

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1096

By: McCortney

4
5
6 AS INTRODUCED

7 An Act relating to law enforcement training; amending
8 70 O.S. 2011, Section 3311, as last amended by
9 Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.
10 2017, Section 3311), which relates to the Council on
11 Law Enforcement Education and Training; removing
12 certain authority; creating an investigations unit;
13 stating purpose; directing compliance to Oklahoma
14 Open Records Act; allowing certain assistance;
15 directing allocation of fees collected; amending 70
16 O.S. 2011, Section 3311.4, as last amended by Section
17 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp. 2017,
18 Section 3311.4), which relates to continuing law
19 enforcement training; modifying required training;
20 amending 70 O.S. 2011, Section 3311.5, as last
21 amended by Section 1, Chapter 162, O.S.L. 2017 (70
22 O.S. Supp. 2017, Section 3311.5), which relates to
23 law enforcement training materials and academies;
24 authorizing certain power to the Council; creating
application form for certain consideration; making
certain requirements; stating certain records and
materials property of CLEET; making certain
consideration; and providing an effective date.

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

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

1 Section 3311. A. There is hereby created a Council on Law
2 Enforcement Education and Training which shall be, and is hereby
3 declared to be, a governmental law enforcement agency of the State
4 of Oklahoma, body politic and corporate, with powers of government
5 and with the authority to exercise the rights, privileges and
6 functions necessary to ensure the professional training and
7 continuing education of law enforcement officers in the State of
8 Oklahoma. These rights, privileges and functions include, but are
9 not limited to, those specified in Sections 3311 through 3311.15 of
10 this title and in the Oklahoma Security Guard and Private
11 Investigator Act and the Oklahoma Bail Enforcement and Licensing
12 Act. The Council shall be composed of thirteen (13) members as
13 follows:

- 14 1. The Commissioner of the Department of Public Safety, or
15 designee;
- 16 2. The Director of the Oklahoma State Bureau of Narcotics and
17 Dangerous Drugs Control, or designee;
- 18 3. The Director of the Oklahoma State Bureau of Investigation,
19 or designee;
- 20 4. One member appointed by the Governor who shall be a law
21 enforcement administrator representing a tribal law enforcement
22 agency;

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1 5. One member appointed by the Governor who shall be a chief of
2 police of a municipality with a population over one hundred thousand
3 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

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

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

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

7 13. The Speaker of the House of Representatives shall appoint
8 one member from a list of three or more nominees submitted by an
9 organization that assists in the establishment of accreditation
10 standards and training programs for law enforcement agencies
11 throughout the State of Oklahoma.

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

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

23 1. Appoint a larger Advisory Council to discuss problems and
24 hear recommendations concerning necessary research, minimum

1 standards, educational needs, and other matters imperative to
2 upgrading Oklahoma law enforcement to professional status;

3 2. Promulgate rules with respect to such matters as
4 certification, revocation, suspension, withdrawal and reinstatement
5 of certification, minimum courses of study, testing and test scores,
6 attendance requirements, equipment and facilities, minimum
7 qualifications for instructors, minimum standards for basic and
8 advanced in-service courses, and seminars for Oklahoma police and
9 peace officers;

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

12 4. Authorize additional staff and services necessary for
13 program expansion;

14 5. Recommend legislation necessary to upgrade Oklahoma law
15 enforcement to professional status;

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

22 7. Appoint an Executive Director and an Assistant Director to
23 direct the staff, inform the Council of compliance with the
24 provisions of this section and perform such other duties imposed on

1 the Council by law. An Executive Director appointed by the Council
2 must qualify for the position with a bachelor or higher degree in
3 law enforcement from an accredited college or university, or a
4 bachelor or higher degree in a law-enforcement-related subject area,
5 and a minimum of five (5) years of active law enforcement experience
6 including, but not limited to, responsibility for enforcement,
7 investigation, administration, training, or curriculum
8 implementation.

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

19 a. There is hereby created an investigations unit within
20 the Council on Law Enforcement Education and Training
21 under the control and direction of the Executive
22 Director or his/her designee.

23 b. The Executive Director of the Council on Law
24 Enforcement Education and Training may commission

1 peace officers for purposes of investigating
2 violations of any state statute or administrative rule
3 pertaining to the Bail Enforcement and Licensing Act,
4 the Oklahoma Security Guard and Private Investigator
5 Act and the provisions found in this section.

6 c. Records, documents, reports and evidence obtained and
7 created by the investigations unit are subject to
8 Oklahoma Open Records Act.

9 d. The Executive Director or any staff member appointed
10 by the Executive Director as a peace officer may, upon
11 request, assist any federal, state, county or
12 municipal law enforcement agency.

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

3 9. a. Certify canine teams, consisting of a dog and a
4 handler working together as a team, trained to detect:
5 (1) controlled dangerous substances, or
6 (2) explosives, explosive materials, explosive
7 devices, or materials which could be used to
8 construct an explosive device;

9 provided, the dog of a certified canine team shall not
10 be certified at any time as both a drug dog and a bomb
11 dog, and any dog of a certified canine team who has
12 been previously certified as either a drug dog or a
13 bomb dog shall not be eligible at any time to be
14 certified in the other category.

