

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 511

By: Shortey

4  
5  
6 AS INTRODUCED

7 An Act relating to law enforcement; creating the  
8 Unified Law Enforcement Act of 2017; creating the  
9 Oklahoma Department of Law Enforcement; directing the  
10 Office of Management and Enterprise Services to  
11 furnish office space; stating divisions of the  
12 Department; providing duties for Superintendent;  
13 creating the Oklahoma Law Enforcement Council;  
14 providing for membership and qualifications; setting  
15 term of appointment; providing for initial terms of  
16 appointment; providing for vacancies; directing  
17 selection of chair and vice-chair of Council;  
18 providing procedures for meetings; providing for the  
19 adoption of certain rules and travel reimbursement;  
20 stating powers, duties and responsibilities of the  
21 Oklahoma Law Enforcement Council; providing for the  
22 appointment of a Superintendent of the Oklahoma  
23 Department of Law Enforcement; directing the Oklahoma  
24 Law Enforcement Council to affirm certain agency  
positions; requiring agencies to maintain functions  
of the agency; stating powers, duties and  
responsibilities of Superintendent of the Oklahoma  
Department of Law Enforcement; amending 47 O.S. 2011,  
Sections 2-101, as amended by Section 159, Chapter  
304, O.S.L. 2012, 2-102, 2-103 and 2-104, as amended  
by Section 160, Chapter 304, O.S.L. 2012 (47 O.S.  
Supp. 2016, Sections 2-101 and 2-104), which relate  
to the creation and organization of the Department of  
Public Safety; changing title of Commissioner of  
Public Safety to Director of Public Safety; removing  
Governor as chief officer of the Department of Public  
Safety; placing Director of Public Safety under the  
supervision of the Superintendent of the Oklahoma  
Department of Law Enforcement; modifying appointment  
requirements for Director of Public Safety; deleting  
certain duties of the Commissioner of Public Safety;

1 providing for interpretation of certain statutory  
2 references; changing title of Assistant Commissioner  
3 of Public Safety to Assistant Director of Public  
4 Safety; providing for interpretation of certain  
5 statutory references; amending 47 O.S. 2011, Sections  
6 2-118, 2-121, 2-122.1, 2-142, as amended by Section  
7 166, Chapter 304, O.S.L. 2012, 2-143, as amended by  
8 Section 167, Chapter 304, O.S.L. 2012, 2-144.1, as  
9 last amended by Section 168, Chapter 304, O.S.L.  
10 2012, 2-145, as amended by Section 169, Chapter 304,  
11 O.S.L. 2012, 2-146, as amended by Section 170,  
12 Chapter 304, O.S.L. 2012, 40-123, as amended by  
13 Section 175, Chapter 304, O.S.L. 2012, 156.1, as  
14 amended by Section 3, Chapter 316, O.S.L. 2012,  
15 Section 3, Chapter 378, O.S.L. 2015 (47 O.S. Supp.  
16 2016, Sections 2-142, 2-143, 2-144, 2-144.1, 2-145,  
17 2-146, 40-123, 156.1 and 1104.27), which relate to  
18 Highway Patrol, the legal division, federal grants,  
19 the Computer Imaging System, Revolving Fund, the  
20 Public Safety Patrol Revolving Fund, the Public  
21 Safety Revolving Fund, the Public Safety Restricted  
22 Revolving Fund, the Public Safety Patrol Academy  
23 Revolving Fund, Motorcycle Safety and Education  
24 Program Revolving Fund, apportionment, automobiles  
owned by the state; modifying language; providing for  
interpretation of certain statutory references;  
amending 63 O.S. 2011, Sections 2-103, as last  
amended by Section 1, Chapter 305, O.S.L. 2015, 2-  
106, as amended by Section 1, Chapter 340, O.S.L.  
2013, 2-106.2, 2-107, as amended by Section 497,  
Chapter 304, O.S.L. 2012, 2-107a, 2-107b, as amended  
by Section 498, Chapter 304, O.S.L. 2012, 2-110, as  
amended by Section 46, Chapter 259, O.S.L. 2012, 2-  
503, as amended by Section 5, Chapter 154, O.S.L.  
2014, and 4236, as amended by Section 522, Chapter  
304, O.S.L. 2012 (63 O.S. Supp. 2016, Sections 2-103,  
2-106, 2-107, 2-107b, 2-110, 2-503 and 4236), which  
relate to the Director of the Oklahoma State Bureau  
of Narcotics and Dangerous Drugs Control, powers of  
the Director, Bureau Revolving Funds, employment of  
attorneys to advise the Director, property subject to  
forfeiture, Boating Safety Education Fund; modifying  
entity that appoints the Director; eliminating  
references to the Oklahoma State Bureau of Narcotics  
and Dangerous Drugs Control Commission; deleting  
certain duties of the Director; abolishing the  
Oklahoma State Bureau of Investigation Commission;

1 transferring duties and powers to the Oklahoma Law  
2 Enforcement Commission; placing Director of the  
3 Oklahoma State Bureau of Investigation under the  
4 supervision of the Superintendent of the Oklahoma  
5 Department of Law Enforcement; providing for  
6 interpretation of certain statutory references;  
7 amending 74 O.S. 2011, Sections 51.2, as amended by  
8 Section 701, Chapter 304, O.S.L 2012 (74 O.S. Supp.  
9 2016, Sections 51.2 and 62.9), which relate to the  
10 Oklahoma Homeland Security Revolving Fund, Surplus  
11 Property Act; eliminating reference to the Oklahoma  
12 State Bureau of Investigation Commission; amending 74  
13 O.S. 2011, Sections 150.2, as amended by Section 7,  
14 Chapter 397, O.S.L. 2015, 150.6, 150.7, as amended by  
15 Section 1, Chapter 136, O.S.L. 2015, 150.13A, as  
16 amended by Section 1, Chapter 89, O.S.L. 2012,  
17 150.16, as amended by Section 1, Chapter 156, O.S.L.  
18 2012, 150.19a, as amended by Section 833, Chapter  
19 304, O.S.L. 2012, 150.21, 150.25, as amended by  
20 Section 834, Chapter 304, O.S.L 2012, 150.35, as  
21 amended by Section 836, Chapter 304, O.S.L. 2012 and  
22 152.5, as amended by Section 837, Chapter 304, O.S.L  
23 2012 (74 O.S. Supp. 2016, Sections 150.2, 150.7,  
24 150.13A, 150.16, 150.19a, 150.25, 150.35 and 152.5),  
which relate to powers and duties of the Oklahoma  
State Bureau of Investigation; eliminating references  
to the Oklahoma State Bureau of Investigation  
Commission; qualifications of the director, deleting  
and modifying certain duties of the Director,  
Revolving Fund, legal division, A.F.I.S. Fund,  
Forensic Science Improvement Revolving Fund; amending  
22 O.S. 2011, Section 1518, which relates to the  
Oklahoma Criminal Justice Resource Revolving Fund;  
modifying language; repealing 63 O.S. 2011, Section  
2-104.1, which relates to the creation of the  
Oklahoma State Bureau of Narcotics and Dangerous  
Drugs Control Commission; repealing 74 O.S. 2011,  
Sections 150.3 and 150.4, which relate to the  
creation, powers and duties of the Oklahoma State  
Bureau of Investigation Commission; providing for  
codification; providing for noncodification; and  
providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law not to be  
2 codified in the Oklahoma Statutes reads as follows:

3 This act shall be known and may be cited as the "Unified Law  
4 Enforcement Act of 2017".

5 SECTION 2. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 9100 of Title 74, unless there  
7 is created a duplication in numbering, reads as follows:

8 A. Effective December 1, 2017, there is hereby created the  
9 Oklahoma Department of Law Enforcement. It shall be the mission of  
10 the Oklahoma Department of Law Enforcement to enforce the laws  
11 protecting the safety of the public and provide for the prevention  
12 and detection of crime. The Oklahoma Department of Law Enforcement  
13 shall include of the following divisions:

14 1. The Highway Patrol Division, to be comprised of the Oklahoma  
15 Highway Patrol previously administered by the Department of Public  
16 Safety;

17 2. The Public Safety Division, to be comprised of the remainder  
18 of the Department of Public Safety;

19 3. The Oklahoma State Bureau of Investigation Division, to be  
20 comprised of the Oklahoma State Bureau of Investigation; and

21 4. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
22 Control Division, to be comprised of the Oklahoma State Bureau of  
23 Narcotics and Dangerous Drugs Control.

24

1           B. The Superintendent of the Oklahoma Department of Law  
2 Enforcement, created in Section 5 of this act, shall be the chief  
3 administrator of the Oklahoma Department of Law Enforcement. The  
4 Superintendent shall have authority to delegate duties and  
5 responsibilities to the respective division directors or  
6 commissioners.

7           C. Notwithstanding any other provision of law, the  
8 Superintendent of the Oklahoma Department of Law Enforcement,  
9 created in Section 5 of this act, shall have authority to budget and  
10 expend the operating funds of the Department.

11           D. On December 1, 2017, the Director of the Office of  
12 Management and Enterprise Services shall transfer by monthly  
13 allocation any unencumbered funds originally appropriated to the  
14 Oklahoma State Bureau of Investigation, Oklahoma State Bureau of  
15 Narcotics and Dangerous Drugs Control and the Department of Public  
16 Safety for the fiscal year ending June 30, 2018, to the Oklahoma  
17 Department of Law Enforcement to operate the Oklahoma Department of  
18 Law Enforcement for the remainder of the fiscal year ending June 30,  
19 2018. The funds transferred to the Oklahoma Department of Law  
20 Enforcement shall not be subject to any budgetary limits that may  
21 have attached to the funds when the funds were originally  
22 appropriated. Funds in revolving funds or otherwise not subject to  
23 fiscal year limitations previously available to the Oklahoma State  
24 Bureau of Investigation, Oklahoma State Bureau of Narcotics and

1 Dangerous Drugs Control and the Department of Public Safety, shall  
2 be transferred to the corresponding ODLE fund as provided by this  
3 act.

4 E. Notwithstanding any other provision of law, the  
5 Superintendent of the Oklahoma Department of Law Enforcement shall  
6 have authority to administer all funds appropriated for the fiscal  
7 year ending on June 30, 2018, for the operation of the Department of  
8 Public Safety, the Oklahoma State Bureau of Investigation and the  
9 Oklahoma Bureau of Narcotics and Dangerous Drugs Control.

10 SECTION 3. NEW LAW A new section of law to be codified  
11 in the Oklahoma Statutes as Section 9101 of Title 74, unless there  
12 is created a duplication in numbering, reads as follows:

13 A. There is hereby created the Oklahoma Law Enforcement Council  
14 which shall consist of seven (7) members, none of whom shall be  
15 legislators. Not more than two of whom shall be from the same  
16 congressional district. When congressional districts are redrawn,  
17 each member appointed prior to July 1 of the year in which such  
18 modification becomes effective shall complete the current term of  
19 office and appointments made after July 1 of the year in which such  
20 modification becomes effective shall be based on the redrawn  
21 districts. No appointments may be made after July 1 of the year in  
22 which such modification becomes effective if such appointment would  
23 result in more than two members serving from the same modified  
24 district. The five (5) members of the Council, appointed by the

1 Governor, shall be subject to the advice, consent and confirmation  
2 of the Oklahoma State Senate. Council members serve at the pleasure  
3 of the Governor; provided, however, removal from the Council before  
4 the end of the designated term shall require approval by the Senate  
5 upon recommendation of the Governor.

