

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 ENGROSSED SENATE
5 BILL NO. 1096

By: McCortney of the Senate

and

Thomsen of the House

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9 **[law enforcement training - Council on Law**
10 **Enforcement Education and Training - removing**
11 **certain authority - requiring certain compliance -**
12 **effective date]**

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
17 last amended by Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.
18 2017, Section 3311), is amended to read as follows:

19 Section 3311. A. There is hereby created a Council on Law
20 Enforcement Education and Training which shall be, and is hereby
21 declared to be, a governmental law enforcement agency of the State
22 of Oklahoma, body politic and corporate, with powers of government
23 and with the authority to exercise the rights, privileges and
24 functions necessary to ensure the professional training and

1 continuing education of law enforcement officers in the State of
2 Oklahoma. These rights, privileges and functions include, but are
3 not limited to, those specified in Sections 3311 through 3311.15 of
4 this title and in the Oklahoma Security Guard and Private
5 Investigator Act and the Oklahoma Bail Enforcement and Licensing
6 Act. The Council shall be composed of thirteen (13) members as
7 follows:

8 1. The Commissioner of the Department of Public Safety, or
9 designee;

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

12 3. The Director of the Oklahoma State Bureau of Investigation,
13 or designee;

14 4. One member appointed by the Governor who shall be a law
15 enforcement administrator representing a tribal law enforcement
16 agency;

17 5. One member appointed by the Governor who shall be a chief of
18 police of a municipality with a population over one hundred thousand
19 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

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

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

18 12. The President Pro Tempore of the Senate shall appoint one
19 member from a list of three or more nominees submitted by a
20 statewide organization representing cities and towns that is exempt
21 from taxation under federal law and designated pursuant to the
22 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
23 and
24

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

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

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

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

21 2. Promulgate rules with respect to such matters as
22 certification, revocation, suspension, withdrawal and reinstatement
23 of certification, minimum courses of study, testing and test scores,
24 attendance requirements, equipment and facilities, minimum

1 qualifications for instructors, minimum standards for basic and
2 advanced in-service courses, and seminars for Oklahoma police and
3 peace officers;

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

6 4. Authorize additional staff and services necessary for
7 program expansion;

8 5. Recommend legislation necessary to upgrade Oklahoma law
9 enforcement to professional status;

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

16 7. Appoint an Executive Director and an Assistant Director to
17 direct the staff, inform the Council of compliance with the
18 provisions of this section and perform such other duties imposed on
19 the Council by law. An Executive Director appointed by the Council
20 must qualify for the position with a bachelor or higher degree in
21 law enforcement from an accredited college or university, or a
22 bachelor or higher degree in a law-enforcement-related subject area,
23 and a minimum of five (5) years of active law enforcement experience
24 including, but not limited to, responsibility for enforcement,

1 investigation, administration, training, or curriculum
2 implementation.

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

13 a. There is hereby created an investigations unit within
14 the Council on Law Enforcement Education and Training
15 under the control and direction of the Executive
16 Director or his/her designee.

17 b. The Executive Director of the Council on Law
18 Enforcement Education and Training may commission
19 peace officers for purposes of investigating
20 violations of any state statute or administrative rule
21 pertaining to the Bail Enforcement and Licensing Act,
22 the Oklahoma Security Guard and Private Investigator
23 Act and the provisions found in this section.
24

1 c. Records, documents, reports and evidence obtained and
2 created by the investigations unit are subject to
3 Oklahoma Open Records Act.

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

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

21 9. a. Certify canine teams, consisting of a dog and a
22 handler working together as a team, trained to detect:
23 (1) controlled dangerous substances, or
24

1 (2) explosives, explosive materials, explosive
2 devices, or materials which could be used to
3 construct an explosive device;

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

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

18 10. Enter into a lease, loan or other agreement with the
19 Oklahoma Development Finance Authority or a local public trust for
20 the purpose of facilitating the financing of a new facility for its
21 operations and use and pledge, to the extent authorized by law, all
22 or a portion of its receipts of the assessment penalty herein
23 referenced for the payment of its obligations under such lease, loan
24 or other agreement. It is the intent of the Legislature to increase

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

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

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

19 13. Enter into agreements with individuals, educational
20 institutions, agencies, and business and tribal entities for
21 professional services, the use of facilities and supplies, and staff
22 overtime costs incurred as a result of the user's requests to
23 schedule functions after-hours, on weekends, or anytime such
24 requests extend staff beyond its normal capacity, whereby

1 contracting individuals, educational institutions, agencies, and
2 business and tribal entities shall pay a fee to be determined by the
3 Council by rule. All fees collected pursuant to ~~these agreements~~
4 facilities usage shall be deposited to the credit of the C.L.E.E.T.
5 Training Center Revolving Fund created pursuant to Section 3311.6 of
6 this title. All other fees collected pursuant to these agreements
7 shall be deposited to the credit of the C.L.E.E.T. Peace Officer
8 Revolving Fund created pursuant to Section 3311.7 of this title.