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

23 10. Enter into a lease, loan or other agreement with the
24 Oklahoma Development Finance Authority or a local public trust for

1 the purpose of facilitating the financing of a new facility for its
2 operations and use and pledge, to the extent authorized by law, all
3 or a portion of its receipts of the assessment penalty herein
4 referenced for the payment of its obligations under such lease, loan
5 or other agreement. It is the intent of the Legislature to increase
6 the assessment penalty to such a level or appropriate sufficient
7 monies to the Council on Law Enforcement Education and Training to
8 make payments on the lease, loan or other agreement for the purpose
9 of retiring the bonds to be issued by the Oklahoma Development
10 Finance Authority or local public trust. Such lease, loan or other
11 agreement and the bonds issued to finance such facilities shall not
12 constitute an indebtedness of the State of Oklahoma or be backed by
13 the full faith and credit of the State of Oklahoma, and the lease,
14 loan or other agreement and the bonds shall contain a statement to
15 such effect;

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

18 12. Appoint an advisory committee composed of representatives
19 from security guard and private investigative agencies to advise the
20 Council concerning necessary research, minimum standards for
21 licensure, education, and other matters related to licensure of
22 security guards, security guard agencies, private investigators, and
23 private investigative agencies;

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1 13. Enter into agreements with individuals, educational
2 institutions, agencies, and business and tribal entities for
3 professional services, the use of facilities and supplies, and staff
4 overtime costs incurred as a result of the user's requests to
5 schedule functions after-hours, on weekends, or anytime such
6 requests extend staff beyond its normal capacity, whereby
7 contracting individuals, educational institutions, agencies, and
8 business and tribal entities shall pay a fee to be determined by the
9 Council by rule. All fees collected pursuant to ~~these agreements~~
10 facilities usage shall be deposited to the credit of the C.L.E.E.T.
11 Training Center Revolving Fund created pursuant to Section 3311.6 of
12 this title. All other fees collected pursuant to these agreements
13 shall be deposited to the credit of the C.L.E.E.T. Peace Officer
14 Revolving Fund created pursuant to Section 3311.7 of this title.
15 The Council is authorized to promulgate emergency rules to
16 effectuate the provisions of this paragraph;

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

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

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

5 a. one member shall be selected by the Chancellor for
6 Higher Education, who possesses a background of
7 creation and review of curriculum and experience
8 teaching criminal justice or law enforcement courses,
9 who shall serve an initial term of one (1) year,

10 b. one member shall represent a municipal jurisdiction
11 with a population of fifty thousand (50,000) or more
12 and who shall be a management-level CLEET-certified
13 training officer, who shall serve an initial term of
14 two (2) years,

15 c. one member shall represent a county jurisdiction with
16 a population of fifty thousand (50,000) or more and
17 who shall be a management-level CLEET-certified
18 training officer, who shall serve an initial term of
19 three (3) years,

20 d. one member shall represent a municipal jurisdiction
21 with a population of less than fifty thousand (50,000)
22 and who shall be a CLEET-certified training officer,
23 who shall serve an initial term of two (2) years,
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- 1 e. one member shall represent a county jurisdiction with
2 a population of less than fifty thousand (50,000) and
3 who shall be a CLEET-certified training officer, who
4 shall serve an initial term of one (1) year, and
5 f. one member selected by the Oklahoma Department of
6 Career and Technology Education from the Curriculum
7 Material and Instructional Material Center, who shall
8 serve an initial term of three (3) years.

9 After the initial terms of office, all members shall be
10 appointed to serve three-year terms. Any member may be reappointed
11 to serve consecutive terms. Members shall serve without
12 compensation, but may be reimbursed for travel expenses pursuant to
13 the State Travel Reimbursement Act. The Board shall review and
14 establish curriculum for all CLEET academies and training courses
15 pursuant to procedures established by the Council on Law Enforcement
16 Education and Training;

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

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

1 19. Summarily suspend a certification of a peace officer,
2 without prior notice but otherwise subject to administrative
3 proceedings, if CLEET finds that the actions of the certified peace
4 officer may present a danger to the peace officer, the public, a
5 family or household member, or involve a crime against a minor. A
6 certified copy of the information or indictment charging such a
7 crime shall be considered clear and convincing evidence of the
8 charge; and

9 20. Approve law enforcement agencies and police departments in
10 accordance with the following:

11 a. this section applies only to an entity authorized by
12 statute or by the Constitution to create a law
13 enforcement agency or police department and
14 commission, appoint, or employ officers that first
15 creates or reactivates an inactive law enforcement
16 agency or police department and first begins to
17 commission, appoint, or employ officers on or after
18 November 1, 2011,

19 b. the entity shall submit to CLEET, a minimum of sixty
20 (60) days prior to creation of the law enforcement
21 agency or police department, information regarding:
22 (1) the need for the law enforcement agency or police
23 department in the community,
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- 1 (2) the funding sources for the law enforcement
2 agency or police department, and proof that no
3 more than fifty percent (50%) of the funding of
4 the entity will be derived from ticket revenue or
5 fines,
- 6 (3) the physical resources available to officers,
- 7 (4) the physical facilities that the law enforcement
8 agency or police department will operate,
9 including descriptions of the evidence room,
10 dispatch area, restroom facilities, and public
11 area,
- 12 (5) law enforcement policies of the law enforcement
13 agency or police department, including published
14 policies on:
- 15 (a) use of force,
16 (b) vehicle pursuit,
17 (c) mental health,
18 (d) professional conduct of officers,
19 (e) domestic abuse,
20 (f) response to missing persons,
21 (g) supervision of part-time officers, and
22 (h) impartial policing,
- 23 (6) the administrative structure of the law
24 enforcement agency or police department,

1 (7) liability insurance, and

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

3 c. within sixty (60) days of receiving an entity's
4 request, CLEET will forward to the entity by certified
5 mail, return receipt requested, a letter of
6 authorization or denial to create a law enforcement
7 agency or police department and commission, appoint,
8 or employ officers, signed by the Executive Director
9 of CLEET, and

10 d. in cases of denial, the entity may appeal the decision
11 of the Executive Director to the full CLEET Council.