6 The initial appointments shall be made as follows:

7 1. On September 1, 2017, the Speaker of the Oklahoma House of  
8 Representatives shall appoint one member to represent the lay  
9 citizenry for a term of seven (7) years;

10 2. On September 1, 2017, the President Pro Tempore of the  
11 Oklahoma State Senate shall appoint one member to represent the lay  
12 citizenry for a term of six (6) years;

13 3. On September 5, 2017, the Governor shall appoint one member  
14 who shall be a district attorney while serving in that capacity for  
15 a term of five (5) years;

16 4. On September 5, 2017, the Governor shall appoint one member  
17 who shall be a sheriff while serving in that capacity for a term of  
18 four (4) years;

19 5. On September 5, 2017, the Governor shall appoint one member  
20 who shall be a chief of police while serving in that capacity for a  
21 term of three (3) years;

22 6. On September 5, 2017, the Governor shall appoint one member  
23 who shall represent the lay citizenry for a term of two (2) years;  
24 and

1           7. On September 5, 2017, the Governor shall appoint one member  
2 who shall represent the lay citizenry for a term of one (1) year.

3           Thereafter, members shall be appointed for seven-year terms.  
4 Replacement appointments shall be filled in the same procedure used  
5 to make initial appointments.

6           A member may serve more than one term on the Council. Vacancies  
7 occurring during a term shall be filled for the unexpired portion of  
8 the term by the same procedure used to make the initial  
9 appointments.

10          B. Annually the Council shall select one of the Council members  
11 to serve as chair and one member to serve as vice-chair. The  
12 Council shall meet at least quarterly. The chair shall preside at  
13 all meetings of the Council and shall have the power to call  
14 meetings of the Council. In addition, meetings of the Council may  
15 be called by a majority of the members. The vice-chair shall  
16 perform the duties of the chair in the absence or incapacity of the  
17 chair. A quorum of four members of the Council shall be necessary  
18 to conduct any official business. All actions taken by the Council  
19 shall be by a simple majority vote of a quorum. In the event of a  
20 tie vote, the measure being voted upon shall be deemed to have  
21 failed. The Council may adopt rules and procedures for the orderly  
22 performance of its functions.

23          C. Members of the Council shall serve without salary but may be  
24 reimbursed for travel and other expenses in attending meetings and

1 performing their duties in the manner provided for under the State  
2 Travel Reimbursement Act. No other provisions of law shall be  
3 construed as prohibiting public officers from also serving as  
4 members of the Council. Nor shall any other provision of law be  
5 construed as prohibiting public officers or public employees from  
6 performing services for the Council without compensation. No  
7 employee of the Oklahoma Department of Law Enforcement's Department  
8 of Public Safety Division, the Highway Patrol Division, the Oklahoma  
9 State Bureau of Investigation Division or the Oklahoma Bureau of  
10 Narcotics and Dangerous Drugs Control Division, while holding such  
11 position, shall also serve on the Council.

12 D. The initial meeting of the Council shall be held no later  
13 than September 15, 2017. The Oklahoma State Bureau of Investigation  
14 may provide initial legal counsel to the Council. The Oklahoma  
15 Bureau of Narcotics and Dangerous Drugs Control may facilitate the  
16 initial meetings of the Council by providing staff, facilitating a  
17 meeting location and any other services that may be required to  
18 support the activities of the Council, with the exception of legal  
19 counsel. These services shall be provided to the Council until such  
20 time as the Council directs otherwise. The Department of Public  
21 Safety may provide training for the Council at the initial meeting  
22 of the Council. The Council may choose to coordinate legal counsel,  
23 staffing, meeting location and training services with the Executive  
24 Branch.

1 E. The training program shall provide the Council with  
2 information regarding:

3 1. The legislation that created the Oklahoma Department of Law  
4 Enforcement and the Oklahoma Law Enforcement Council;

5 2. The powers, duties and responsibilities of the Council;

6 3. The requirements of the Oklahoma Open Records Act and  
7 Oklahoma Open Meeting Act;

8 4. Any administrative procedure law that may be relevant for  
9 the functioning of the Council; and

10 5. Other laws relating to public officials, including laws  
11 concerning conflicts of interest or any applicable laws or rules  
12 adopted by the Oklahoma Ethics Commission.

13 F. The Commissioner of the Department of Public Safety, or  
14 designee, the Chief of the Oklahoma Highway Patrol, or designee, the  
15 Director of the Oklahoma State Bureau of Investigation, or designee  
16 and the Director of the Oklahoma Bureau of Narcotics and Dangerous  
17 Drugs Control, or designee, shall each prepare a report to provide  
18 the Oklahoma Law Enforcement Council with the following information  
19 regarding each of their respective divisions at the initial Council  
20 meeting:

21 1. The duties, powers and responsibilities of the division;

22 2. The role and functions of the division;

23 3. The structure of the division; and

24 4. A fiscal overview and current budget of the division.

1           SECTION 4.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 9102 of Title 74, unless there  
3 is created a duplication in numbering, reads as follows:

4           The Oklahoma Law Enforcement Council shall have the following  
5 powers, duties and responsibilities:

6           1. No later than November 15, 2017, and such time as  
7 appropriate thereafter, appoint the Superintendent of the Oklahoma  
8 Department of Law Enforcement, who shall serve at the pleasure of  
9 the Council;

10          2. Review and approve rules established by the Superintendent  
11 for the operation of the Oklahoma Department of Law Enforcement;

12          3. Review the budget of the Oklahoma Department of Law  
13 Enforcement;

14          4. Appoint an Advisory Committee consisting of local sheriffs,  
15 police, tribal police, district attorneys or any other person to act  
16 in an advisory capacity to the Council or Superintendent of the  
17 Oklahoma Department of Law Enforcement. The Advisory Committee  
18 shall remain in effect and operate as directed by the Council until  
19 its termination which shall be no later than September 15, 2019; and

20          5. When the position of Superintendent of the Oklahoma  
21 Department of Law Enforcement is vacant, designate an interim  
22 Superintendent until a new Superintendent is appointed.

23  
24

1           SECTION 5.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 9103 of Title 74, unless there  
3 is created a duplication in numbering, reads as follows:

4           A.   The Oklahoma Law Enforcement Council shall appoint a  
5 Superintendent for the Oklahoma Department of Law Enforcement.   The  
6 Superintendent of the Oklahoma Department of Law Enforcement shall  
7 serve at the pleasure of the Council for such compensation as is set  
8 by the Council.   The Superintendent shall be qualified for such  
9 position by character, knowledge, skill, ability, education,  
10 training and successful administrative experience in the field of  
11 law enforcement.   The Superintendent shall be subject to the advice,  
12 consent and confirmation by the Oklahoma State Senate.

13           B.   Upon the effective date of this act, the current  
14 Commissioner of Public Safety, Chief of the Oklahoma Highway Patrol,  
15 Director of the Oklahoma State Bureau of Investigation and Director  
16 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs  
17 Control shall be affirmed by the Council as the Director, Chief or  
18 Commissioner of his or her respective division.

19           C.   All functions currently performed by the Department of  
20 Public Safety, Oklahoma Highway Patrol, Oklahoma State Bureau of  
21 Investigation and Oklahoma State Bureau of Narcotics and Dangerous  
22 Drugs Control shall remain under their respective division, unless  
23 otherwise modified, merged or reorganized by the Superintendent.

24

1 Any plan to rename or eliminate any of the existing divisions by the  
2 Superintendent would require approval of the Council.

3 SECTION 6. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 9104 of Title 74, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. The Superintendent of the Oklahoma Department of Law  
7 Enforcement shall have the following powers, duties and  
8 responsibilities:

9 1. Formulate and implement a unified law enforcement strategy  
10 for law enforcement activities in the State of Oklahoma with annual  
11 and long-term measurable goals and objectives to achieve greater  
12 public safety which shall be published on the Oklahoma Department of  
13 Law Enforcement website;

14 2. Be directly responsible to the Council for the affairs of  
15 the Oklahoma Department of Law Enforcement;

16 3. Act as executive director of the Oklahoma Department of Law  
17 Enforcement;

18 4. Appoint a Commissioner of the Public Safety Division, a  
19 Director of the Oklahoma State Bureau of Investigation Division, a  
20 Chief of the Oklahoma Highway Patrol Division and a Director of the  
21 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
22 Division and any other directors, assistant directors, deputy  
23 directors and other staff that may be necessary and proper for the  
24 administration of the Oklahoma Department of Law Enforcement who

1 shall serve at the pleasure of the Superintendent of the Oklahoma  
2 Department of Law Enforcement. Any employee in a classified  
3 position under the Merit System of Personnel Administration who is  
4 appointed as staff of the Superintendent shall have the right to  
5 return to the classified service without any loss of rights,  
6 privileges or benefits immediately upon completion of the duties of  
7 the employee provided the employee is not otherwise disqualified.  
8 Classified personnel transferred from their respective divisions to  
9 the Oklahoma Department of Law Enforcement shall not be required to  
10 accept a lesser salary than presently received; provided, the  
11 provisions of this section shall not operate to prohibit the  
12 imposition of furloughs or reductions-in-force with respect to such  
13 personnel as allowed by law. Personnel transferred shall be placed  
14 into an existing classified job family at the classification level  
15 in which they meet qualifications without an entrance exam or  
16 subject to any other competitive hiring process required by the  
17 Oklahoma Personnel Act or the Merit System of Personnel  
18 Administrative Rules. All such persons shall retain seniority,  
19 leave, sick and annual time earned and any retirement benefits which  
20 have accrued during their tenure with their respective divisions.  
21 The transfer of personnel among the divisions shall be coordinated  
22 with the Office of Management and Enterprise Services;

23 5. Administer the activities of the Oklahoma Department of Law  
24 Enforcement and all divisions under the control of the Department

1 and act for the Department in all matters, including budgetary  
2 matters and expenditures of the divisions, except as may be  
3 otherwise provided in this act;

4 6. Prepare proposed rules and regulations, subject to the  
5 approval of the Council, considered necessary for the operation of  
6 the Oklahoma Department of Law Enforcement;

7 7. By November 1, 2018, provide to the Council and the Oklahoma  
8 State Legislature a plan for a unified position and compensation  
9 system for state law enforcement;

10 8. By November 1, 2018, provide to the Council and the Oklahoma  
11 State Legislature a plan to unify state law enforcement data  
12 collection and data systems;

13 9. By November 1, 2018, provide to the Council and the Oklahoma  
14 State Legislature a plan to standardize and integrate operational  
15 boundaries for the Oklahoma Department of Law Enforcement;

16 10. By November 1, 2018, after consultation with the Council on  
17 Law Enforcement Education and Training (CLEET), provide to the  
18 Council and Oklahoma State Legislature, a plan to develop a focused,  
19 common training and leadership development program for all members  
20 of the Oklahoma Department of Law Enforcement;

