

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1345

By: Brecheen

6 AS INTRODUCED

7 An Act relating to terrorism; amending 74 O.S. 2011,
8 Section 51.1, which relates to the Oklahoma Office of
9 Homeland Security; modifying duties; creating the
10 Oklahoma State Terrorist Registry Act; providing
11 legislative findings; directing the creation of a
12 state terrorist registry; providing definitions;
13 providing for codification; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 74 O.S. 2011, Section 51.1, is
17 amended to read as follows:

18 Section 51.1. A. There is hereby created the Oklahoma Office
19 of Homeland Security. The Governor shall be the chief officer of
20 the Office and shall appoint a Homeland Security Director who shall
21 be responsible to the Governor for the operation and administration
22 of the Office. The Governor shall determine the salary for the
23 Director.

24 B. The Oklahoma Homeland Security Director shall possess or
obtain a federally recognized Top Secret Level Clearance.

1 1. Any employee of state government appointed to the position
2 of Oklahoma Homeland Security Director shall have a right to return
3 to the previously held classified position of the employee without
4 any loss of rights, privileges, or benefits immediately upon
5 completion of the duties as Oklahoma Homeland Security Director,
6 provided the employee is not otherwise disqualified.

7 2. Any person appointed to the position of Oklahoma Homeland
8 Security Director, if already a member of a state retirement system,
9 shall be eligible to continue participation in that system. If not
10 a member of a state retirement system, the Director shall be
11 eligible to participate in the Oklahoma Public Employees Retirement
12 System. The Oklahoma Homeland Security Director shall be eligible
13 for participation in only one retirement system and shall elect in
14 writing the system in which the Director intends to participate.

15 3. The Commissioner of the Department of Public Safety may
16 commission the Director of Homeland Security as a peace officer if
17 at the time of appointment the Director is certified as a law
18 enforcement officer by the Council on Law Enforcement Education and
19 Training (CLEET) or as a state trooper if at the time of appointment
20 the Director is a CLEET-certified officer of the Oklahoma Highway
21 Patrol.

22 C. The Oklahoma Office of Homeland Security shall consist of at
23 least three divisions:

24 1. Prevention and Intelligence;

1 2. Response and Recovery Planning; and

2 3. Awareness and Preparedness.

3 D. The Director shall be authorized to employ personnel
4 necessary to achieve the mission of the Office. Other federal,
5 state, and local personnel may be assigned to the Office of Homeland
6 Security pursuant to an interagency agreement. The Governor shall
7 designate at which appropriate state agency the Oklahoma Office of
8 Homeland Security shall be located. That agency shall provide
9 housing, administrative staff and other support to the Oklahoma
10 Office of Homeland Security. All positions and personnel of the
11 Office of Homeland Security shall be exempt from the full-time-
12 employee limit of the state agency where the Office of Homeland
13 Security is located.

14 E. The Oklahoma Homeland Security Director shall have the duty
15 and responsibility to develop and coordinate the implementation and
16 administration of a comprehensive statewide strategy to secure the
17 State of Oklahoma from the results of acts of terrorism, from a
18 public health emergency, from cyberterrorism, and from weapons of
19 mass destruction as that term is defined in 18 U.S.C., Section
20 2332a, and to perform other duties assigned by the Governor. These
21 duties shall include but not be limited to:

22 1. Representing the State of Oklahoma with federal agencies as
23 the state homeland security director for purposes of accessing
24 federal funds and cooperating with federal agencies in the

1 development and implementation of a nationwide homeland security
2 plan of response; and

3 2. Coordinating the Homeland Security efforts within the State
4 of Oklahoma, including working with the Governor and Legislature,
5 state agencies, and local elected officials and local governments,
6 emergency responder groups, private-sector businesses, educational
7 institutions, volunteer organizations, and the general public.
8 State agencies receiving federal funding for homeland security
9 purposes shall report the amount and intended use of those funds to
10 the Oklahoma Homeland Security Director to ensure efficient use of
11 funds and to avoid duplication of efforts.