12 The Executive Director shall ensure that the final
13 report is provided to all members of the Council. The
14 Council shall review and make recommendations
15 concerning the report at the first meeting of the
16 Council to occur after all members of the Council have
17 received the report. The Council may, by majority
18 vote:

19 (1) order additional information be provided,

20 (2) order confirmation of the opinion of the
21 Executive Director, or

22 (3) order authorization of the entity.

23 C. 1. Payment of any fee provided for in this section may be
24 made by a nationally recognized credit or debit card issued to the

1 applicant. The Council may publicly post and collect a fee for the
2 acceptance of the nationally recognized credit or debit card not to
3 exceed five percent (5%) of the amount of the payment. For purposes
4 of this subsection, "nationally recognized credit card" means any
5 instrument or device, whether known as a credit card, credit plate,
6 charge plate, or by any other name, issued with or without fee by an
7 issuer for the use of the cardholder in obtaining goods, services,
8 or anything else of value and which is accepted by over one thousand
9 merchants in this state. "Debit card" means an identification card
10 or device issued to a person by a business organization which
11 permits such person to obtain access to or activate a consumer
12 banking electronic facility. The Council shall determine which
13 nationally recognized credit or debit cards will be accepted as
14 payment for fees.

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

17 a. add an amount equal to the amount of the service
18 charge incurred, not to exceed three percent (3%) of
19 the amount of the check as a service charge for the
20 acceptance and verification of the check, or

21 b. add an amount of no more than Five Dollars (\$5.00) as
22 a service charge for the acceptance and verification
23 of a check. For purposes of this subsection,
24

1 "business check" shall not mean a money order,
2 cashier's check, or bank certified check.

3 D. Failure of the Legislature to appropriate necessary funds to
4 provide for expenses and operations of the Council on Law
5 Enforcement Education and Training shall not invalidate other
6 provisions of this section relating to the creation and duties of
7 the Council.

8 E. 1. No person shall be eligible for employment as a peace
9 officer or reserve peace officer until the employing law enforcement
10 agency has conducted a background investigation of such person
11 consisting of the following:

12 a. a fingerprint search submitted to the Oklahoma State
13 Bureau of Investigation with a return report to the
14 submitting agency that such person has no felony
15 record,

16 b. a fingerprint search submitted to the Federal Bureau
17 of Investigation with a return report to the
18 submitting agency that such person has no felony
19 record,

20 c. such person has undergone psychological evaluation by
21 a psychologist licensed by the State of Oklahoma and
22 has been evaluated to be suitable to serve as a peace
23 officer in the State of Oklahoma,
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- 1 d. the employing agency has verified that such person has
2 a high school diploma or a GED equivalency certificate
3 as recognized by state law,
- 4 e. such person is not participating in a deferred
5 sentence agreement for a felony, a crime involving
6 moral turpitude or a crime of domestic violence, and
7 does not have any criminal charges pending in any
8 court in this state, another state, in tribal court or
9 pursuant to the United States Code,
- 10 f. such person is not currently subject to an order of
11 the Council revoking, suspending, or accepting a
12 voluntary surrender of peace officer certification,
- 13 g. such person is not currently undergoing treatment for
14 a mental illness, condition or disorder. For purposes
15 of this subsection, "currently undergoing treatment
16 for mental illness, condition or disorder" means the
17 person has been diagnosed by a licensed physician,
18 psychologist, or licensed mental health professional
19 as being afflicted with a substantial disorder of
20 thought, mood, perception, psychological orientation
21 or memory that significantly impairs judgment,
22 behavior, capacity to recognize reality, or ability to
23 meet the ordinary demands of life and such condition
24 continues to exist,

1 h. such person is twenty-one (21) years of age.

2 Provided, this requirement shall not affect those
3 persons who are already employed as a police or peace
4 officer prior to November 1, 1985, and

5 i. such person has provided proof of United States
6 citizenship or resident alien status, pursuant to an
7 employment eligibility verification form from the
8 United States Citizenship and Immigration Services.

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

1 the employing agency shall certify to the Council that the
2 evaluation was conducted in accordance with this provision and that
3 the employee or applicant is suitable to serve as a peace officer in
4 the State of Oklahoma.

5 a. Any person found not to be suitable for employment or
6 certification by the Council shall not be employed,
7 retained in employment as a peace officer, or
8 certified by the Council for at least one (1) year, at
9 which time the employee or applicant may be
10 reevaluated by a psychologist licensed by the State of
11 Oklahoma. This section shall also be applicable to
12 all reserve peace officers in the State of Oklahoma.