21 11. Enter into contracts with public agencies, institutions of  
22 higher education and private organizations or individuals for the  
23 purpose of conducting research, demonstrations or special projects  
24

1 which bear directly on the operation of the Department or the  
2 reduction of crime;

3 12. Enter into contracts for educational and research  
4 activities without performance bonds;

5 13. Create, modify, merge or reorganize any of the divisions or  
6 units within the Oklahoma Department of Law Enforcement as the  
7 Superintendent of the Oklahoma Department of Law Enforcement may  
8 deem appropriate to effectively administer a unified law enforcement  
9 system in Oklahoma;

10 14. Commission employees as peace officers of the Oklahoma  
11 Department of Law Enforcement;

12 15. Investigate any complaint against the Oklahoma Department  
13 of Law Enforcement or any of its employees;

14 16. Be directly responsible for all monies appropriated for and  
15 deposited to the credit of the Oklahoma Department of Law  
16 Enforcement and each agency under its control and approve all claims  
17 and payments, or delegate responsibility, as provided in Section  
18 34.68 of Title 62 of the Oklahoma Statutes;

19 17. Accept gifts, bequests, devices, contributions and grants,  
20 public or private, including federal funds or funds from any other  
21 source for use in furthering the purpose of the Department;

22 18. Purchase, lease and maintain motor vehicles and other  
23 equipment and properties for use by employees of the Oklahoma  
24 Department of Law Enforcement;

1 19. Purchase or lease and equip motor vehicles for the use of  
2 the Governor and Lieutenant Governor;

3 20. Authorize the use of a state-owned motor vehicle as  
4 authorized in Section 156.1 of Title 47 of the Oklahoma Statutes;

5 21. Transfer assets within the Oklahoma Department of Law  
6 Enforcement as may be necessary and proper for the operation of the  
7 Department;

8 22. Maintain records of all proceedings and official orders;  
9 and

10 23. Effective July 1, 2018, all employees of the Oklahoma  
11 Department of Law Enforcement shall be under the authority of the  
12 Superintendent and shall be exempt from OMES governance.

13 B. After appointment and before entering upon the discharge of  
14 duties, the Superintendent shall take and subscribe to the oath of  
15 office required by the Constitution. Bonding of the Superintendent  
16 and other employees of the Oklahoma Department of Law Enforcement  
17 shall be provided under the provisions of Section 85.26 of Title 74  
18 of the Oklahoma Statutes.

19 SECTION 7. NEW LAW A new section of law to be codified  
20 in the Oklahoma Statutes as Section 9105 of Title 74, unless there  
21 is created a duplication in numbering, reads as follows:

22 There is hereby created in the State Treasury a revolving fund  
23 for the Oklahoma Department of Law Enforcement to be designated the  
24 "Department of Law Enforcement Revolving Fund". The fund shall be a

1 continuing fund, not subject to fiscal year limitations, and shall  
2 consist of any monies received from the sale of surplus and  
3 confiscated property, fees and receipts collected pursuant to the  
4 Oklahoma Open Records Act, gifts, bequests, devises, contributions  
5 or grants, public or private, including federal funds unless  
6 otherwise provided by federal law or regulation, reimbursements,  
7 refunds, fees and receipts from any other source. All monies, and  
8 other money as provided by law, accruing to the credit of the fund  
9 are hereby appropriated and may be budgeted and expended by the  
10 Oklahoma Department of Law Enforcement for general operations of the  
11 agency. Expenditures from the fund shall be made upon warrants  
12 issued by the State Treasurer against claims filed as prescribed by  
13 law with the Director of the Office of Management and Enterprise  
14 Services for approval and payment.

15 SECTION 8. AMENDATORY 47 O.S. 2011, Section 2-101, as  
16 amended by Section 159, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
17 2016, Section 2-101), is amended to read as follows:

18 Section 2-101. ~~(a)~~ A. A department of the government of this  
19 state to be known as the "Department of Public Safety" is hereby  
20 created, and offices for the Department shall be furnished by the  
21 Office of Management and Enterprise Services. The Department of  
22 Public Safety Division of the Oklahoma Department of Law Enforcement  
23 shall be under the control and supervision of the Commissioner of  
24 Public Safety, ~~which office and position is hereby created~~ under the

1 general supervision of the Superintendent of the Oklahoma Department  
2 of Law Enforcement.

3 The Commissioner shall have such powers and authority as may be  
4 granted by the provisions of the Uniform Vehicle Code or as may  
5 otherwise be provided by law.

6 ~~(b) B. The Governor shall be the chief officer of the~~  
7 ~~Department of Public Safety and the Commissioner of Public Safety,~~  
8 ~~under the general supervision of the Superintendent of the Oklahoma~~  
9 ~~Department of Law Enforcement,~~ shall execute the lawful orders of  
10 ~~the Governor and shall be responsible to him for the operation and~~  
11 ~~administration of said the Department. The Commissioner of Public~~  
12 ~~Safety Superintendent shall provide personal security and~~  
13 ~~protection, transportation, and communications capabilities for the~~  
14 ~~Governor, the Governor's immediate family of the Governor, and the~~  
15 ~~Lieutenant Governor. The Commissioner is authorized to provide~~  
16 ~~necessary communications equipment to said persons even if said~~  
17 ~~persons are not on state property or in state vehicles. The~~  
18 ~~Commissioner of Public Safety is hereby authorized to purchase or~~  
19 ~~lease and equip motor vehicles for the use of the Governor and~~  
20 ~~Lieutenant Governor. The purchase or lease price of any such motor~~  
21 ~~vehicles and equipment shall be paid from any appropriation for~~  
22 ~~motor vehicles made to the Department of Public Safety.~~

23 SECTION 9. AMENDATORY 47 O.S. 2011, Section 2-102, is  
24 amended to read as follows:

1           Section 2-102. A. 1. ~~The~~ On and after November 1, 2017, the  
2 Department of Public Safety shall be under the control of an  
3 executive officer to be known as the "Commissioner of Public  
4 Safety", who shall be appointed by the ~~Governor with the advice and~~  
5 ~~consent of the Senate~~ Superintendent of the Oklahoma Department of  
6 Law Enforcement.

7           2. The Commissioner of Public Safety shall be a professional  
8 law enforcement officer with ten (10) years' experience in the field  
9 of law enforcement or with five (5) years' experience in the field  
10 of law enforcement and a graduate of a four-year college with a  
11 degree in law enforcement administration, law, criminology or a  
12 related science. Effective until December 1, 2019, the Commissioner  
13 shall be a current employee of the Public Safety Division of the  
14 Oklahoma Department of Law Enforcement.

15           3. ~~Any vacancy in the office of the Commissioner shall be~~  
16 ~~filled in the same manner as the original appointment is made.~~

17           4. The Commissioner shall be allowed the actual and necessary  
18 expenses incurred in the performance of official duties of the  
19 Commissioner while away from the office.

20           B. The Commissioner of Public Safety, after appointment and  
21 before entering upon the discharge of duties, shall take and  
22 subscribe to the oath of office required by the Constitution.  
23 Bonding of the Commissioner of Public Safety and other employees of  
24

1 the Department will be provided under the provisions of Section  
2 85.26 of Title 74 of the Oklahoma Statutes.

3 C. The Commissioner of Public Safety shall be eligible to  
4 participate in either the Oklahoma Public Employees Retirement  
5 System or in the Oklahoma Law Enforcement Retirement System and  
6 shall make an irrevocable election in writing to participate in one  
7 of the two retirement systems within ninety (90) days of  
8 appointment. Any earned benefits or any credits toward retirement  
9 benefits from previous participation within the Oklahoma Public  
10 Employees Retirement System or the Oklahoma Law Enforcement  
11 Retirement System shall remain intact within that System should the  
12 Commissioner elect to become a new participant in a different  
13 retirement system.

14 SECTION 10. AMENDATORY 47 O.S. 2011, Section 2-103, is  
15 amended to read as follows:

16 Section 2-103. A. The Commissioner shall organize the  
17 Department of Public Safety as prescribed by law and in such manner  
18 as may be deemed necessary and proper to segregate and conduct the  
19 work of the Department. The Commissioner, with the approval of the  
20 Superintendent of the Oklahoma Department of Law Enforcement, shall  
21 appoint assistants, deputies, officers, investigators and other  
22 employees as may be necessary to carry out the provisions of this  
23 title.

24

1 B. Unless otherwise provided by law, salaries and traveling  
2 expenses of employees of the Department of Public Safety and the  
3 cost of equipment ~~for the Department~~ shall be paid from the  
4 appropriations made to the Oklahoma Department of ~~Public Safety~~ Law  
5 Enforcement.

6 C. The Commissioner, with the approval of the Superintendent,  
7 ~~is~~ may be authorized to purchase and maintain motor vehicles and  
8 other equipment for use by the employees of the Oklahoma Department  
9 of Law Enforcement.

10 SECTION 11. AMENDATORY 47 O.S. 2011, Section 2-104, as  
11 amended by Section 160, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
12 2016, Section 2-104), is amended to read as follows:

13 Section 2-104. A. The Commissioner, subject to the approval of  
14 the Superintendent of the Oklahoma Department of Law Enforcement and  
15 pursuant to the Merit System laws, ~~shall~~ may appoint an Assistant  
16 Commissioner and such other deputies, subordinates, officers,  
17 investigators, and other employees as may be necessary to implement  
18 the provisions of this title. Any employee of the Department of  
19 Public Safety appointed to the position of Assistant Commissioner  
20 shall have a right to return to the previous position of the  
21 employee without any loss of rights, privileges or benefits  
22 immediately upon completion of the duties as Assistant Commissioner,  
23 provided the employee is not otherwise disqualified.

24

1 ~~B.~~ When traveling with the Governor or at ~~his~~ the request of  
2 the Governor:

3 1. Those personnel assigned by the ~~Commissioner~~ Superintendent  
4 for executive security shall be allowed their actual and necessary  
5 traveling expenses, upon claims approved by the ~~Commissioner~~  
6 Superintendent, and shall receive, in addition to base salary, an  
7 additional One Hundred Seventy-five Dollars (\$175.00) per month; and

8 2. Those personnel serving as noncommissioned pilots in the  
9 Department of Public Safety shall be allowed their actual and  
10 necessary traveling expenses, upon claims approved by the  
11 ~~Commissioner~~ Superintendent.

12 ~~C.~~ B. Any person appointed to the position of Assistant  
13 Commissioner of Public Safety shall be eligible for retirement  
14 participation as a member of the Highway Patrol Division in the  
15 Oklahoma Law Enforcement Retirement System if such person at the  
16 time of appointment satisfies the age qualifications of an Oklahoma  
17 Highway Patrolman as provided in subsection B of Section 2-105 of  
18 this title; however, the Assistant Commissioner shall be eligible  
19 for participation in only one retirement system and shall elect in  
20 writing the system in which he or she intends to participate within  
21 ninety (90) days of appointment. Any earned benefits or any credits  
22 toward retirement benefits from previous participation within the  
23 Oklahoma Public Employees Retirement System or the Oklahoma Law  
24 Enforcement Retirement System shall remain intact within that System

1 should the Assistant Commissioner elect to become a new participant  
2 in a different retirement system.

