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February 16, 2017

SENATE BILL NO. 90

By: McCortney and Matthews of
the Senate

and

Thomsen of the House

An Act relating to law enforcement training; amending 19 O.S. 2011, Section 547, which relates to reserve deputy sheriffs; modifying certain training requirements; amending 63 O.S. 2011, Section 2-103, as last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp. 2016, Section 2-103), which relates to agents and reserve agents; modifying certain training requirements; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 2011, Section 547, is amended to read as follows:

Section 547. A. The sheriff shall be responsible for the official acts of the undersheriff and deputy sheriffs, and may revoke such appointments at the pleasure of the sheriff; provided, however, for counties with a population of five hundred thousand (500,000) or more persons, according to the latest Federal Decennial Census, with the exception of chief deputies and undersheriffs, all

1 deputy sheriffs and detention officers shall serve a five-year
2 probationary period during which the deputy sheriff or detention
3 officer shall be considered an at-will employee. After the five-
4 year probationary period, such deputy sheriff or detention officer
5 shall not be discharged except for just cause. The sheriff or the
6 undersheriff may in writing depute certain persons to do particular
7 acts.

8 B. Each sheriff may appoint as many reserve force deputy
9 sheriffs as are necessary to preserve the peace and dignity of the
10 county. A current list of each person holding such appointment
11 shall be maintained by the county sheriff and shall be available to
12 the public. Reserve force deputy sheriffs may perform duties which
13 encompass a particular act or a series of acts. The sheriff or a
14 CLEET-certified deputy sheriff shall accompany a reserve force
15 deputy sheriff in the performance of all duties assigned to such
16 reserve force deputy sheriff unless such reserve deputy has
17 completed the required ~~one-hundred-sixty-hour~~ two-hundred-forty-hour
18 basic police course. Reserve force deputies may receive
19 compensation for their services. The sheriff may pay reserve force
20 deputies for travel expenses pursuant to the State Travel
21 Reimbursement Act. Such reserve deputy sheriffs shall complete a
22 ~~one-hundred-sixty-hour~~ two-hundred-forty-hour basic police course
23 within ~~twelve (12)~~ six (6) months after they have been commissioned
24 to be paid by the county as an individual reserve deputy. The

1 sheriff may pay for additional training courses attended by reserve
2 force deputies.

3 C. Reserve force deputy sheriffs ~~with at least one hundred~~
4 ~~sixty (160) hours of training pursuant to Section 3311 of Title 70~~
5 ~~of the Oklahoma Statutes~~ shall not serve more than one hundred forty
6 (140) hours per calendar month.

7 D. The sheriff or a designee may deputize municipal police
8 officers subject to an interlocal governmental agreement to combine
9 city and county law enforcement efforts and to encourage cooperation
10 between city and county law enforcement officials. Liability for
11 the conduct of any municipal police officers deputized under the
12 terms and conditions of an interlocal governmental agreement shall
13 remain the responsibility of their municipal employer.

14 E. The sheriff may enter into mutual aid agreements pursuant to
15 the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of
16 the Oklahoma Statutes, to assist or provide law enforcement services
17 to any town, city, and county within this state and the sheriff and
18 deputies shall have law enforcement authority within the
19 jurisdiction making the request. The employing governmental unit
20 shall remain responsible for their officers or deputies pursuant to
21 any mutual aid agreement.

22 F. A sheriff of the county may respond to any request from any
23 other jurisdiction within the state for law enforcement assistance
24 in cases of emergency. The sheriff, deputy sheriffs and reserve

1 deputy sheriffs serving in response to the emergency request shall
2 have the same powers and duties as though employed by the requesting
3 law enforcement agency, and when so acting they shall be deemed to
4 be acting within the scope of employment of the requesting law
5 enforcement agency. Salaries, insurance and other benefits shall be
6 provided in the regular manner by the county in which the sheriff,
7 deputy sheriffs and reserve deputy sheriffs are regularly employed.
8 As used in this subsection, "emergency" means a sudden and
9 unforeseeable occurrence or condition, either as to its onset or its
10 extent, of such severity or magnitude that immediate response or
11 action is necessary to assist law enforcement agencies having
12 jurisdiction at the scene of the emergency to carry out their
13 functions.

14 G. A reserve force deputy sheriff shall be authorized to serve
15 civil process pursuant to Section 2004 of Title 12 of the Oklahoma
16 Statutes.