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

23 c. All persons seeking certification shall have their
24 name, gender, date of birth, and address of such

1 person submitted to the Department of Mental Health
2 and Substance Abuse Services by the Council. The
3 Department of Mental Health and Substance Abuse
4 Services shall respond to the Council within ten (10)
5 days whether the computerized records of the
6 Department indicate the applicant has ever been
7 involuntarily committed to an Oklahoma state mental
8 institution. In the event that the Department of
9 Mental Health and Substance Abuse Services reports to
10 the Council that the applicant has been involuntarily
11 committed, the Council shall immediately inform the
12 employing agency.

13 All basic police courses shall include a minimum of four (4)
14 hours of education and training in recognizing and managing a person
15 appearing to require mental health treatment or services. The
16 training shall include training in crime and drug prevention, crisis
17 intervention, youth and family intervention techniques, recognizing,
18 investigating and preventing abuse and exploitation of elderly
19 persons, mental health issues, and criminal jurisdiction on
20 Sovereign Indian Land.

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

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

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

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

17 a. The Council may extend the time requirement specified
18 in this paragraph for good cause as determined by the
19 Council.

20 b. A duty is hereby imposed upon the employing agency to
21 withhold payment of the compensation or wage of such
22 unqualified officer.

23 c. If the police or peace officer fails to forfeit the
24 position or the employing agency fails to require the

1 officer to forfeit the position, the district attorney
2 shall file the proper action to cause the forfeiting
3 of such position. The district court of the county
4 where the officer is employed shall have jurisdiction
5 to hear the case.

6 5. The Council may certify officers who have completed a course
7 of study in another state deemed by the Council to meet standards
8 for Oklahoma peace officers providing the officer's certification in
9 the other state has not been revoked or voluntarily surrendered and
10 is not currently under suspension.

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

1 F. No person shall be certified as a police or peace officer by
2 the Council or be employed by the state, a county, a city, or any
3 political subdivision thereof, who is currently subject to an order
4 of the Council revoking, suspending, or accepting a voluntary
5 surrender of peace officer certification or who has been convicted
6 of a felony, a crime involving moral turpitude, or a crime of
7 domestic violence, unless a full pardon has been granted by the
8 proper agency; however, any person who has been trained and
9 certified by the Council on Law Enforcement Education and Training
10 and is actively employed as a full-time peace officer as of November
11 1, 1985, shall not be subject to the provisions of this subsection
12 for convictions occurring prior to November 1, 1985.

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

- 17 a. Oklahoma State Bureau of Investigation and Federal
18 Bureau of Investigation reports,
- 19 b. administration of the psychological tests provided for
20 herein,
- 21 c. performance in the course of study or other basis of
22 certification,
- 23 d. previous certifications issued, and

24

1 e. any administrative or judicial determination denying
2 certification.

3 2. An employing agency shall not be liable in any action
4 arising out of the release of contents of personnel information
5 relevant to the qualifications or ability of a person to perform the
6 duties of a police or peace officer when such information is
7 released pursuant to written authorization for release of
8 information signed by such person and is provided to another
9 employing agency which has employed or has received an application
10 for employment from such person.

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

15 H. 1. A law enforcement agency employing police or peace
16 officers in this state shall report the hiring, resignation, or
17 termination for any reason of a police or peace officer to the
18 Council within ten (10) days. Failure to comply with the provisions
19 of this subsection may disqualify a law enforcement agency from
20 participating in training programs sponsored by the Council. Every
21 law enforcement agency employing police or peace officers in this
22 state shall submit to CLEET on or before October 1 of each calendar
23 year a complete list of all commissioned employees with a current
24 mailing address and phone number for each such employee. In

1 addition to the above, CLEET may impose an administrative fine for
2 violations of this section.

3 2. A tribal law enforcement agency that has peace officers
4 commissioned by an Oklahoma law enforcement agency pursuant to a
5 cross-deputization agreement with the State of Oklahoma or any
6 political subdivision of the State of Oklahoma pursuant to the
7 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
8 shall report the commissioning, resignation, or termination of
9 commission for any reason of a cross-deputized tribal police or
10 peace officer to CLEET within ten (10) days of the commissioning,
11 resignation, or termination. Failure to comply with the provisions
12 of this subsection may disqualify a tribal law enforcement agency
13 from participating in training programs sponsored by the Council.

14 I. It is unlawful for any person to willfully make any
15 statement in an application to CLEET knowing the statement is false
16 or intentionally commit fraud in any application to the Council for
17 attendance in any CLEET-conducted or CLEET-approved peace officer
18 academy or Collegiate Officer Program or for the purpose of
19 obtaining peace officer certification or reinstatement. It is
20 unlawful for any person to willfully submit false or fraudulent
21 documents relating to continuing education rosters, transcripts or
22 certificates, or any canine license application. Any person
23 convicted of a violation of this subsection shall be guilty of a
24 felony punishable by imprisonment in the Department of Corrections

1 for a term of not less than two (2) years nor more than five (5)
2 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
3 or by both such fine and imprisonment. In addition to the above,
4 CLEET may impose an administrative fine.