3 ~~D.~~ C. The salaries of the employees of the Department of Public  
4 Safety, shall be governed by and in accordance with the procedures  
5 established by the Office of Management and Enterprise Services,  
6 unless otherwise provided by law.

7 SECTION 12. AMENDATORY 47 O.S. 2011, Section 2-105, as  
8 last amended by Section 1, Chapter 228, O.S.L. 2014 (47 O.S. Supp.  
9 2016, Section 2-105), is amended to read as follows:

10 Section 2-105. A. ~~The Commissioner of Public Safety~~ The  
11 Superintendent of the Oklahoma Department of Law Enforcement,  
12 subject to the Oklahoma Personnel Act, shall appoint:

13 1. A Chief of the Oklahoma Highway Patrol Division with the  
14 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol  
15 Division with the rank of Lieutenant Colonel, and subordinate  
16 officers and employees of the Oklahoma Highway Patrol Division,  
17 including Majors, Captains, Lieutenants, and Highway Patrolmen with  
18 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol  
19 Division of the ~~Department of Public Safety~~ Oklahoma Department of  
20 Law Enforcement; provided, any officer appointed to a commissioned  
21 position prescribed in this paragraph which is unclassified pursuant  
22 to Section 840-5.5 of Title 74 of the Oklahoma Statutes shall have a  
23 right of return to the highest previously held classified  
24 commissioned position within the Highway Patrol Division of the

1 ~~Department of Public Safety~~ Oklahoma Department of Law Enforcement  
2 without any loss of rights, privileges or benefits immediately upon  
3 completion of the duties in the unclassified commissioned position;

4 2. A Captain, Lieutenants, and Patrolmen who shall comprise the  
5 Marine Enforcement Section of the Oklahoma Highway Patrol Division  
6 of the ~~Department of Public Safety~~ Oklahoma Department of Law  
7 Enforcement;

8 3. A Captain, Lieutenants, and Patrolmen, who shall comprise  
9 the Capitol Patrol Section of the Oklahoma Highway Patrol Division  
10 of the ~~Department of Public Safety~~ Oklahoma Department of Law  
11 Enforcement; and

12 4. Communications Coordinators, Communications Superintendents,  
13 Communications Supervisors, Communications Dispatchers, Radio  
14 Technicians and Tower Maintenance Officers shall comprise the  
15 Communications Division of the ~~Department of Public Safety~~ Oklahoma  
16 Department of Law Enforcement.

17 B. 1. The ~~Commissioner~~ Superintendent, when appointing  
18 commissioned officers and employees to the positions set out in  
19 subsection A of this section, shall determine, in consultation with  
20 the Director of the Office of Management and Enterprise Services,  
21 minimum qualifications and shall select such officers and employees  
22 only after examinations to determine their physical and mental  
23 qualifications for such positions. The content of the examinations  
24 shall be prescribed by the ~~Commissioner~~ Superintendent, and all such

1 appointees shall satisfactorily complete a course of training in  
2 operations and procedures as prescribed by the ~~Commissioner~~  
3 Superintendent.

4 2. No person shall be appointed to any position set out in  
5 subsection A of this section unless the person is a citizen of the  
6 United States of America, of good moral character, and:

7 a. for commissioned officer positions, shall be at least  
8 twenty-one (21) years of age but less than forty-six  
9 (46) years of age, and shall possess:

10 (1) an associate's degree or a minimum of sixty-two  
11 (62) successfully completed semester hours from  
12 an accredited college or university as denoted in  
13 the Database of Accredited Postsecondary  
14 Institutions and Programs provided by the U.S.  
15 Department of Education and whose hours are  
16 transferable between such recognized  
17 institutions,

18 (2) shall have successfully completed thirty-two (32)  
19 semester hours from an accredited college or  
20 university as denoted in the Database of  
21 Accredited Postsecondary Institutions and  
22 Programs provided by the U.S. Department of  
23 Education and whose hours are transferable  
24 between such recognized institutions and have

1 received an honorable discharge after three (3)  
2 years of active military or reserve military  
3 service, or

4 (3) shall have successfully completed thirty-two (32)  
5 semester hours from an accredited college or  
6 university as denoted in the Database of  
7 Accredited Postsecondary Institutions and  
8 Programs provided by the U.S. Department of  
9 Education and whose hours are transferable  
10 between such recognized institutions, and  
11 received an honorable discharge in any active  
12 military or reserve military service,

13 b. applicants with prior military service, shall receive  
14 credit for up to ten (10) semester hours for each year  
15 of honorable service in any active military or reserve  
16 military service up to a maximum of three (3) years or  
17 thirty (30) semester hours, and

18 c. for any such position in the Communications Division,  
19 a person shall be at least twenty (20) years of age  
20 and shall possess a high school diploma or General  
21 Educational Development equivalency certificate; shall  
22 possess either six (6) months of previous experience  
23 as a dispatcher or fifteen (15) successfully completed  
24 semester hours from an accredited college or

1 university as denoted in the Database of Accredited  
2 Postsecondary Institutions and Programs provided by  
3 the U.S. Department of Education and whose hours are  
4 transferable between such recognized institutions.

5 3. No commissioned officer of the ~~Department~~ division shall,  
6 while in such position, be a candidate for any political office or  
7 take part in or contribute any money or other thing of value,  
8 directly or indirectly, to any political campaign or to any  
9 candidate for public office. Anyone convicted of violating the  
10 provisions of this paragraph shall be guilty of a misdemeanor and  
11 shall be punished as provided by law.

12 4. The ~~Commissioner~~ Superintendent or any employee of the  
13 ~~Department~~ division shall not be a candidate for any political  
14 office, or in any way be active or participate in any political  
15 contest of any Primary, General, or Special Election, except to cast  
16 a ballot. No commissioned officer of the Department, while in the  
17 performance of the officer's assigned duty of providing security and  
18 protection, shall be considered as participating in a political  
19 campaign. The provisions of this paragraph shall not be construed  
20 to preclude a commissioned officer of the Oklahoma Highway Patrol  
21 Division of the ~~Department of Public Safety~~ Oklahoma Department of  
22 Law Enforcement from being a candidate for a position on a local  
23 board of education.

1           5. Drunkenness or being under the influence of intoxicating  
2 substances shall be sufficient grounds for the removal of any  
3 commissioned officer of the Department, in and by the manner  
4 provided for in this section.

5           C. 1. Upon initial appointment to the position of Cadet  
6 Highway Patrolman or Probationary Communications Dispatcher, the  
7 appointed employee shall be required to serve an initial  
8 probationary period of twelve (12) months. The ~~Commissioner~~ Chief,  
9 subject to the approval of the Superintendent may extend the  
10 probationary period for up to three (3) additional months provided  
11 that the employee and the Office of Management and Enterprise  
12 Services are notified in writing as to such action and the reasons  
13 thereof. During such probationary period, the employee may be  
14 terminated at any time and for any reason at the discretion of the  
15 ~~Commissioner~~ Chief, subject to the approval of the Superintendent.  
16 Retention in the service after expiration of the initial  
17 probationary period shall entitle such employee to be classified as  
18 a permanent employee and the employee shall be so classified. No  
19 permanent employee may be discharged or removed except as provided  
20 for in this section.

21           2. A commissioned officer of the Oklahoma Highway Patrol  
22 Division may be promoted during the initial probationary period if  
23 such officer satisfactorily completes all training requirements  
24 prescribed by the ~~Commissioner~~ Superintendent.

1 D. 1. No permanent employee, as provided for in this section,  
2 who is a commissioned officer of the Department, may be suspended  
3 without pay or dismissed unless the employee has been notified in  
4 writing by the ~~Commissioner~~ Chief, subject to the approval of the  
5 Superintendent of such intended action and the reasons thereof. No  
6 such notice shall be given by the ~~Commissioner~~ Chief, subject to the  
7 approval of the Superintendent unless sworn charges or statements  
8 have been obtained to justify the action.

9 2. Whenever such charges are preferred, the ~~Commissioner~~ Chief,  
10 subject to the approval of the Superintendent may suspend the  
11 accused pending the hearing and final determination of such charges.  
12 If the charges are not sustained in whole or in part, the accused  
13 shall be entitled to pay during the period of such suspension. If  
14 the charges are sustained in whole or in part, the accused shall not  
15 receive any pay for the period of such suspension.

16 3. Commissioned officers of the ~~Department of Public Safety~~  
17 Oklahoma Department of Law Enforcement are not entitled to appeal  
18 intra-agency transfer to the Oklahoma Merit Protection Commission  
19 pursuant to the Oklahoma Personnel Act unless transfer is in  
20 violation of Section 840-2.5 or 840-2.9 of Title 74 of the Oklahoma  
21 Statutes.

22 4. The ~~Department of Public Safety~~ Oklahoma Department of Law  
23 Enforcement shall follow the uniform grievance procedure established  
24 and adopted by the Office of Management and Enterprise Services for

1 permanent classified employees, except for those employees who are  
2 commissioned officers of the Department. The ~~Department of Public~~  
3 ~~Safety~~ Oklahoma Department of Law Enforcement shall establish and  
4 adopt a proprietary grievance procedure for commissioned officers of  
5 the Department which is otherwise in compliance with the provisions  
6 of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

7 E. 1. The ~~Commissioner~~ Chief, subject to the approval of the  
8 Superintendent, is hereby authorized to purchase and issue uniforms  
9 and necessary equipment for all commissioned officers of the Highway  
10 Patrol Division of the Department. All uniforms and equipment shall  
11 be used only in the performance of the official duties of such  
12 officers and shall remain the property of the Department, except as  
13 provided in Section 2-150 of this title.

14 2. Each commissioned officer of the Highway Patrol Division of  
15 the ~~Department of Public Safety~~ Oklahoma Department of Law  
16 Enforcement shall be entitled to reimbursement of expenses pursuant  
17 to the State Travel Reimbursement Act while away from the assigned  
18 area of the officer as designated by the Chief of the Oklahoma  
19 Highway Patrol Division, subject to the approval of the  
20 Superintendent, when such expense is incurred in the service of the  
21 state.

22 F. 1. The positions with the rank of Colonel and Lieutenant  
23 Colonel of the Oklahoma Highway Patrol Division shall be filled from  
24 the body of commissioned officers of the Oklahoma Highway Patrol

1 Division and appointment to ~~said~~ the position shall be based on  
2 qualifications, previous record as a commissioned officer of the  
3 Oklahoma Highway Patrol Division, length of service, years of  
4 experience within the Oklahoma Highway Patrol Division or other  
5 service as prescribed in this subsection, and efficiency of service  
6 performed.

7 2. In addition to the requirements of paragraph 1 of this  
8 subsection, the position of Chief of the Oklahoma Highway Patrol  
9 Division shall be based on one of the following:

10 a. one (1) year of experience in any combination:

11 (1) as Commissioner of Public Safety,

12 (2) as Assistant Commissioner of Public Safety, or

13 (3) as Assistant Chief,

14 b. two (2) years of experience in any combination:

15 (1) as Deputy Chief or higher rank, or

16 (2) if the experience was prior to April 21, 2006, as  
17 Major or higher rank,

18 c. four (4) years of experience in any combination:

19 (1) as Major or higher rank, or

20 (2) if the experience was prior to April 21, 2006, as  
21 Captain or higher rank, or

22 d. six (6) years of experience in any combination:

23 (1) as Captain or higher rank, or  
24

1 (2) if the experience was prior to April 21, 2006, as  
2 First Lieutenant or higher rank.

