

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 ENGROSSED SENATE
5 BILL NO. 88

By: McCortney of the Senate

and

Thomsen of the House

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9 An Act relating to law enforcement training; amending
10 70 O.S. 2011, Section 3311.4, as last amended by
11 Section 2, Chapter 376, O.S.L. 2016 (70 O.S. Supp.
12 2016, Section 3311.4), which relates to training
13 requirements; modifying inclusions; making certain
14 stipulations; and providing an effective date.

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

16 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311.4, as
17 last amended by Section 2, Chapter 376, O.S.L. 2016 (70 O.S. Supp.
18 2016, Section 3311.4), is amended to read as follows:

19 Section 3311.4. A. Beginning January 1, 2008, and annually
20 thereafter, every active full-time peace officer, certified by the
21 Council on Law Enforcement Education and Training (CLEET) pursuant
22 to Section 3311 of this title, shall attend and complete a minimum
23 of twenty-five (25) hours of continuing law enforcement training
24 accredited or provided by CLEET which shall include a mandatory two

1 (2) hours on mental health issues. CLEET shall promulgate rules to
2 enforce the provisions of this section and shall enter into
3 contracts and agreements for the payment of classroom space,
4 training, food, and lodging expenses as may be necessary for law
5 enforcement officers attending such training in accordance with
6 subsection B of Section 3311 of this title. Such training and
7 seminars shall be conducted in all areas of this state at technology
8 center schools, institutions of higher education, or other approved
9 sites.

10 B. Beginning January 1, 2017, and annually thereafter, every
11 active reserve peace officer, certified by CLEET pursuant to Section
12 3311 of this title, shall attend and complete a minimum of eight (8)
13 hours of continuing law enforcement training accredited or provided
14 by CLEET which shall include a mandatory one (1) hour on mental
15 health issues.

16 C. Every inactive full-time or reserve peace officer, certified
17 by CLEET, shall be exempt from these requirements during the
18 inactive status. Upon reentry to full-time active status, the peace
19 officer shall be required to comply with subsection A of this
20 section. If a full-time certified peace officer has been inactive
21 for five (5) or more years, the officer must complete refresher
22 training as prescribed by CLEET and which shall include a minimum of
23 four (4) hours of mental health education and training, within one
24 (1) year of employment. Upon reentry to active reserve status, the

1 peace officer shall be required to comply with subsection B of this
2 section. If a certified reserve officer has been inactive for five
3 (5) or more years, the certified reserve officer shall complete a
4 legal update as prescribed by CLEET. The Director of CLEET may
5 waive these requirements based on review of all records of
6 employment and training.

7 D. Every tribal officer who is commissioned by an Oklahoma law
8 enforcement agency pursuant to a cross-deputization agreement with
9 the State of Oklahoma or any political subdivision of the State of
10 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
11 the Oklahoma Statutes shall comply with the provisions of this
12 section.

13 E. Any active full-time or reserve certified peace officer, or
14 CLEET-certified cross-deputized tribal officer who fails to meet the
15 annual training requirements specified in this section, shall be
16 subject to having the certification of the peace officer suspended,
17 after the peace officer and the employer have been given written
18 notice of noncompliance and a reasonable time, as defined by the
19 Council, to comply with the provisions of this section. A peace
20 officer shall not be employed in the capacity of a peace officer
21 during any period of suspension. The suspension period shall be for
22 a period of time until the officer files a statement attesting to
23 full compliance with the provisions of this section. Suspension of
24 peace officer certification shall be reported to the District

1 Attorney for the jurisdiction in which the officer is employed, the
2 liability insurance company of the law enforcement agency that
3 employed the peace officer, the chief elected official of the
4 governing body of the law enforcement agency and the chief law
5 enforcement officer of the law enforcement agency. Any officer
6 whose certification is suspended pursuant to this section may
7 request a hearing with CLEET. Such hearings shall be governed by
8 the Administrative Procedures Act except that the affected officer
9 has the burden to show CLEET why CLEET should not have the
10 certification of the officer suspended.

11 F. All certified, active full-time or reserve peace officers
12 employed, commissioned or appointed for a period of ninety (90) days
13 in a calendar year, who become inactive prior to the end of a
14 calendar year, are responsible for meeting mandatory continuing
15 education requirements as set forth in this section upon return to
16 active full-time or reserve peace officer status within sixty (60)
17 days of the date of return to employment, commission or appointment.
18 Failure to complete the mandatory continuing education within sixty
19 (60) days may result in disciplinary action as set forth in CLEET
20 Rules at OAC 390:2. Full-time or reserve certified peace officers
21 who return to active status within the calendar year they become
22 inactive must complete the annual mandatory continuing education
23 requirements outlined in this section within the remaining portion
24 of the calendar year.

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

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 03/30/2017 -
DO PASS.