

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 HOUSE BILL 2788

By: Downing of the House

5 and

6 Griffin of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to public health and safety; amending
11 63 O.S. 2011, Section 2-104.1, which relates to the
12 Uniform Controlled Dangerous Substances Act; adding
13 ex officio member to the Oklahoma State Bureau of
14 Narcotics and Dangerous Drugs Control Commission; and
15 providing an effective date.

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

17 SECTION 1. AMENDATORY 63 O.S. 2011, Section 2-104.1, is
18 amended to read as follows:

19 Section 2-104.1 A. There is hereby created an Oklahoma State
20 Bureau of Narcotics and Dangerous Drugs Control Commission which
21 shall consist of ~~seven (7)~~ the following members:

22 1. One ex officio member, who shall be the Attorney General or
23 designee; and

1 2. Seven appointed members, not more than two of whom shall be
2 from the same congressional district. However, when congressional
3 districts are redrawn, each member appointed prior to July 1 of the
4 year in which such modification becomes effective shall complete the
5 current term of office and appointments made after July 1 of the
6 year in which such modification becomes effective shall be based on
7 the redrawn districts. No appointments may be made after July 1 of
8 the year in which such modification becomes effective if such
9 appointment would result in more than two members serving from the
10 same modified district. The members shall be appointed by the
11 Governor and confirmed by the Senate and shall be removable only for
12 cause, as provided by law for the removal of officers not subject to
13 impeachment. The term of office of each member shall be seven (7)
14 years. The first appointments shall be for the following terms as
15 designated by the Governor: one member for a term of one (1) year;
16 one member for a term of two (2) years; one member for a term of
17 three (3) years; one member for a term of four (4) years; one member
18 for a term of five (5) years; one member for a term of six (6)
19 years; and one member for a term of seven (7) years. A member may
20 serve more than one term on the Commission. Each member shall
21 continue to serve so long as the member is qualified until a
22 successor has been appointed and confirmed by the Senate. Vacancies
23 occurring during a term shall be filled for the unexpired portion of
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1 the term by the same procedure used to make the regular
2 appointments.

3 B. Four of the appointed members shall represent the lay
4 citizenry, one appointed member shall be a district attorney while
5 serving in that capacity, one appointed member shall be a sheriff
6 while serving in that capacity, and one appointed member shall be a
7 chief of police while serving in that capacity; provided that the
8 sheriff and police chief members shall have successfully completed
9 an approved course of instruction for peace officers as required by
10 law.

11 C. Annually the Commission shall select one of the Commission
12 members to serve as chair and one member to serve as vice-chair.
13 The Commission shall meet at least quarterly. The chair shall
14 preside at all meetings of the Commission and shall have the power
15 to call meetings of the Commission. In addition, meetings of the
16 Commission may be called by a majority of the members. The vice-
17 chair shall perform these functions in the absence or incapacity of
18 the chair. A quorum of four members of the Commission shall be
19 necessary to conduct any official business. All actions taken by
20 the Commission shall be by a simple majority vote of a quorum. In
21 the event of a tie vote, the measure being voted upon shall be
22 deemed to have failed.

23 The Commission shall adopt rules of procedure for the orderly
24 performance of its functions.

1 D. Members of the Commission shall serve without salary but may
2 be reimbursed for travel expenses in attending meetings and
3 performing their duties in the manner provided for other state
4 officers and employees under the State Travel Reimbursement Act. No
5 other provisions of law shall be construed as prohibiting public
6 officers from also serving as members of the Commission, nor shall
7 any other provisions of law be construed as prohibiting public
8 officers or public employees from performing services for the
9 Commission without compensation. It is further provided that no
10 town, city, county, or other subdivision or other agency of state
11 government shall be prohibited from receiving a grant or from
12 benefiting from grants or expenditures of the Commission for the
13 reason that an officer or employee of such town, city, county, or
14 other subdivision or agency of state government is a Commission
15 member or employee.

16 E. The Commission shall have the following powers and duties
17 and responsibilities:

18 1. To appoint the Director of the Oklahoma State Bureau of
19 Narcotics and Dangerous Drugs Control, whose compensation shall be
20 determined by the Legislature.

21 2. To hear any complaint against the Oklahoma State Bureau of
22 Narcotics and Dangerous Drugs Control or any of its employees
23 according to the following procedure:
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- 1 a. Only those complaints which have been submitted in
2 writing and are signed will be acted upon by the
3 Commission.
- 4 b. All hearings on complaints shall be conducted in
5 executive sessions, and shall not be open to the
6 public.
- 7 c. The Commission shall have limited access to pertinent
8 investigative files when investigating a complaint.
9 The Director shall provide a procedure whereby the
10 identification of all persons named in any
11 investigative file except the subject of the complaint
12 and the complaining witness shall not be revealed to
13 the members of the Commission. Any consideration of
14 files shall be in executive session not open to the
15 public. No information or evidence received in
16 connection with the hearings shall be revealed to any
17 person or agency. Any violation hereof shall be
18 grounds for removal from the Commission, and shall
19 constitute a misdemeanor.

20 3. To make recommendations to the Director of any needed
21 disciplinary action necessary as a result of an investigation
22 conducted upon a complaint received.

23 4. To establish general procedures with regard to assisting law
24 enforcement officers and district attorneys.

1 5. To establish a program of training for agents utilizing such
2 courses as the National Police Academy conducted by the Federal
3 Bureau of Investigation.

4 SECTION 2. This act shall become effective November 1, 2018.

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6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/28/2018 - DO
7 PASS, As Coauthored.
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