3 3. In addition to the requirements of paragraph 1 of this  
4 subsection, the position of Deputy Chief of the Oklahoma Highway  
5 Patrol Division shall be based on one of the following:

6 a. one (1) year of experience in any combination:

7 (1) as Commissioner of Public Safety,

8 (2) as Assistant Commissioner of Public Safety, or

9 (3) as Colonel,

10 b. two (2) years of experience in any combination:

11 (1) as Major or higher rank, or

12 (2) if the experience was prior to April 21, 2006, as  
13 Captain or higher rank, or

14 c. four (4) years of experience in any combination:

15 (1) as Captain or higher rank, or

16 (2) if the experience was prior to April 21, 2006, as  
17 Highway Patrol First Lieutenant or higher rank.

18 G. ~~The Commissioner of Public Safety~~ Superintendent of the  
19 Oklahoma Department of Law Enforcement is hereby authorized to send  
20 employees of the Department ~~of Public Safety~~ to schools such as  
21 Northwestern University Center for Public Safety, Southern Police  
22 Institute, the FBI National Academy, the Institute of Police  
23 Technology and Management, or to any other schools of similar  
24 training which would be conducive to improving the efficiency of the

1 Oklahoma Highway Patrol Division and the Department ~~of Public~~  
2 ~~Safety~~. While an employee is attending a school, the ~~Commissioner~~  
3 Superintendent is authorized to permit the employee to use a state-  
4 owned vehicle and to use a fuel-purchasing card for any expenses  
5 related to the operation of the vehicle. In addition, while an  
6 employee is attending the FBI National Academy, a one-time expense  
7 allowance of Two Thousand Dollars (\$2,000.00) for uniforms, fees,  
8 travel, room and board, and other related expenses shall be paid to  
9 the employee by the Department; provided, the employee shall not be  
10 further compensated through the State Travel Reimbursement Act, and,  
11 if any other agency reimburses the employee for any expenses, the  
12 reimbursement shall be given to the Department. All purchases made  
13 by the employee with the expense allowance shall be considered  
14 property of the employee.

15 H. 1. Any former commissioned officer of the Department whose  
16 separation from the Department was at such officer's own request and  
17 not a result of such officer's own actions contrary to the policy of  
18 the Department or was not as a result of the retirement of that  
19 officer from the Department may make application for reinstatement  
20 as a commissioned officer of the division or section of the  
21 Department in which such officer was previously employed, provided  
22 such reinstated officer will be able to complete twenty (20) years  
23 of credited service by the time the reinstated officer reaches  
24 sixty-two (62) years of age. The ~~Commissioner~~ Superintendent may

1 waive the requirements of possessing the number of semester hours or  
2 degree as required in subsection B of this section for any former  
3 commissioned officer making application for reinstatement as a  
4 commissioned officer of the Department. The ~~Commissioner~~  
5 Superintendent may require the applicant for reinstatement to attend  
6 selected courses of instruction, as prescribed by the ~~Commissioner~~  
7 Superintendent.

8 2. In the event of future hostilities wherein the Congress of  
9 the United States declares this nation in a state of war with a  
10 foreign nation, including military service brought about by the  
11 Vietnam War, any period of military service served by a commissioned  
12 officer of the Department shall be considered as continued service  
13 with such Department, provided such commissioned officer returns to  
14 duty with the Department within sixty (60) days after release from  
15 military service.

16 SECTION 13. AMENDATORY 47 O.S. 2011, Section 2-118, is  
17 amended to read as follows:

18 Section 2-118. ~~(a)~~ A. The ~~Commissioner~~ Superintendent of the  
19 Oklahoma Department of Law Enforcement shall require that the  
20 Division of Highway Patrol properly patrol the highways of this  
21 state and cooperate with sheriffs and police officers in enforcing  
22 the laws regulating the operation of vehicles and the use of  
23 highways.

24

1        ~~(b)~~ B. The ~~Commissioner~~ Superintendent of the Oklahoma  
2 Department of Law Enforcement may establish a school for the  
3 training and education of the members of ~~said~~ the Division in  
4 traffic regulation, the promotion of traffic safety and enforcement  
5 of the laws regulating the operation of vehicles and the use of the  
6 highways.

7        ~~(c)~~ C. All members of ~~said~~ the Division when on duty shall be  
8 dressed in distinctive uniform and display a badge of office.

9        SECTION 14.        AMENDATORY        47 O.S. 2011, Section 2-121, is  
10 amended to read as follows:

11        Section 2-121. The Department of Public Safety shall establish  
12 or provide for a Legal Division ~~and the Commissioner.~~ Subject to  
13 the approval of the Superintendent of the Oklahoma Department of Law  
14 Enforcement, the Commissioner of Public Safety may employ attorneys  
15 as needed, which may be on a full-time or part-time basis, ~~which.~~  
16 The attorneys, in addition to advising the Commissioner, the  
17 Superintendent of the Oklahoma Department of Law Enforcement, the  
18 Oklahoma Law Enforcement Council, Highway Patrol and other  
19 Department personnel on legal matters, may appear for and represent  
20 the Commissioner, the Superintendent, the Oklahoma Law Enforcement  
21 Commission, Highway Patrol and Department in administrative hearings  
22 and other legal actions and proceedings. Provided, that it shall  
23 continue to be the duty of the Attorney General to give his or her  
24

1 official opinion to the Commissioner and Superintendent and to  
2 prosecute and defend actions therefor, if requested to do so.

3 SECTION 15. AMENDATORY 47 O.S. 2011, Section 2-122.1, is  
4 amended to read as follows:

5 Section 2-122.1. All funds appropriated to the Oklahoma  
6 Department of Law Enforcement, or available funds previously  
7 appropriated to the Department of Public Safety may be used and  
8 expended in conjunction or cooperation with any federal agency or  
9 instrumentality under such terms and conditions considered  
10 appropriate or necessary by the ~~Commissioner of Public Safety~~  
11 Superintendent to obtain grants or federal aid assistance in  
12 accordance with state law. The ~~Department of Public Safety~~ Oklahoma  
13 Department of Law Enforcement is hereby authorized to collect,  
14 receive and use any and all grants, reimbursements, or court-ordered  
15 forfeitures made available through any agency or instrumentality of  
16 the federal government, provided, however, such funds shall be  
17 deposited in the State Treasury and disbursed in accordance with the  
18 agreement between the ~~Department of Public Safety~~ Oklahoma  
19 Department of Law Enforcement and the applicable federal agency or  
20 instrumentality.

21 SECTION 16. AMENDATORY 47 O.S. 2011, Section 2-142, as  
22 amended by Section 166, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
23 2016, Section 2-142), is amended to read as follows:  
24

1 Section 2-142. There is hereby created in the State Treasury a  
2 revolving fund for the Oklahoma Department of Law Enforcement's  
3 Department of Public Safety Division, to be designated the "Computer  
4 Imaging System Revolving Fund". The fund shall be a continuing fund  
5 not subject to fiscal year limitations. All monies accruing to the  
6 credit of ~~said~~ the fund are hereby appropriated and shall be  
7 budgeted and expended by the Department for the exclusive purpose of  
8 implementing, developing, administering, and maintaining the  
9 computer imaging system of the ~~Department of Public Safety~~ Oklahoma  
10 Department of Law Enforcement. Expenditures from ~~said~~ the fund  
11 shall be made upon warrants issued by the State Treasurer against  
12 claims filed as prescribed by law with the Director of the Office of  
13 Management and Enterprise Services for approval and payment.

14 SECTION 17. AMENDATORY 47 O.S. 2011, Section 2-143, as  
15 amended by Section 167, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
16 2016, Section 2-143), is amended to read as follows:

17 Section 2-143. There is hereby created in the State Treasury a  
18 revolving fund for the Oklahoma Department of Law Enforcement's  
19 Department of Public Safety Division, to be designated the "Oklahoma  
20 Department of Law Enforcement's Department of Public Safety Patrol  
21 Vehicle Revolving Fund". The fund shall be a continuing fund, not  
22 subject to fiscal year limitations. All monies accruing to the  
23 credit of the fund are hereby appropriated and shall be budgeted and  
24 expended by the Department for the purpose of purchasing, equipping,

1 and maintaining of patrol vehicles and patrol aircraft and for any  
2 other purpose related to the duties and responsibilities of the  
3 Transportation Division of the Department, as well as any other  
4 operational expenses of the Oklahoma Department of Law Enforcement's  
5 Oklahoma Highway Patrol Division. No monies shall be expended from  
6 this fund without expressed authorization by the Legislature.  
7 Expenditures from ~~said~~ the fund shall be made upon warrants issued  
8 by the State Treasurer against claims filed as prescribed by law  
9 with the Director of the Office of Management and Enterprise  
10 Services for approval and payment.

11 SECTION 18. AMENDATORY 47 O.S. 2011, Section 2-144.1, as  
12 last amended by Section 168, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
13 2016, Section 2-144.1), is amended to read as follows:

14 Section 2-144.1. A. There is hereby created in the State  
15 Treasury a revolving fund for the Oklahoma Department of Law  
16 Enforcement's Department of Public Safety Division to be designated  
17 the Oklahoma Department of Law Enforcement's Department of Public  
18 Safety Revolving Fund. The fund shall be a continuing fund, not  
19 subject to fiscal year limitations, and shall consist of all money  
20 received by the ~~Department of Public Safety~~ Oklahoma Department of  
21 Law Enforcement from:

- 22 1. Sale of surplus property;
- 23 2. Insurance and other reimbursements for damaged, lost or  
24 stolen property;

1           3. Reimbursement for services of Department personnel as  
2 approved by the Department if such personnel are representing the  
3 Department or are in any uniform of the Department;

4           4. Reimbursement for supplies or facsimile or data  
5 transmissions or for contractual services or products not otherwise  
6 provided by law;

7           5. Fees and costs paid by subscribers to the Oklahoma Law  
8 Enforcement Telecommunications Systems;

9           6. Refund of federal gasoline tax;

10          7. Reimbursements by federal, state and municipal government  
11 agencies for the use of ~~Department of Public Safety~~ Oklahoma  
12 Department of Law Enforcement airplanes;

13          8. Fees from users of the Robert R. Lester Training Center or  
14 other ~~Department of Public Safety~~ Oklahoma Department of Law  
15 Enforcement training facilities;

16          9. Federal funds, unless otherwise provided by federal law or  
17 regulation; and

18          10. Any other funds received pursuant to law and designated for  
19 deposit into the fund.

20          B. All monies accruing to the credit of the fund are hereby  
21 appropriated and may be budgeted and expended by the ~~Department of~~  
22 ~~Public Safety~~ Oklahoma Department of Law Enforcement for the  
23 operating expenses of the Department.

24

1 C. The Director of the Office of the Office of Management and  
2 Enterprise Services shall provide a distinct numbering system for  
3 the identification and tracking of the expenditures of the various  
4 programs budgeted from the revolving fund.