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

- 9 a. conviction of a felony or a crime of domestic
10 violence,
- 11 b. conviction of a misdemeanor involving moral turpitude;
12 provided, if the conviction is a single isolated
13 incident that occurred more than five (5) years ago
14 and the Council is satisfied that the person has been
15 sufficiently rehabilitated, the Council may, in its
16 discretion, certify such person providing that all
17 other statutory requirements have been met,
- 18 c. a verdict of guilt or entry of a plea of guilty or
19 nolo contendere or an "Alford" plea or any plea other
20 than a not guilty plea for a felony offense, a crime
21 of moral turpitude, or a crime of domestic violence,
- 22 d. falsification or a willful misrepresentation of
23 information in an employment application or
24 application to the Council on Law Enforcement

1 Education and Training, records of evidence, or in
2 testimony under oath,

3 e. revocation or voluntary surrender of police or peace
4 officer certification in another state for a violation
5 of any law or rule or in settlement of any
6 disciplinary action in such state,

7 f. involuntary commitment of a reserve or peace officer
8 in a mental institution or licensed private mental
9 health facility for any mental illness, condition or
10 disorder that is diagnosed by a licensed physician,
11 psychologist or a licensed mental health professional
12 as a substantial disorder of thought, mood,
13 perception, psychological orientation, or memory that
14 significantly impairs judgment, behavior, capacity to
15 recognize reality, or ability to meet the ordinary
16 demands of life. Provided, the peace officer
17 certification may be reinstated upon the Council
18 receiving notification of a psychological evaluation
19 conducted by a licensed physician, psychologist or
20 licensed mental health professional which attests and
21 states by affidavit that the officer and the
22 evaluation test data of the officer have been examined
23 and that, in the professional opinion of the
24 physician, psychologist or licensed mental health

1 professional, the officer is psychologically suitable
2 to return to duty as a peace officer. Notwithstanding
3 any other provision of state law pertaining to
4 confidentiality of hospital or other medical records,
5 and as allowable under federal law, CLEET may subpoena
6 or request a court to subpoena records necessary to
7 assure compliance with these provisions. Any
8 confidential information received by CLEET for such
9 purpose shall retain its confidential character while
10 in the possession of CLEET,

- 11 g. abuse of office,
- 12 h. entry of a final order of protection against applicant
13 or officer, or
- 14 i. any violation of the Oklahoma Private Security
15 Licensing Act.

16 2. Disciplinary proceedings shall be commenced by filing a
17 complaint with the Council on a form approved by the Council. Any
18 employing agency or other person having information may submit such
19 information to the Council for consideration as provided in this
20 subsection.

21 3. Upon the filing of the complaint, a preliminary
22 investigation shall be conducted to determine whether:
23
24

1 a. there is reason to believe the person has violated any
2 provision of this subsection or any other provision of
3 law or rule, or

4 b. there is reason to believe the person has been
5 convicted of a felony, a crime involving moral
6 turpitude or a domestic violence offense or is
7 currently participating in a deferred sentence for
8 such offenses.

9 4. When the investigation of a complaint does not find the
10 person has violated any of the provisions of this subsection, or
11 finds that the person is sufficiently rehabilitated as provided in
12 subparagraph b or f of paragraph 1 of this subsection, no
13 disciplinary action shall be required and the person shall remain
14 certified as a police or peace officer. When the investigation of a
15 complaint finds that the person has violated any of the provisions
16 of this subsection, the matter shall be referred for disciplinary
17 proceedings. The disciplinary proceedings shall be in accordance
18 with Articles I and II of the Administrative Procedures Act.

19 5. The Council shall revoke the certification of any person
20 upon determining that such person has been convicted of a felony or
21 a crime involving moral turpitude or a domestic violence offense or
22 has entered a plea of guilty, or nolo contendere or an "Alford" plea
23 or any plea other than a not guilty plea for a felony offense, a
24 crime of moral turpitude or a crime of domestic violence or is the

1 respondent in a final Victims Protective Order; provided, that if
2 the conviction has been reversed, vacated or otherwise invalidated
3 by an appellate court, such conviction shall not be the basis for
4 revocation of certification; provided further, that any person who
5 has been trained and certified by the Council on Law Enforcement
6 Education and Training and is actively employed as a full-time peace
7 officer as of November 1, 1985, shall not be subject to the
8 provisions of this subsection for convictions occurring prior to
9 November 1, 1985. The sole issue to be determined at the hearing
10 shall be whether the person has been convicted of a felony, a crime
11 involving moral turpitude or a domestic violence offense or is the
12 named respondent/defendant in a final Victims Protective Order.

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

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

22 8. Every law enforcement agency in this state shall, within
23 thirty (30) days of a final order of termination or resignation
24 while under investigation of a CLEET-certified peace officer, report

1 such order or resignation in writing to the Executive Director of
2 the Council. Any report, upon receipt by the Council, shall be
3 considered as personnel records and shall be afforded confidential
4 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
5 Oklahoma Statutes. Any medical or other confidential records
6 obtained by subpoena pursuant to this subsection shall not be made a
7 part of such report. The Executive Director shall ensure that the
8 report is provided to all members of the Council. The Council shall
9 review and make recommendations concerning the report at the first
10 meeting of the Council to occur after all members of the Council
11 have received the report. The Council may, by a majority vote,
12 order the suspension, for a given period of time, or revocation of
13 the CLEET certification of the peace officer in question if there
14 are grounds for such actions pursuant to this section and the peace
15 officer in question has been provided with notice and an opportunity
16 for a hearing pursuant to the Administrative Procedures Act.
17 Suspension or revocation of CLEET certification pursuant to this
18 paragraph shall be reported to the district attorney for the
19 jurisdiction in which the peace officer was employed, to the
20 liability insurance company of the law enforcement agency that
21 employed the peace officer, the chief elected official of the
22 governing body of the law enforcement agency and the chief law
23 enforcement officer of the law enforcement agency.