12 F. Included in the comprehensive statewide strategy and
13 consistent with the National Strategy for Homeland Security, as
14 promulgated by the Office of the President of the United States, or
15 its successor plan or plans, the Oklahoma Homeland Security Director
16 shall establish the following strategic objectives for Oklahoma:

- 17 1. To prevent terrorist attacks;
- 18 2. To reduce vulnerability to terrorism;
- 19 3. To minimize the damage from and to recover from terrorist
20 attacks; and
- 21 4. Such other duties as the Governor may prescribe.

22 G. The Oklahoma Office of Homeland Security shall have the
23 following duties:

24

1 1. Establish a plan for the effective implementation of a
2 statewide emergency All-Hazards response system, including the
3 duties and responsibilities of regional emergency response teams;

4 2. Create, implement, and administer an advisory system;

5 3. Coordinate and prepare applications for federal funds
6 related to homeland security and accessing and distributing the
7 federal funds; ~~and~~

8 4. Cooperate with federal agencies in the development and
9 implementation of a nationwide homeland security plan or response;
10 and

11 5. Create, implement, and maintain the Oklahoma state terrorist
12 registry, as provided for in Section 2 of this act, subject to the
13 availability of federal grant funds that could be used for this
14 purpose.

15 H. The Oklahoma Office of Homeland Security and any local
16 government may enter into contracts with each other for equipment
17 and personnel, or both. The contract may include any provisions
18 agreed upon by the parties and as required by any federal or state
19 grant, if applicable.

20 I. All state agencies and political subdivisions of this state
21 and all officers and employees of those agencies and political
22 subdivisions are hereby directed to cooperate with and lend
23 assistance to the Oklahoma Homeland Security Director.

1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 51.6 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma Office of Homeland Security shall create,
5 implement, and maintain the Oklahoma state terrorist registry,
6 subject to the availability of federal grant funds that could be
7 used for this purpose. The Oklahoma Office of Homeland Security
8 shall investigate the availability of federal grant funds and
9 attempt to secure funding for the creation and maintenance of the
10 registry. If funding is available and awarded, the Oklahoma Office
11 of Homeland Security shall work with other Oklahoma state agencies
12 to promulgate rules, policy and procedures to ensure legal
13 compliance and shall ensure local law enforcement and community
14 members are aware of the residential status of convicted terrorists,
15 required to register, within an Oklahoma community.

16 As used in this act, the following definitions shall apply:

17 1. "Terrorist" means any person who is convicted of any
18 terrorist offense set for in paragraph 2 of this section, and/or who
19 has engaged in any verifiable act of terrorism, as provided for in
20 paragraph 3 of this section;

21 2. "Terrorist offense" means any offense:

22 a. as defined in Section 1268 of Title 21 of the Oklahoma
23 Statutes,
24

- b. as provided for in Sections 32, 37, 81, 175, 175B, 229, 351, 831, 844 (F), 844 (I), 930 (C), 956, 1038, 1114, 1116, 1203, 1362, 1363, 1366, 1751, 1992, 1993, 2155, 2280, 2281, 2332, 2332A, 2332B, 2332C, 2332D, 2332E, 2332F, 2332G, 2332H, 2339, 2339A, 2339B, 2339C, and/or 2339D of Title 18 of the United States Code,
- c. as provided for in Section 2284 of Title 42 of the United States Code, and/or
- d. as provided for in Section 46504, 46505 (B) (3), 46506, and/or 60123 (B) of Title 49 of the United States Code; and

3. "Verifiable Act of Terrorism" means any act committed by a person or persons that has resulted in such person or persons being convicted by a combat status review tribunal or military commission of any act of terrorism, terrorist activities, or the harboring, support and/or promotion of terrorists of terrorist activities; or activities in violation of the uniform code of military justice.

SECTION 3. This act shall become effective November 1, 2018.

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