5 D. Expenditures from the fund shall be made upon warrants  
6 issued by the State Treasurer against claims filed as prescribed by  
7 law with the Director of the Office of Management and Enterprise  
8 Services for approval and payment.

9 SECTION 19. AMENDATORY 47 O.S. 2011, Section 2-145, as  
10 amended by Section 169, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
11 2016, Section 2-145), is amended to read as follows:

12 Section 2-145. A. There is hereby created in the State  
13 Treasury a revolving fund for the Oklahoma Department of Law  
14 Enforcement's Department of Public Safety Division, to be designated  
15 the " Oklahoma Department of Law Enforcement's Department of Public  
16 Safety Division Restricted Revolving Fund". The fund shall be a  
17 continuing fund, not subject to fiscal year limitations. All monies  
18 accruing to the credit of ~~said~~ the fund are hereby appropriated and  
19 shall be budgeted and expended by the ~~Department of Public Safety~~  
20 Oklahoma Department of Law Enforcement for the restricted purposes  
21 of the monies as prescribed by law. Expenditures from ~~said~~ the  
22 funds shall be made upon warrants issued by the State Treasurer  
23 against claims filed as prescribed by law with the Director of the  
24

1 Office of Management and Enterprise Services for approval and  
2 payment.

3 B. Any statutory references to the Department of Public Safety  
4 Revolving Fund shall mean the Oklahoma Department of Law  
5 Enforcement's Department of Public Safety Division Restricted  
6 Revolving Fund, as provided for in this section, whenever the  
7 expenditure of the monies is restricted by law.

8 C. The Oklahoma Department of Law Enforcement's Department of  
9 Public Safety Division shall transfer all funds, for which  
10 expenditure is restricted by law, from the Oklahoma Department of  
11 Law Enforcement's Department of Public Safety Division Revolving  
12 Fund to the Oklahoma Department of Law Enforcement's Department of  
13 Public Safety Division Restricted Revolving Fund.

14 SECTION 20. AMENDATORY 47 O.S. 2011, Section 2-146, as  
15 amended by Section 170, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
16 2016, Section 2-146), is amended to read as follows:

17 Section 2-146. There is hereby created in the State Treasury a  
18 revolving fund for the Oklahoma Department of Law Enforcement's  
19 Department of Public Safety Division, to be designated the "  
20 Oklahoma Department of Law Enforcement's Department of Public Safety  
21 Division Patrol Academy Revolving Fund". The fund shall be a  
22 continuing fund, not subject to fiscal year limitations. All monies  
23 accruing to the credit of ~~said~~ the fund are hereby appropriated and  
24 shall be budgeted and expended by the ~~Department of Public Safety~~

1 Oklahoma Department of Law Enforcement for the exclusive purpose of  
2 Oklahoma Highway Patrol Division Trooper Academies. Expenditures  
3 from ~~said~~ the fund shall be made upon warrants issued by the State  
4 Treasurer against claims filed as prescribed by law with the  
5 Director of the Office of Management and Enterprise Services for  
6 approval and payment.

7 SECTION 21. AMENDATORY 47 O.S. 2011, Section 40-123, as  
8 amended by Section 175, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
9 2016, Section 40-123), is amended to read as follows:

10 Section 40-123. There is hereby created in the State Treasury a  
11 revolving fund for the Oklahoma Department of Law Enforcement's  
12 Department of Public Safety to be designated the "Motorcycle Safety  
13 and Education Program Revolving Fund". The fund shall be a  
14 continuing fund, not subject to fiscal year limitations, and shall  
15 consist of all fees, donations, federal funds and grants received  
16 for the purpose of motorcycle safety and education programming. All  
17 monies accruing to the credit of ~~said~~ the fund are hereby  
18 appropriated and may be budgeted and expended by the ~~Commissioner of~~  
19 ~~Public Safety~~ Superintendent of the Oklahoma Department of Law  
20 Enforcement for the purpose of operating the Motorcycle Safety and  
21 Education Program. Expenditures from ~~said~~ the fund shall be made  
22 upon warrants issued by the State Treasurer against claims filed as  
23 prescribed by law with the Director of the Office of Management and  
24 Enterprise Services for approval and payment.

1 SECTION 22. AMENDATORY 47 O.S. 2011, Section 156.1, as  
2 amended by Section 3, Chapter 316, O.S.L. 2012 (47 O.S. Supp. 2016,  
3 Section 156.1), is amended to read as follows:

4 Section 156.1. A. It shall be unlawful for any state official,  
5 officer, or employee, except any essential employees approved by the  
6 Governor and those officers or employees authorized in subsection B  
7 of this section, to ride to or from the place of residence of the  
8 employee in a state-owned or -leased automobile, truck, or pickup,  
9 except in the performance of the official duty of the employee, or  
10 to use or permit the use of any such automobile, truck, ambulance,  
11 or pickup for other personal or private purposes. Any person  
12 convicted of violating the provisions of this section shall be  
13 guilty of a misdemeanor and shall be punished by a fine of not more  
14 than One Hundred Dollars (\$100.00) or by imprisonment in the county  
15 jail for a period to not exceed thirty (30) days, or by both ~~said~~  
16 the fine and imprisonment, and in addition thereto, shall be  
17 discharged from state employment.

18 B. 1. Any state employee, other than the individuals provided  
19 for in paragraph 2 of this subsection and any employee of the  
20 Department of Public Safety who is an employee in the Driver License  
21 Examining Division or the Driver Compliance Division or a wrecker  
22 inspector or auditor of the Wrecker Services Division as provided  
23 for in paragraph 3 of this subsection, who receives emergency  
24 telephone calls regularly at the residence of the employee when the

1 employee is not on duty and is regularly called upon to use a  
2 vehicle after normal work hours in response to such emergency calls,  
3 may be permitted to use a vehicle belonging to the State of Oklahoma  
4 to provide transportation between the residence of the employee and  
5 the assigned place of employment, provided such distance does not  
6 exceed seventy-five (75) miles in any round trip or is within the  
7 county where the assigned place of employment is located. Provided  
8 further, an employee may be permitted to use a state-owned or -  
9 leased vehicle to provide temporary transportation between a  
10 specific work location other than the assigned place of employment  
11 and the residence of the employee, if such use shall result in a  
12 monetary saving to the agency, and such authorization shall not be  
13 subject to the distance or area restrictions provided for in this  
14 paragraph. Authorization for temporary use of a state-owned or -  
15 leased vehicle for a specific project shall be in writing stating  
16 the justification for this use and the saving expected to result.  
17 Such authorization shall be valid for not to exceed sixty (60) days.  
18 Any state entity other than law enforcement that avails itself of  
19 this provision shall keep a monthly record of all participating  
20 employees, the number of emergency calls received, and the number of  
21 times that a state vehicle was used in the performance of such  
22 emergency calls.

23 2. Any employee of the ~~Department of Public Safety, Oklahoma~~  
24 ~~State Bureau of Narcotics and Dangerous Drugs Control, Oklahoma~~

1 ~~State Bureau of Investigation~~ Oklahoma Department of Law  
2 Enforcement, Alcoholic Beverage Laws Enforcement Commission,  
3 Oklahoma Horse Racing Commission, Oklahoma Department of  
4 Agriculture, Food, and Forestry, Office of the Inspector General  
5 within the Department of Human Services or Office of the State Fire  
6 Marshal, who is a law enforcement officer or criminalist, Public  
7 Information officer, Special Investigator or Assistant Director of  
8 the Oklahoma State Bureau of Investigation, CLEET-certified  
9 Investigator for a state board or any employee of a district  
10 attorney who is a law enforcement officer, may be permitted to use a  
11 state-owned or -leased vehicle to provide transportation between the  
12 residence of the employee and the assigned place of employment and  
13 between the residence and any location other than the assigned place  
14 of employment to which the employee travels in the performance of  
15 the official duty of the employee.

16 3. Any employee of the Department of Public Safety who is an  
17 employee in the Driver License Examining Division, an employee of  
18 the Driver Compliance Division, a wrecker inspector or auditor of  
19 the Wrecker Services Division, or a noncommissioned pilot may be  
20 permitted, as determined by the Commissioner, subject to the  
21 approval of the Superintendent of the Oklahoma Department of Law  
22 Enforcement, to use a state-owned or -leased vehicle to provide  
23 transportation between the residence of the employee and the  
24 assigned place of employment and between the residence and any

1 location other than the assigned place of employment to which the  
2 employee travels in the performance of the official duty of the  
3 employee.

4 4. The ~~Director~~ Superintendent of the Oklahoma Department of  
5 Law Enforcement, department heads and other essential employees of  
6 the Department of Wildlife Conservation, as authorized by the  
7 Wildlife Conservation Commission, may be permitted to use a state-  
8 owned or -leased vehicle to provide transportation between the  
9 residence of the employee and the assigned place of employment and  
10 between the residence and any location other than the assigned place  
11 of employment to which the employee travels in the performance of  
12 the official duty of the employee.

13 C. The principal administrator of the state agency with which  
14 the employee is employed shall so designate the status of the  
15 employee in writing or provide a copy of the temporary authorization  
16 to the Governor, the President Pro Tempore of the Senate, and the  
17 Speaker of the House of Representatives. Such employee status  
18 report shall also be provided to the State Fleet Manager of the  
19 Division of Fleet Management if the motor vehicle for emergency use  
20 is provided by ~~said~~ the Division.

21 SECTION 23. AMENDATORY Section 3, Chapter 378, O.S.L.  
22 2015 (47 O.S. Supp. 2016, Section 1104.27), is amended to read as  
23 follows:  
24

1 Section 1104.27. A. Twenty Dollars (\$20.00) of the fee  
2 authorized by Section 1135.5 of Title 47 of the Oklahoma Statutes  
3 for Remembering Fallen Heroes license plates shall be deposited to  
4 the Oklahoma Concerns of Police Survivors License Plate Revolving  
5 Fund created in subsection B of this section.

6 B. There is hereby created in the State Treasury a revolving  
7 fund for the ~~Oklahoma Department of Public Safety~~ Oklahoma  
8 Department of Law Enforcement to be designated the "Oklahoma  
9 Concerns of Police Survivors License Plate Revolving Fund". The  
10 fund shall consist of all monies received pursuant to subsection A  
11 of this section. All monies accruing to the credit of ~~said~~ the fund  
12 are hereby appropriated and may be budgeted and expended by the  
13 ~~Oklahoma Department of Public Safety~~ Oklahoma Department of Law  
14 Enforcement for the purpose of providing programs and services to  
15 surviving families of Oklahoma's fallen law enforcement officers.  
16 Expenditures from ~~said~~ the fund shall be made upon warrants issued  
17 by the State Treasurer against claims filed as prescribed by law  
18 with the Director of the Office of Management and Enterprise  
19 Services for approval and payment.