9 The Council is authorized to promulgate emergency rules to
10 effectuate the provisions of this paragraph;

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

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

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

- 22 a. one member shall be selected by the Chancellor for
23 Higher Education, who possesses a background of
24 creation and review of curriculum and experience

- 1 teaching criminal justice or law enforcement courses,
2 who shall serve an initial term of one (1) year,
- 3 b. one member shall represent a municipal jurisdiction
4 with a population of fifty thousand (50,000) or more
5 and who shall be a management-level CLEET-certified
6 training officer, who shall serve an initial term of
7 two (2) years,
- 8 c. one member shall represent a county jurisdiction with
9 a population of fifty thousand (50,000) or more and
10 who shall be a management-level CLEET-certified
11 training officer, who shall serve an initial term of
12 three (3) years,
- 13 d. one member shall represent a municipal jurisdiction
14 with a population of less than fifty thousand (50,000)
15 and who shall be a CLEET-certified training officer,
16 who shall serve an initial term of two (2) years,
- 17 e. one member shall represent a county jurisdiction with
18 a population of less than fifty thousand (50,000) and
19 who shall be a CLEET-certified training officer, who
20 shall serve an initial term of one (1) year, and
- 21 f. one member selected by the Oklahoma Department of
22 Career and Technology Education from the Curriculum
23 Material and Instructional Material Center, who shall
24 serve an initial term of three (3) years.

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

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

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

16 19. Summarily suspend a certification of a peace officer,
17 without prior notice but otherwise subject to administrative
18 proceedings, if CLEET finds that the actions of the certified peace
19 officer may present a danger to the peace officer, the public, a
20 family or household member, or involve a crime against a minor. A
21 certified copy of the information or indictment charging such a
22 crime shall be considered clear and convincing evidence of the
23 charge; and
24

1 20. Approve law enforcement agencies and police departments in
2 accordance with the following:

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

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

14 (1) the need for the law enforcement agency or police
15 department in the community,

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

21 (3) the physical resources available to officers,

22 (4) the physical facilities that the law enforcement
23 agency or police department will operate,
24 including descriptions of the evidence room,

1 dispatch area, restroom facilities, and public
2 area,

3 (5) law enforcement policies of the law enforcement
4 agency or police department, including published
5 policies on:

6 (a) use of force,

7 (b) vehicle pursuit,

8 (c) mental health,

9 (d) professional conduct of officers,

10 (e) domestic abuse,

11 (f) response to missing persons,

12 (g) supervision of part-time officers, and

13 (h) impartial policing,

14 (6) the administrative structure of the law
15 enforcement agency or police department,

16 (7) liability insurance, and

17 (8) any other information CLEET requires by rule,

18 c. within sixty (60) days of receiving an entity's
19 request, CLEET will forward to the entity by certified
20 mail, return receipt requested, a letter of
21 authorization or denial to create a law enforcement
22 agency or police department and commission, appoint,
23 or employ officers, signed by the Executive Director
24 of CLEET, and

d. in cases of denial, the entity may appeal the decision of the Executive Director to the full CLEET Council. The Executive Director shall ensure that the final report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first meeting of the Council to occur after all members of the Council have received the report. The Council may, by majority vote:

- (1) order additional information be provided,
- (2) order confirmation of the opinion of the Executive Director, or
- (3) order authorization of the entity.

C. 1. Payment of any fee provided for in this section may be made by a nationally recognized credit or debit card issued to the applicant. The Council may publicly post and collect a fee for the acceptance of the nationally recognized credit or debit card not to exceed five percent (5%) of the amount of the payment. For purposes of this subsection, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value and which is accepted by over one thousand merchants in this state. "Debit card" means an identification card

1 or device issued to a person by a business organization which
2 permits such person to obtain access to or activate a consumer
3 banking electronic facility. The Council shall determine which
4 nationally recognized credit or debit cards will be accepted as
5 payment for fees.