24

1 9. For all other violations of this subsection, the hearing
2 examiner shall take into consideration the severity of the
3 violation, any mitigating circumstances offered by the person
4 subject to disciplinary action, and any other evidence relevant to
5 the person's character to determine the appropriate disciplinary
6 action.

7 10. a. A police or peace officer may voluntarily surrender
8 and relinquish the peace officer certification to
9 CLEET. Pursuant to such surrender or relinquishment,
10 the person surrendering the certification shall be
11 prohibited from applying to CLEET for reinstatement
12 within five (5) years of the date of the surrender or
13 relinquishment, unless otherwise provided by law for
14 reinstatement.

15 b. No person who has had a police or peace officer
16 certification from another state revoked or
17 voluntarily surrendered and has not been reinstated by
18 that state shall be considered for certification by
19 CLEET.

20 c. Any person seeking reinstatement of police or peace
21 officer certification which has been suspended,
22 revoked, or voluntarily surrendered may apply for
23 reinstatement pursuant to promulgated CLEET rules
24 governing reinstatement. Except as provided in this

1 subsection, any person whose certification has been
2 revoked, suspended or voluntarily surrendered for any
3 reason, including failure to comply with mandatory
4 education and training requirements, shall pay a
5 reinstatement fee of One Hundred Fifty Dollars
6 (\$150.00) to be deposited to the credit of the Peace
7 Officer Revolving Fund created pursuant to Section
8 3311.7 of this title.

9 11. A duty is hereby imposed upon the district attorney who, on
10 behalf of the State of Oklahoma, prosecutes a person holding police
11 or peace officer or reserve peace officer certification for a
12 felony, a crime involving moral turpitude, or a crime of domestic
13 violence in which a plea of guilty, nolo contendere, or an "Alford"
14 plea or any other plea other than a not guilty plea or other finding
15 of guilt is entered by, against or on behalf of a certified police
16 or peace officer to report such plea, agreement, or other finding of
17 guilt to the Council on Law Enforcement Education and Training
18 within ten (10) days of such plea agreement or the finding of guilt.

19 12. Any person or agency required or authorized to submit
20 information pursuant to this section to the Council shall be immune
21 from liability arising from the submission of the information as
22 long as the information was submitted in good faith and without
23 malice.
24

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

8 14. All criminal proceedings initiated against a CLEET-
9 certified peace officer or reserve peace officer shall be reported
10 by the officer to CLEET immediately after arrest or discovery of the
11 filing of such criminal proceeding. All CLEET-certified peace
12 officers and reserve peace officers shall be required to report when
13 a Victim Protective Order has been issued against the officer,
14 including orders issued on an emergency basis and all final orders
15 of protection. Failure to give notice pursuant to the provisions of
16 this paragraph may be cause to initiate an action against the
17 officer by CLEET.

18 15. As used in this subsection:

19 a. "law enforcement agency" means any department or
20 agency of the state, a county, a municipality, or
21 political subdivision thereof, with the duties to
22 maintain public order, make arrests, and enforce the
23 criminal laws of this state or municipal ordinances,
24 which employs CLEET-certified personnel,

1 b. "final order of termination" means a final notice of
2 dismissal from employment provided after all
3 grievance, arbitration, and court actions have been
4 completed, and

5 c. "resignation while under investigation" means the
6 resignation from employment of a peace officer who is
7 under investigation for any felony violation of law, a
8 crime of moral turpitude, a crime of domestic
9 violence, or the resignation from employment of a
10 peace officer as part of an arbitration or plea
11 agreement.

12 K. 1. Every canine team in the state trained to detect
13 controlled dangerous substances shall be certified, by test, in the
14 detection of such controlled dangerous substances and shall be
15 recertified annually so long as the canine is used for such
16 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 and
19 that are certified and annually recertified in the detection of
20 controlled dangerous substances by the United States Customs
21 Service. No employee of CLEET may be involved in the training or
22 testing of a canine team.

23 2. The Council shall appoint a Drug 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 controlled dangerous substances.
3 The Council shall promulgate rules based upon the recommendations of
4 the Advisory Council. Members of the Advisory Council shall
5 include, but need not be limited to, a commissioned officer with
6 practical knowledge of such canines and canine teams from each of
7 the following:

- 8 a. the Oklahoma State Bureau of Narcotics and Dangerous
9 Drugs Control,
- 10 b. the Department of Public Safety,
- 11 c. a police department, and
- 12 d. a sheriff's office, ~~and~~
- 13 ~~e. a university or college campus police department.~~

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

22 L. 1. Every canine team in the state trained to detect
23 explosives, explosive materials, explosive devices, and materials
24 which could be used to construct an explosive device shall be

1 certified, by test, in the detection of such explosives and
2 materials and shall be recertified annually so long as the canine is
3 used for such detection purposes. The certification test and annual
4 recertification test provisions of this subsection shall not be
5 applicable to canines that are owned by a law enforcement agency if
6 such canines are certified and annually recertified in the detection
7 of explosives and materials by the United States Department of
8 Defense. No employee of CLEET may be involved in the training or
9 testing of a canine team.