20 SECTION 24. AMENDATORY 63 O.S. 2011, Section 2-103, as  
21 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.  
22 2016, Section 2-103), is amended to read as follows:

23 Section 2-103. A. The Director of the Oklahoma State Bureau of  
24 Narcotics and Dangerous Drugs Control Division of the Oklahoma

1 Department of Law Enforcement shall be appointed by the ~~Oklahoma~~  
2 ~~State Bureau of Narcotics and Dangerous Drugs Control Commission.~~  
3 ~~The Director of Narcotics and Dangerous Drugs Control on January 1,~~  
4 ~~1984, shall be initially appointed as Director Superintendent of the~~  
5 Oklahoma Department of Law Enforcement. The ~~succeeding~~ Director  
6 shall, at the time of the appointment, have a Bachelor's Degree from  
7 an accredited college or university and at least five (5) years of  
8 experience in drug law enforcement. ~~The~~ Effective until December 1,  
9 2018, the Director must be a current employee of the Division.  
10 Subject to the approval of the Superintendent of the Oklahoma  
11 Department of Law Enforcement, the Director may appoint necessary  
12 assistants, agents, and other personnel to perform the work of the  
13 office and may prescribe their titles and duties ~~and fix their~~  
14 ~~compensation pursuant to Merit System rules.~~ The Subject to the  
15 approval of the Superintendent, the Director may appoint employees  
16 to the positions of Chief of Law Enforcement Information and  
17 Technology, Public Information/Education Officer, Training Officer,  
18 Program Administrators, Grants Administrator, Criminal Analysts,  
19 Legal Secretary, and Typist Clerk/Spanish Transcriptionists. The  
20 positions shall be unclassified and exempt from the rules and  
21 procedures of the Office of Management and Enterprise Services,  
22 except leave regulations. ~~The office of the Director shall be~~  
23 ~~located at a suitable place in Oklahoma City, Oklahoma.~~

24

1 B. 1. Agents appointed by the Director shall have the powers  
2 of peace officers generally; provided, subject to the approval of  
3 the Superintendent, the Director may appoint special agents and  
4 reserve special agents, who shall be unclassified employees of the  
5 state, to meet specific investigatory needs. Special agents and  
6 reserve special agents shall not be required to meet the age and  
7 educational requirements as specified in this section.

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

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

14 C. Agents appointed pursuant to the provisions of this section  
15 shall have the responsibility of investigating alleged violations  
16 and shall have the authority to arrest those suspected of having  
17 violated the provisions of the Uniform Controlled Dangerous  
18 Substances Act, as well as the crimes of money laundering and human  
19 trafficking, as otherwise set forth by laws of this state.

20 D. ~~The~~ Subject to the approval of the Superintendent, the  
21 Director may appoint reserve special agents who shall not be  
22 considered employees of the state and shall serve at the will of the  
23 ~~Director~~ Superintendent. Reserve special agents shall complete a  
24 minimum of one hundred sixty (160) hours of training pursuant to

1 Section 3311 of Title 70 of the Oklahoma Statutes and may not serve  
2 more than one hundred forty (140) hours per calendar month. Upon  
3 completion of training, reserve special agents appointed by the  
4 Director shall have general peace officer powers and the authority  
5 to arrest those suspected of having violated the provisions of the  
6 Uniform Controlled Dangerous Substances Act. The ~~agency~~ division  
7 may expend funds related to training and special reserve agents may  
8 receive travel expenses pursuant to the State Travel Reimbursement  
9 Act.

10 E. A commissioned employee of the Oklahoma State Bureau of  
11 Narcotics and Dangerous Drugs Control shall be entitled to receive  
12 upon retirement by reason of length of service, the continued  
13 custody and possession of the sidearm and badge carried by such  
14 employee immediately prior to retirement.

15 F. A commissioned employee of the Bureau may be entitled to  
16 receive, upon retirement by reason of disability, the continued  
17 custody and possession of the sidearm and badge carried by such  
18 employee immediately prior to retirement upon written approval of  
19 the Director.

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

23 H. Custody and possession of the sidearm and badge of a  
24 commissioned employee who dies while employed at the Oklahoma State

1 Bureau of Narcotics and Dangerous Drugs Control may be awarded by  
2 the Director to the spouse or next of kin of the deceased employee.

3 I. Any Director appointed on or after July 1, 2003, shall be  
4 eligible to participate in either the Oklahoma Public Employees  
5 Retirement System or in the Oklahoma Law Enforcement Retirement  
6 System and shall make an irrevocable election in writing to  
7 participate in one of the two retirement systems within ninety (90)  
8 days of appointment.

9 SECTION 25. AMENDATORY 63 O.S. 2011, Section 2-106, as  
10 amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2016,  
11 Section 2-106), is amended to read as follows:

12 Section 2-106. A. The Subject to the approval of the  
13 Superintendent, the Director of the Oklahoma State Bureau of  
14 Narcotics and Dangerous Drugs Control shall, in addition to other  
15 powers and duties vested in the Director:

16 1. Cooperate with federal and other state agencies in  
17 discharging the responsibilities concerning traffic in narcotics and  
18 dangerous substances and in suppressing the abuse of dangerous  
19 substances;

20 2. Arrange for the exchange of information between governmental  
21 officials concerning the use and abuse of dangerous substances;

22 3. Coordinate and cooperate in training programs on dangerous  
23 substances law enforcement at the local and state levels;

24

1           4. ~~Cooperate with the Oklahoma State Bureau of Narcotics and~~  
2 ~~Dangerous Drugs Control by establishing~~ Establish a centralized unit  
3 which will accept, catalog, file and collect statistics, including  
4 records of drug-dependent persons and other dangerous substance law  
5 offenders within the state, and make such information available for  
6 federal, state and local law enforcement purposes; and may collect  
7 and furnish statistics for other appropriate purposes; and

8           5. Coordinate and cooperate in programs of eradication aimed at  
9 destroying wild or illicit growth of plant species from which  
10 controlled dangerous substances may be extracted.

11           B. Results, information and evidence received from the Oklahoma  
12 State Bureau of Narcotics and Dangerous Drugs Control relating to  
13 the regulatory functions of this act, including results of  
14 inspections conducted by that agency, may be relied upon and acted  
15 upon by the Director in conformance with the regulatory functions  
16 under this act.

17           C. ~~The~~ Subject to the approval of the Superintendent, the  
18 Director is further authorized and directed to:

19           1. Coordinate and cooperate in educational programs designed to  
20 prevent and deter misuse and abuse of controlled dangerous  
21 substances;

22           2. Promote better recognition of the problems of misuse and  
23 abuse of controlled dangerous substances within the regulated  
24 industry and among interested groups and organizations;

1           3. Assist the regulated industry, interested groups and  
2 organizations in contributing to the reduction of misuse and abuse  
3 of controlled dangerous substances;

4           4. Consult with interested groups and organizations to aid them  
5 in solving administrative and organizational problems;

6           5. Assist in evaluating procedures, projects, techniques and  
7 controls conducted or proposed as part of educational programs on  
8 misuse and abuse of controlled dangerous substances;

9           6. Disseminate the results of research on misuse and abuse of  
10 controlled dangerous substances to promote a better public  
11 understanding of what problems exist and what can be done to combat  
12 them;

13           7. Assist in the education and training of state and local law  
14 enforcement officials in their efforts to control misuse and abuse  
15 of controlled dangerous substances;

16           8. ~~Conduct~~ Subject to the availability of funds, conduct an  
17 annual seminar to be attended by selected law enforcement officers  
18 in order to teach new techniques and advances in the investigation  
19 of violations of the Uniform Controlled Dangerous Substances Act;  
20 and

21           9. Supervise and direct agents appointed in the performance of  
22 their function of enforcement of the provisions of this act.

23           D. ~~The~~ Subject to the approval of the Superintendent, the  
24 Director is further authorized and directed to:

1           1. Encourage research on misuse and abuse of controlled  
2 dangerous substances;

3           2. Cooperate in establishing methods to assess accurately the  
4 effects of controlled dangerous substances and to identify and  
5 characterize controlled dangerous substances with potential for  
6 abuse; and

7           3. Cooperate in making studies and in undertaking programs of  
8 research to:

9           a. develop new or improved approaches, techniques,  
10            systems, equipment and devices to strengthen the  
11            enforcement of this act,

12           b. determine patterns of misuse and abuse of controlled  
13            dangerous substances and the social effects thereof,  
14            and

15           c. improve methods for preventing, predicting,  
16            understanding and dealing with the misuse and abuse of  
17            controlled dangerous substances.

18           E. The Director shall prepare a yearly report on all deaths and  
19 nonfatal overdoses which were the result or probable result of abuse  
20 of a controlled dangerous substance. The yearly report shall be  
21 limited to statistical information including, but not limited to,  
22 the county where the death or nonfatal overdose occurred, age, race,  
23 gender, type of controlled dangerous substances involved in the  
24

1 death or nonfatal overdose, and the method in which the controlled  
2 dangerous substance was obtained by the person, when available.

3 F. The Subject to the approval of the Superintendent, the  
4 Director may enter into contracts with public agencies, institutions  
5 of higher education and private organizations or individuals for the  
6 purpose of conducting research, demonstrations or special projects  
7 which bear directly on misuse and abuse of controlled dangerous  
8 substances.

9 G. The Subject to the approval of the Superintendent, the  
10 Director may enter into contracts for educational and research  
11 activities without performance bonds.

12 H. The Subject to the approval of the Superintendent, the  
13 Director may authorize persons engaged in research or scientific  
14 activities on the use and effects of dangerous substances to  
15 withhold the names and other identifying characteristics of persons  
16 who are the subjects of such research. Persons who obtain this  
17 authorization may not be compelled in any state civil, criminal,  
18 administrative, legislative or other proceeding to identify the  
19 subjects of research for which such authorization was obtained.

20 I. The Subject to the approval of the Superintendent, the  
21 Director may authorize the lawful possession, distribution and use  
22 of controlled dangerous substances by persons engaged in research or  
23 scientific activities; authorization for possession of controlled  
24 dangerous substances may be extended to persons engaged in a program

1 of drug education or persons in the performance of an official duty.  
2 Persons who obtain this authorization shall be exempt from state  
3 prosecution for possession, distribution or use of dangerous  
4 substances to the extent authorized by the Director.

5 J. ~~The~~ Subject to the approval of the Superintendent, the  
6 Director is authorized to accept gifts, bequests, devises,  
7 contributions and grants, public or private, including federal funds  
8 or funds from any other source for use in furthering the purpose of  
9 the ~~office of the Director~~ Bureau.

10 K. ~~The Director is authorized to purchase or sell real~~  
11 ~~property, together with appurtenances, in the name of the Oklahoma~~  
12 ~~State Bureau of Narcotics and Dangerous Drugs Control upon approval~~  
13 ~~of the Oklahoma State Bureau of Narcotics and Dangerous Drugs~~  
14 ~~Control Commission.~~

15 L. ~~The Director is authorized to purchase and maintain motor~~  
16 ~~vehicles and other equipment for use by the employees of the Bureau.~~

17 M. ~~The Director shall be in charge of all monies appropriated~~  
18 ~~for or deposited to the credit of the office of the Director and is~~  
19 ~~authorized to approve claims and payrolls as provided in Section~~  
20 ~~41.26 of Title 62 of the Oklahoma Statutes.~~

21 N. ~~The Director shall have the authority of a peace officer and~~  
22 ~~is authorized to commission assistants of the office as peace~~  
23 ~~officers.~~

24

1        ~~Θ.~~ L. Upon determining that a practitioner is prescribing a  
2 controlled dangerous substance to a person engaged in fraudulent or  
3 deceptive efforts to fill or refill multiple prescriptions for  
4 controlled dangerous substances, subject to the approval of the  
5 Superintendent, the Director shall provide written or electronic  
6 notification alerting the practitioner to the possibility that the  
7 person may be unlawfully obtaining prescription drugs in violation  
8 of the Uniform Controlled Dangerous Substances Act.

