
22 officer knows or has reason to believe that the report in
23 inaccurate.

1 1. No county law enforcement officer shall retaliate against
2 another county law enforcement officer because the officer or a
3 person acting on behalf of the officer reports or is about to report
4 verbally or in writing any activity described in subsection B of
5 this section.

6 2. No employing agency shall discharge, threaten or otherwise
7 discriminate against a county law enforcement officer regarding the
8 officer's compensation, terms, conditions, location or privileges of
9 employment because the officer has refused to carry out a directive
10 which in fact constitutes a violation of State or federal law, rule,
11 or regulation or the United States Constitution or the Constitution
12 of the State of Oklahoma or poses a substantial and specific danger
13 to the public health and safety.

14 3. No county law enforcement officer shall retaliate against
15 another county law enforcement officer because the officer has
16 refused to carry out a directive which may constitute a violation of
17 state or federal law, rule or regulation, the United States
18 Constitution or the Constitution of the State of Oklahoma or pose a
19 substantial and specific danger to the public health and safety.

20 D. For claims arising under this section only, a county law
21 enforcement officer injured by a violation of this section may
22 maintain a legal action for damages, an injunction or other remedies
23 provided in this section against the person or employing agency who
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1 committed the violation within one (1) year after the occurrence of
2 the alleged violation of this section.

3 E. A court, in rendering a judgment in an action brought
4 pursuant to this section, may order an injunction, damages,
5 reinstatement of the county law enforcement officer, the payment of
6 back wages, full reinstatement of fringe benefits and seniority
7 rights, costs, reasonable attorneys' fees or any combination of
8 these. If an application for a permanent injunction is granted, the
9 officer shall be awarded costs and reasonable attorneys' fees. If
10 in an action for damages the court finds that the officer was
11 injured by a willful violation of this section, the court shall
12 award as damages three times the amount of actual damages, plus
13 costs and reasonable attorneys' fees against the person or employing
14 agency found to be in violation of this section.

15 F. It shall be the duty of the employing agency of the county
16 law enforcement officer to post notice as provided by law or use
17 other appropriate means to keep county law enforcement officers
18 informed of their protections and obligations under this section.

19 SECTION 2. This act shall become effective November 1, 2017.
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1 Passed the Senate the 22nd day of March, 2017.

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3 _____
4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2017.

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8 _____
9 Presiding Officer of the House
10 of Representatives