10 2. The Council shall appoint a Bomb Dog Advisory Council to
11 make recommendations concerning minimum standards, educational
12 needs, and other matters imperative to the certification of canines
13 and canine teams trained to detect explosives, explosive materials,
14 explosive devices and materials which could be used to construct an
15 explosive device. The Council shall promulgate rules based upon the
16 recommendations of the Advisory Council. Members of the Advisory
17 Council shall include, but need not be limited to, a commissioned
18 officer with practical knowledge of such canines and canine teams
19 from each of the following:

- 20 a. the Department of Public Safety,
- 21 b. a police department,
- 22 c. a sheriff's office, and
- 23 d. a university or college campus police department.

24

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

9 M. All tribal police officers of any Indian tribe or nation who
10 have been commissioned by an Oklahoma law enforcement agency
11 pursuant to a cross-deputization agreement with the State of
12 Oklahoma or any political subdivision of the State of Oklahoma
13 pursuant to the provisions of Section 1221 of Title 74 of the
14 Oklahoma Statutes shall be eligible for peace officer certification
15 under the same terms and conditions required of members of the law
16 enforcement agencies of the State of Oklahoma and its political
17 subdivisions. CLEET shall issue peace officer certification to
18 tribal police officers who, as of July 1, 2003, are commissioned by
19 an Oklahoma law enforcement agency pursuant to a cross-deputization
20 agreement with the State of Oklahoma or any political subdivision of
21 the State of Oklahoma pursuant to the provisions of Section 1221 of
22 Title 74 of the Oklahoma Statutes and have met the training and
23 qualification requirements of this section.

24

1 N. If an employing law enforcement agency in this state has
2 paid the salary of a person while that person is completing in this
3 state a basic police course approved by the Council and if within
4 one (1) year after certification that person resigns and is hired by
5 another law enforcement agency in this state, the second agency or
6 the person receiving the training shall reimburse the original
7 employing agency for the salary paid to the person while completing
8 the basic police course by the original employing agency. CLEET
9 shall not be a party to any court action based on this provision.

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

13 P. Peace officers, reserve peace officers, tribal peace
14 officers, agencies, bail enforcers, security guards and private
15 investigators shall maintain with the Council current mailing
16 addresses and shall notify the Council, in writing, of any change of
17 address or name. Notification of change of name shall require
18 certified copies of any marriage license or other court document
19 which reflects the change of name. Notice of change of address or
20 telephone number must be made within ten (10) days of the effected
21 change. Notices shall not be accepted over the phone. In any
22 proceeding in which the Council is required to serve notice or an
23 order on an individual or an agency, the Council may send a letter
24 to the mailing address on file with the Council. If the letter is

1 returned and a notation of the U.S. Postal Service indicates
2 "unclaimed", or "moved", or "refused" or any other nondelivery
3 markings and the records of the Council indicate that no change of
4 address as required by this subsection has been received by the
5 Council, the notice and any subsequent notices or orders shall be
6 deemed by the Court as having been legally served for all purposes.

7 Q. All CLEET records of Bail Enforcers may be released only in
8 compliance with this section and the Oklahoma Bail Enforcement and
9 Licensing Act. All records in CLEET possession concerning other
10 persons or entities shall be released only in compliance with this
11 section and the Oklahoma Open Records Act.

12 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.4, as
13 last amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp.
14 2017, Section 3311.4), is amended to read as follows:

15 Section 3311.4. A. Beginning January 1, 2008, and annually
16 thereafter, every active full-time peace officer, certified by the
17 Council on Law Enforcement Education and Training (CLEET) pursuant
18 to Section 3311 of this title, shall attend and complete a minimum
19 of twenty-five (25) hours of continuing law enforcement training
20 accredited or provided by CLEET which shall include a mandatory two
21 (2) hours on mental health issues. CLEET shall promulgate rules to
22 enforce the provisions of this section and shall enter into
23 contracts and agreements for the payment of classroom space,
24 training, food, and lodging expenses as may be necessary for law

1 enforcement officers attending such training in accordance with
2 subsection B of Section 3311 of this title. Such training and
3 seminars shall be conducted in all areas of this state at technology
4 center schools, institutions of higher education, or other approved
5 sites.

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

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

1 waive these requirements based on review of all records of
2 employment and training.

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

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

1 enforcement officer of the law enforcement agency. Any officer
2 whose certification is suspended pursuant to this section may
3 request a hearing with CLEET. Such hearings shall be governed by
4 the Administrative Procedures Act except that the affected officer
5 has the burden to show CLEET why CLEET should not have the
6 certification of the officer suspended.

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

21 G. Peace officers with full-time certification who worked
22 during a calendar year only as a reserve officer are required to
23 complete only the training requirements for reserve certification.
24 For purposes of the requirements outlined in subsection F of this

1 section, full-time peace officers who worked both in the capacity of
2 a full-time peace officer and reserve officer in a calendar year
3 must complete full-time continuing education requirements.