17 SECTION 2. AMENDATORY 63 O.S. 2011, Section 2-103, as
18 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
19 2016, Section 2-103), is amended to read as follows:

20 Section 2-103. A. The Director shall be appointed by the
21 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
22 Commission. The Director of Narcotics and Dangerous Drugs Control
23 on January 1, 1984, shall be initially appointed as Director. The
24 succeeding Director shall, at the time of the appointment, have a

1 Bachelor's Degree from an accredited college or university and at
2 least five (5) years of experience in drug law enforcement. The
3 Director may appoint necessary assistants, agents, and other
4 personnel to perform the work of the office and may prescribe their
5 titles and duties and fix their compensation pursuant to Merit
6 System rules. The Director may appoint employees to the positions
7 of Chief of Law Enforcement Information and Technology, Public
8 Information/Education Officer, Training Officer, Program
9 Administrators, Grants Administrator, Criminal Analysts, Legal
10 Secretary, and Typist Clerk/Spanish Transcriptionists. The
11 positions shall be unclassified and exempt from the rules and
12 procedures of the Office of Management and Enterprise Services,
13 except leave regulations. The office of the Director shall be
14 located at a suitable place in Oklahoma City, Oklahoma.

15 B. 1. Agents appointed by the Director shall have the powers
16 of peace officers generally; provided, the Director may appoint
17 special agents and reserve special agents, who shall be unclassified
18 employees of the state, to meet specific investigatory needs.
19 Special agents and reserve special agents shall not be required to
20 meet the age and educational requirements as specified in this
21 section.

22 2. Agents appointed on and after November 1, 1998, shall be at
23 least twenty-one (21) years of age and shall have a Bachelor's
24 Degree from an accredited college or university.

1 3. Each entering agent, with the exception of special agents,
2 shall be required to serve one (1) year in a probationary status as
3 a prerequisite to being placed on permanent status.

4 C. Agents appointed pursuant to the provisions of this section
5 shall have the responsibility of investigating alleged violations
6 and shall have the authority to arrest those suspected of having
7 violated the provisions of the Uniform Controlled Dangerous
8 Substances Act, as well as the crimes of money laundering and human
9 trafficking, as otherwise set forth by laws of this state.

10 D. The Director may appoint reserve special agents who shall
11 not be considered employees of the state and shall serve at the will
12 of the Director. Reserve special agents shall complete a minimum of
13 ~~one hundred sixty (160)~~ two-hundred-forty (240) hours of training
14 pursuant to Section 3311 of Title 70 of the Oklahoma Statutes and
15 may not serve more than one hundred forty (140) hours per calendar
16 month. Upon completion of training, reserve special agents
17 appointed by the Director shall have general peace officer powers
18 and the authority to arrest those suspected of having violated the
19 provisions of the Uniform Controlled Dangerous Substances Act. The
20 agency may expend funds related to training and special reserve
21 agents may receive travel expenses pursuant to the State Travel
22 Reimbursement Act.

23 E. A commissioned employee of the Oklahoma State Bureau of
24 Narcotics and Dangerous Drugs Control shall be entitled to receive

1 upon retirement by reason of length of service, the continued
2 custody and possession of the sidearm and badge carried by such
3 employee immediately prior to retirement.

4 F. A commissioned employee of the Bureau may be entitled to
5 receive, upon retirement by reason of disability, the continued
6 custody and possession of the sidearm and badge carried by such
7 employee immediately prior to retirement upon written approval of
8 the Director.

9 G. Custody and possession of the sidearm and badge of a
10 commissioned employee killed in the line of duty may be awarded by
11 the Director to the spouse or next of kin of the deceased employee.

12 H. Custody and possession of the sidearm and badge of a
13 commissioned employee who dies while employed at the Oklahoma State
14 Bureau of Narcotics and Dangerous Drugs Control may be awarded by
15 the Director to the spouse or next of kin of the deceased employee.

16 I. Any Director appointed on or after July 1, 2003, shall be
17 eligible to participate in either the Oklahoma Public Employees
18 Retirement System or in the Oklahoma Law Enforcement Retirement
19 System and shall make an irrevocable election in writing to
20 participate in one of the two retirement systems.

21 SECTION 3. This act shall become effective November 1, 2017.

22 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
23 February 16, 2017 - DO PASS
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