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

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

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

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

22 E. 1. No person shall be eligible for employment as a peace
23 officer or reserve peace officer until the employing law enforcement
24

1 agency has conducted a background investigation of such person
2 consisting of the following:

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

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

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

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

18 e. such person is not participating in a deferred
19 sentence agreement for a felony, a crime involving
20 moral turpitude or a crime of domestic violence, and
21 does not have any criminal charges pending in any
22 court in this state, another state, in tribal court or
23 pursuant to the United States Code,
24

- 1 f. such person is not currently subject to an order of
2 the Council revoking, suspending, or accepting a
3 voluntary surrender of peace officer certification,
- 4 g. such person is not currently undergoing treatment for
5 a mental illness, condition or disorder. For purposes
6 of this subsection, "currently undergoing treatment
7 for mental illness, condition or disorder" means the
8 person has been diagnosed by a licensed physician,
9 psychologist, or licensed mental health professional
10 as being afflicted with a substantial disorder of
11 thought, mood, perception, psychological orientation
12 or memory that significantly impairs judgment,
13 behavior, capacity to recognize reality, or ability to
14 meet the ordinary demands of life and such condition
15 continues to exist,
- 16 h. such person is twenty-one (21) years of age.
17 Provided, this requirement shall not affect those
18 persons who are already employed as a police or peace
19 officer prior to November 1, 1985, and
- 20 i. such person has provided proof of United States
21 citizenship or resident alien status, pursuant to an
22 employment eligibility verification form from the
23 United States Citizenship and Immigration Services.
- 24

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

21 a. Any person found not to be suitable for employment or
22 certification by the Council shall not be employed,
23 retained in employment as a peace officer, or
24 certified by the Council for at least one (1) year, at

1 which time the employee or applicant may be
2 reevaluated by a psychologist licensed by the State of
3 Oklahoma. This section shall also be applicable to
4 all reserve peace officers in the State of Oklahoma.

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

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

1 Mental Health and Substance Abuse Services reports to
2 the Council that the applicant has been involuntarily
3 committed, the Council shall immediately inform the
4 employing agency.

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

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

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

18 3. Beginning January 1, 2018, any reserve peace officer who has
19 completed the two-hundred-forty-hour reserve peace officer
20 certification program and who has been in active service in that
21 capacity for the past six (6) months shall be eligible to attend a
22 three-hundred-sixty-hour basic full-time training academy to become
23 certified as a full-time peace or police officer.

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

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

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

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

22 5. The Council may certify officers who have completed a course
23 of study in another state deemed by the Council to meet standards
24 for Oklahoma peace officers providing the officer's certification in

1 the other state has not been revoked or voluntarily surrendered and
2 is not currently under suspension.

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

17 F. No person shall be certified as a police or peace officer by
18 the Council or be employed by the state, a county, a city, or any
19 political subdivision thereof, who is currently subject to an order
20 of the Council revoking, suspending, or accepting a voluntary
21 surrender of peace officer certification or who has been convicted
22 of a felony, a crime involving moral turpitude, or a crime of
23 domestic violence, unless a full pardon has been granted by the
24 proper agency; however, any person who has been trained and

1 certified by the Council on Law Enforcement Education and Training
2 and is actively employed as a full-time peace officer as of November
3 1, 1985, shall not be subject to the provisions of this subsection
4 for convictions occurring prior to November 1, 1985.

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

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

18 2. An employing agency shall not be liable in any action
19 arising out of the release of contents of personnel information
20 relevant to the qualifications or ability of a person to perform the
21 duties of a police or peace officer when such information is
22 released pursuant to written authorization for release of
23 information signed by such person and is provided to another
24

1 employing agency which has employed or has received an application
2 for employment from such person.

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

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

19 2. A tribal law enforcement agency that has peace officers
20 commissioned by an Oklahoma law enforcement agency pursuant to a
21 cross-deputization agreement with the State of Oklahoma or any
22 political subdivision of the State of Oklahoma pursuant to the
23 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
24 shall report the commissioning, resignation, or termination of

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

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

21 J. 1. A police or peace officer shall be subject to
22 disciplinary action to include a denial, suspension, revocation or
23 acceptance of voluntary surrender of peace officer certification
24 upon a showing of clear and convincing evidence for the following:

- a. conviction of a felony or a crime of domestic violence,
- b. conviction of a misdemeanor involving moral turpitude; provided, if the conviction is a single isolated incident that occurred more than five (5) years ago and the Council is satisfied that the person has been sufficiently rehabilitated, the Council may, in its discretion, certify such person providing that all other statutory requirements have been met,
- c. a verdict of guilt or entry of a plea of guilty or nolo contendere or an "Alford" plea or any plea other than a not guilty plea for a felony offense, a crime of moral turpitude, or a crime of domestic violence,
- d. falsification or a willful misrepresentation of information in an employment application or application to the Council on Law Enforcement Education and Training, records of evidence, or in testimony under oath,
- e. revocation or voluntary surrender of police or peace officer certification in another state for a violation of any law or rule or in settlement of any disciplinary action in such state,
- f. involuntary commitment of a reserve or peace officer in a mental institution or licensed private mental

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

1 purpose shall retain its confidential character while
2 in the possession of CLEET,

3 g. abuse of office,

4 h. entry of a final order of protection against applicant
5 or officer, or

6 i. any violation of the Oklahoma Private Security
7 Licensing Act.