4 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3311.5, as
5 last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp.
6 2017, Section 3311.5), is amended to read as follows:

7 Section 3311.5. A. On and after November 1, 2007, the Council
8 on Law Enforcement Education and Training (CLEET), pursuant to its
9 authority granted by Section 3311 of this title, shall include in
10 its required basic training courses for law enforcement
11 certification a minimum of four (4) hours of education and training
12 relating to recognizing and managing a person appearing to require
13 mental health treatment or services. The Council shall further
14 offer a minimum of four (4) hours of education and training on
15 specific mental health issues pursuant to Section 3311.4 of this
16 title to meet the annual requirement for continuing education in the
17 areas of mental health issues.

18 B. By January 1, 2008, CLEET, pursuant to its authority granted
19 by Sections 3311 and 3311.4 of this title, shall include in its
20 required courses of study for law enforcement certification a
21 minimum of six (6) hours of evidence-based sexual assault and sexual
22 violence training. A portion of the sexual assault and sexual
23 violence training shall include instruction presented by a certified
24 sexual assault service provider.

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

6 D. CLEET shall promulgate rules to enforce the provisions of
7 subsections B and C of this section and shall, with the assistance
8 of certified sexual assault service providers, establish a
9 comprehensive integrated curriculum for the teaching of evidence-
10 based sexual assault and sexual violence issues.

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

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

19 G. By January 1, 2012, CLEET, pursuant to its authority granted
20 by Sections 3311 and 3311.4 of this title, shall establish and
21 include in its required courses of study for law enforcement
22 certification a minimum of eight (8) hours of evidence-based
23 domestic violence and stalking investigation training. The training
24 should include, at a minimum, the importance of reporting domestic

1 violence incidents, determining the predominant aggressor, evidence-
2 based investigation of domestic violence and stalking, lethality
3 assessment, and personal safety planning necessary at the pretrial
4 stages of a potential criminal case. A portion of the training
5 shall include instruction presented by an expert victim advocate
6 selected from recommendations provided by the Office of the Attorney
7 General or the Domestic Violence Fatality Review Board. The
8 training shall be developed in collaboration with the Domestic
9 Violence Fatality Review Board, and where applicable, shall replace
10 existing domestic violence and stalking courses currently required.

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

15 I. CLEET shall establish the training provided in subsection G
16 of this section as a part of CLEET's peace officer continuing
17 education program and develop a plan to train full-time peace
18 officers previously certified by CLEET pursuant to Section 3311 of
19 this title where applicable. The Office of the Attorney General
20 shall provide a list of expert victim advocates that are available
21 to assist in the training.

22 J. The Council is authorized to pay for and send training staff
23 and employees to one or more training and education courses in
24 jurisdictions outside this state for the purpose of expanding

1 curriculum, training skill development, and general knowledge within
2 the field of law enforcement education and training.

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

10 L. The Council shall promulgate rules, including emergency
11 rules, to evaluate and approve municipalities and counties that are
12 deemed capable of conducting separate basic law enforcement training
13 academies in their jurisdiction and to certify officers successfully
14 completing such academy training courses. Upon application to the
15 Council, any municipality ~~with a population of sixty five thousand~~
16 ~~(65,000) or more~~ or any county ~~with a population of five hundred~~
17 ~~thousand (500,000) or more~~ shall be authorized to operate a basic
18 ~~law enforcement academy~~ may make application on a form created and
19 approved by the Council or by the Executive Director of CLEET.
20 CLEET will conduct an investigation to determine if the requesting
21 municipality or county meets the criteria and requirements to
22 conduct a basic law enforcement training academy. The Council ~~shall~~
23 may, at the sole discretion of the Council and by majority vote in
24 an open meeting, approve an application when the municipality or

1 county making the application meets the criteria for a separate
2 training academy and demonstrates to the satisfaction of the Council
3 that the municipality or county proposing the academy has sufficient
4 resources to conduct the training, the instructional staff is
5 appropriately trained and qualified to teach the course materials,
6 the curriculum is composed of comparable or higher quality course
7 segments to the CLEET academy curriculum, and the facilities where
8 the academy will be conducted are safe and sufficient for law
9 enforcement training purposes. No entity proposing basic academy
10 training will be approved to conduct such training unless the
11 training coordinator has attended the annual coordinator meeting
12 immediately preceding the proposed training.

13 Notwithstanding any other provision of law, any materials and
14 records provided by CLEET to any municipality, county or Collegiate
15 Officer Program (COP) conducting a basic law enforcement training
16 shall remain the property of CLEET and retain confidential status
17 and shall not be released except under the conditions contained in
18 Section 24A.8 of Title 51 of the Oklahoma Statutes. In addition,
19 any materials and records provided by the municipality, county, or
20 Collegiate Officer Program (COP) to CLEET shall be subject to these
21 same limitations on release. Such materials and records include,
22 but are not limited to, all records maintained pursuant to Section
23 3311 of this title and records relating to any employed or certified
24 full-time officer, reserve officer, retired officer or other person;

1 teacher lesson plans, tests and other teaching materials; and
2 personal communications concerning individual students except under
3 the circumstances set form in Section 24A.8 of Title 51 of the
4 Oklahoma Statutes.

5 Any entity authorized to operate a basic law enforcement academy
6 prior to July 1, 2017, shall continue to be approved to conduct a
7 basic law enforcement academy training subject to approval by the
8 Executive Director.

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

15 M. Any municipality or county that, prior to November 1, 2007,
16 was authorized to conduct a basic law enforcement academy shall
17 continue to receive funding pursuant to subsection E of Section
18 1313.2 of Title 20 of the Oklahoma Statutes.

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

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