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

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

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

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

23 4. When the investigation of a complaint does not find the
24 person has violated any of the provisions of this subsection, or

1 finds that the person is sufficiently rehabilitated as provided in
2 subparagraph b or f of paragraph 1 of this subsection, no
3 disciplinary action shall be required and the person shall remain
4 certified as a police or peace officer. When the investigation of a
5 complaint finds that the person has violated any of the provisions
6 of this subsection, the matter shall be referred for disciplinary
7 proceedings. The disciplinary proceedings shall be in accordance
8 with Articles I and II of the Administrative Procedures Act.

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

1 involving moral turpitude or a domestic violence offense or is the
2 named respondent/defendant in a final Victims Protective Order.

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

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

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

1 have received the report. The Council may, by a majority vote,
2 order the suspension, for a given period of time, or revocation of
3 the CLEET certification of the peace officer in question if there
4 are grounds for such actions pursuant to this section and the peace
5 officer in question has been provided with notice and an opportunity
6 for a hearing pursuant to the Administrative Procedures Act.
7 Suspension or revocation of CLEET certification pursuant to this
8 paragraph shall be reported to the district attorney for the
9 jurisdiction in which the peace officer was employed, to the
10 liability insurance company of the law enforcement agency that
11 employed the peace officer, the chief elected official of the
12 governing body of the law enforcement agency and the chief law
13 enforcement officer of the law enforcement agency.

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

20 10. a. A police or peace officer may voluntarily surrender
21 and relinquish the peace officer certification to
22 CLEET. Pursuant to such surrender or relinquishment,
23 the person surrendering the certification shall be
24 prohibited from applying to CLEET for reinstatement

1 within five (5) years of the date of the surrender or
2 relinquishment, unless otherwise provided by law for
3 reinstatement.

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

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

22 11. A duty is hereby imposed upon the district attorney who, on
23 behalf of the State of Oklahoma, prosecutes a person holding police
24 or peace officer or reserve peace officer certification for a

1 felony, a crime involving moral turpitude, or a crime of domestic
2 violence in which a plea of guilty, nolo contendere, or an "Alford"
3 plea or any other plea other than a not guilty plea or other finding
4 of guilt is entered by, against or on behalf of a certified police
5 or peace officer to report such plea, agreement, or other finding of
6 guilt to the Council on Law Enforcement Education and Training
7 within ten (10) days of such plea agreement or the finding of guilt.

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

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

20 14. All criminal proceedings initiated against a CLEET-
21 certified peace officer or reserve peace officer shall be reported
22 by the officer to CLEET immediately after arrest or discovery of the
23 filing of such criminal proceeding. All CLEET-certified peace
24 officers and reserve peace officers shall be required to report when

1 a Victim Protective Order has been issued against the officer,
2 including orders issued on an emergency basis and all final orders
3 of protection. Failure to give notice pursuant to the provisions of
4 this paragraph may be cause to initiate an action against the
5 officer by CLEET.

6 15. As used in this subsection:

7 a. "law enforcement agency" means any department or
8 agency of the state, a county, a municipality, or
9 political subdivision thereof, with the duties to
10 maintain public order, make arrests, and enforce the
11 criminal laws of this state or municipal ordinances,
12 which employs CLEET-certified personnel,

13 b. "final order of termination" means a final notice of
14 dismissal from employment provided after all
15 grievance, arbitration, and court actions have been
16 completed, and

17 c. "resignation while under investigation" means the
18 resignation from employment of a peace officer who is
19 under investigation for any felony violation of law, a
20 crime of moral turpitude, a crime of domestic
21 violence, or the resignation from employment of a
22 peace officer as part of an arbitration or plea
23 agreement.
24

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

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

- 21 a. the Oklahoma State Bureau of Narcotics and Dangerous
22 Drugs Control,
- 23 b. the Department of Public Safety,
- 24 c. a police department, and

1 d. a sheriff's office, ~~and~~

2 ~~e. a university or college campus police department.~~

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

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

23 2. The Council shall appoint a Bomb Dog Advisory Council to
24 make recommendations concerning minimum standards, educational

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

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

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

21 M. All tribal police officers of any Indian tribe or nation who
22 have been commissioned by an Oklahoma law enforcement agency
23 pursuant to a cross-deputization agreement with the State of
24 Oklahoma or any political subdivision of the State of Oklahoma

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

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

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

24

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

19 Q. All CLEET records of Bail Enforcers may be released only in
20 compliance with this section and the Oklahoma Bail Enforcement and
21 Licensing Act. All records in CLEET possession concerning other
22 persons or entities shall be released only in compliance with this
23 section and the Oklahoma Open Records Act.

24

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

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

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

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

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

22 E. Any active full-time or reserve certified peace officer, or
23 CLEET-certified cross-deputized tribal officer who fails to meet the
24 annual training requirements specified in this section, shall be

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

20 F. All certified, active full-time or reserve peace officers
21 employed, commissioned or appointed for a period of ninety (90) days
22 in a calendar year, who become inactive prior to the end of a
23 calendar year, are responsible for meeting mandatory continuing
24 education requirements as set forth in this section upon return to

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

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

17 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3311.5, as
18 last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp.
19 2017, Section 3311.5), is amended to read as follows:

20 Section 3311.5. A. On and after November 1, 2007, the Council
21 on Law Enforcement Education and Training (CLEET), pursuant to its
22 authority granted by Section 3311 of this title, shall include in
23 its required basic training courses for law enforcement
24 certification a minimum of four (4) hours of education and training

1 relating to recognizing and managing a person appearing to require
2 mental health treatment or services. The Council shall further
3 offer a minimum of four (4) hours of education and training on
4 specific mental health issues pursuant to Section 3311.4 of this
5 title to meet the annual requirement for continuing education in the
6 areas of mental health issues.

7 B. By January 1, 2008, 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 six (6) hours of evidence-based sexual assault and sexual
11 violence training. A portion of the sexual assault and sexual
12 violence training shall include instruction presented by a certified
13 sexual assault service provider.

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

19 D. CLEET shall promulgate rules to enforce the provisions of
20 subsections B and C of this section and shall, with the assistance
21 of certified sexual assault service providers, establish a
22 comprehensive integrated curriculum for the teaching of evidence-
23 based sexual assault and sexual violence issues.

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

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

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

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

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

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

17 K. On and after November 1, 2013, the Council on Law
18 Enforcement Education and Training (CLEET), pursuant to its
19 authority granted by Section 3311 of this title, shall include in
20 its required basic training courses for law enforcement
21 certification a minimum of two (2) hours of education and training
22 relating to recognizing and managing a person experiencing dementia
23 or Alzheimer's disease.

1 L. The Council shall promulgate rules, including emergency
2 rules, to evaluate and approve municipalities and counties that are
3 deemed capable of conducting separate basic law enforcement training
4 academies in their jurisdiction and to certify officers successfully
5 completing such academy training courses. Upon application to the
6 Council, any municipality ~~with a population of sixty-five thousand~~
7 ~~(65,000) or more~~ or any county ~~with a population of five hundred~~
8 ~~thousand (500,000) or more~~ shall be authorized to operate a basic
9 ~~law enforcement academy~~ may make application on a form created and
10 approved by the Council or by the Executive Director of CLEET.
11 CLEET will conduct an investigation to determine if the requesting
12 municipality or county meets the criteria and requirements to
13 conduct a basic law enforcement training academy. The Council ~~shall~~
14 may, at the sole discretion of the Council and by majority vote in
15 an open meeting, approve an application when the municipality or
16 county making the application meets the criteria for a separate
17 training academy and demonstrates to the satisfaction of the Council
18 that the municipality or county proposing the academy has sufficient
19 resources to conduct the training, the instructional staff is
20 appropriately trained and qualified to teach the course materials,
21 the curriculum is composed of comparable or higher quality course
22 segments to the CLEET academy curriculum, and the facilities where
23 the academy will be conducted are safe and sufficient for law
24 enforcement training purposes. No entity proposing basic academy

1 training will be approved to conduct such training unless the
2 training coordinator has attended the annual coordinator meeting
3 immediately preceding the proposed training.

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

20 Any entity authorized to operate a basic law enforcement academy
21 prior to July 1, 2017, shall continue to be approved to conduct a
22 basic law enforcement academy training subject to approval by the
23 Executive Director.

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

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

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

12

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/28/2018 -
14 DO PASS, As Amended.

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