9        SECTION 26.        AMENDATORY        63 O.S. 2011, Section 2-106.2, is  
10 amended to read as follows:

11        Section 2-106.2. A. The Superintendent of the Oklahoma State  
12 ~~Bureau of Narcotics and Dangerous Drugs Control~~, pursuant to rules  
13 ~~promulgated by the Oklahoma State Bureau of Narcotics and Dangerous~~  
14 ~~Drugs Control Commission~~ Department of Law Enforcement, is hereby  
15 authorized to:

16        1. Make available for sale used vehicles, used equipment and  
17 forfeited property to any federal, state, county, or municipal  
18 agency, trust authority or public school district;

19        2. Sell at public auction any used vehicles, used equipment and  
20 any property forfeited to the Bureau; and

21        3. Donate or transfer title to any surplus property as defined  
22 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property  
23 forfeited to the Bureau, to any law enforcement agency of any  
24 political subdivision of the State of Oklahoma. The use of such

1 donated equipment shall be limited to valid and authorized law  
2 enforcement efforts by the receiving agency.

3 B. Any property subject to this section shall be exempted from  
4 the provisions set forth in Section 62.3 of Title 74 of the Oklahoma  
5 Statutes.

6 SECTION 27. AMENDATORY 63 O.S. 2011, Section 2-107, as  
7 amended by Section 497, Chapter 304, O.S.L. 2012 (63 O.S. Supp.  
8 2016, Section 2-107), is amended to read as follows:

9 Section 2-107. There is hereby created in the State Treasury a  
10 revolving fund for the Oklahoma Department of Law Enforcement's  
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
12 Division to be designated the "Bureau of Narcotics Revolving Fund".  
13 The fund shall be a continuing fund, not subject to fiscal year  
14 limitations, and shall consist of any monies received from the sale  
15 of surplus and confiscated property, fees and receipts collected  
16 pursuant to the Oklahoma Open Records Act, gifts, bequests, devises,  
17 contributions or grants, public or private, including federal funds  
18 unless otherwise provided by federal law or regulation, registration  
19 fees and receipts relating to prescription pads and receipts from  
20 any other source. All monies accruing to the credit of ~~said~~ the  
21 fund are hereby appropriated and may be budgeted and expended by the  
22 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~  
23 Oklahoma Department of Law Enforcement for general operations of the  
24 agency. Expenditures from ~~said~~ the fund shall be made upon warrants

1 issued by the State Treasurer against claims filed as prescribed by  
2 law with the Director of the Office of Management and Enterprise  
3 Services for approval and payment.

4 SECTION 28. AMENDATORY 63 O.S. 2011, Section 2-107a, is  
5 amended to read as follows:

6 Section 2-107a. There is hereby created in the State Treasury a  
7 revolving fund for the Oklahoma Department of Law Enforcement's  
8 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
9 Division to be designated the "Bureau of Narcotics Drug Education  
10 Revolving Fund". The fund shall be a continuing fund, not subject  
11 to fiscal year limitations, and shall consist of any monies received  
12 pursuant to subsection F of Section 1313.2 of Title 20 of the  
13 Oklahoma Statutes. All monies accruing to the credit of the fund  
14 are hereby appropriated and may be budgeted and expended by the  
15 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~  
16 Oklahoma Department of Law Enforcement for purposes relating to drug  
17 education and information in the State of Oklahoma.

18 SECTION 29. AMENDATORY 63 O.S. 2011, Section 2-107b, as  
19 amended by Section 498, Chapter 304, O.S.L. 2012 (63 O.S. Supp.  
20 2016, Section 2-107b), is amended to read as follows:

21 Section 2-107b. There is hereby created in the State Treasury a  
22 revolving fund for the Oklahoma Department of Law Enforcement's  
23 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
24 Division to be designated the "Drug Money Laundering and Wire

1 Transmitter Revolving Fund". The fund shall be a continuing fund,  
2 not subject to fiscal year limitations, and shall consist of all  
3 monies received by the ~~Oklahoma State Bureau of Narcotics and~~  
4 ~~Dangerous Drugs Control~~ Oklahoma Department of Law Enforcement from  
5 the fees imposed pursuant to Section 2-503.1j of this title. All  
6 monies accruing to the credit of the fund are hereby appropriated  
7 and may be budgeted and expended by the ~~Oklahoma State Bureau of~~  
8 ~~Narcotics and Dangerous Drugs Control~~ Oklahoma Department of Law  
9 Enforcement for the purpose of drug enforcement. Expenditures from  
10 ~~said~~ the fund shall be made upon warrants issued by the State  
11 Treasurer against claims filed as prescribed by law with the  
12 Director of the Office of Management and Enterprise Services for  
13 approval and payment.

14 SECTION 30. AMENDATORY 63 O.S. 2011, Section 2-110, as  
15 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2016,  
16 Section 2-110), is amended to read as follows:

17 Section 2-110. ~~The~~ Subject to the approval of the  
18 Superintendent of the Oklahoma Department of Law Enforcement, the  
19 Director of the Oklahoma State Bureau of Narcotics and Dangerous  
20 Drugs Control may employ attorneys, who shall be unclassified  
21 employees of the state, or contract with attorneys, as needed.  
22 These attorneys may advise the Director, the Superintendent of the  
23 Oklahoma Department of Law Enforcement, the ~~Oklahoma State Bureau of~~  
24 ~~Narcotics and Dangerous Drugs Control Commission~~ Law Enforcement

1 Council and Bureau personnel on all legal matters and shall appear  
2 for and represent the Director, the ~~Commission~~ Superintendent, the  
3 Oklahoma Law Enforcement Council and Bureau personnel in all  
4 administrative hearings and all litigation or other proceedings  
5 which may arise in the discharge of their duties. At the request of  
6 the ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~  
7 ~~Commission~~ Superintendent, such attorney shall assist the district  
8 attorney in prosecuting charges of violators of the Uniform  
9 Controlled Dangerous Substances Act or any felony relating to or  
10 arising from a violation of the Uniform Controlled Dangerous  
11 Substances Act. Attorneys for the Bureau who have been certified by  
12 the Council on Law Enforcement Education and Training to carry a  
13 weapon or have been issued a handgun license pursuant to the  
14 provisions of the Oklahoma Self-Defense Act shall be allowed to  
15 carry weapons pursuant to paragraph 3 of subsection A of Section  
16 1272 of Title 21 of the Oklahoma Statutes. These attorneys,  
17 pursuant to this provision, shall not be considered eligible to  
18 participate in the Oklahoma Law Enforcement Retirement System. If a  
19 conflict of interest would be created by such attorney representing  
20 the Director, the ~~Commission~~ the Superintendent, Oklahoma Law  
21 Enforcement Council or Bureau personnel, additional counsel may be  
22 hired upon approval of the Superintendent of the Oklahoma State  
23 ~~Bureau of Narcotics and Dangerous Drugs Control Commission~~  
24 Department of Law Enforcement.

1 SECTION 31. AMENDATORY 63 O.S. 2011, Section 2-503, as  
2 amended by Section 5, Chapter 154, O.S.L. 2014 (63 O.S. Supp. 2016,  
3 Section 2-503), is amended to read as follows:

4 Section 2-503. A. The following shall be subject to  
5 forfeiture:

6 1. All controlled dangerous substances and synthetic controlled  
7 substances which have been manufactured, distributed, dispensed,  
8 acquired, concealed or possessed in violation of the Uniform  
9 Controlled Dangerous Substances Act;

10 2. All raw materials, products and equipment of any kind and  
11 all drug paraphernalia as defined by the Uniform Controlled  
12 Dangerous Substances Act, which are used, or intended for use, in  
13 manufacturing, compounding, processing, delivering, importing or  
14 exporting, injecting, ingesting, inhaling, or otherwise introducing  
15 into the human body any controlled dangerous substance or synthetic  
16 controlled substance in violation of the provisions of the Uniform  
17 Controlled Dangerous Substances Act;

18 3. All property which is used, or intended for use, as a  
19 container for property described in paragraphs 1, 2, 5 and 6 of this  
20 subsection;

21 4. All conveyances, including aircraft, vehicles, vessels, or  
22 farm implements which are used to transport, conceal, or cultivate  
23 for the purpose of distribution as defined in the Uniform Controlled  
24 Dangerous Substances Act, or which are used in any manner to

1 facilitate the transportation or cultivation for the purpose of sale  
2 or receipt of property described in paragraphs 1 or 2 of this  
3 subsection or when the property described in paragraphs 1 or 2 of  
4 this subsection is unlawfully possessed by an occupant thereof,  
5 except that:

6 a. no conveyance used by a person as a common carrier in  
7 the transaction of business as a common carrier shall  
8 be forfeited under the provisions of the Uniform  
9 Controlled Dangerous Substances Act unless it shall  
10 appear that the owner or other person in charge of  
11 such conveyance was a consenting party or privy to a  
12 violation of the Uniform Controlled Dangerous  
13 Substances Act, and

14 b. no conveyance shall be forfeited under the provisions  
15 of this section by reason of any act or omission  
16 established by the owner thereof to have been  
17 committed or omitted without the knowledge or consent  
18 of such owner, and if the act is committed by any  
19 person other than such owner the owner shall establish  
20 further that the conveyance was unlawfully in the  
21 possession of a person other than the owner in  
22 violation of the criminal laws of the United States,  
23 or of any state;

24

1       5. All books, records and research, including formulas,  
2 microfilm, tapes and data which are used in violation of the Uniform  
3 Controlled Dangerous Substances Act;

4       6. All things of value furnished, or intended to be furnished,  
5 in exchange for a controlled dangerous substance in violation of the  
6 Uniform Controlled Dangerous Substances Act, all proceeds traceable  
7 to such an exchange, and all monies, negotiable instruments, and  
8 securities used, or intended to be used, to facilitate any violation  
9 of the Uniform Controlled Dangerous Substances Act;

10       7. All monies, coin and currency found in close proximity to  
11 any amount of forfeitable substances, to forfeitable drug  
12 manufacturing or distribution paraphernalia or to forfeitable  
13 records of the importation, manufacture or distribution of  
14 substances, which are rebuttably presumed to be forfeitable under  
15 the Uniform Controlled Dangerous Substances Act. The burden of  
16 proof is upon claimants of the property to rebut this presumption;

17       8. All real property, including any right, title, and interest  
18 in the whole of any lot or tract of land and any appurtenance or  
19 improvement thereto, which is used, or intended to be used, in any  
20 manner or part, to commit, or to facilitate the commission of, a  
21 violation of the Uniform Controlled Dangerous Substances Act which  
22 is punishable by imprisonment for more than one (1) year, except  
23 that no property right, title or interest shall be forfeited  
24 pursuant to this paragraph, by reason of any act or omission

1 established by the owner thereof to have been committed or omitted  
2 without the knowledge or consent of that owner; and

3 9. All weapons possessed, used or available for use in any  
4 manner to facilitate a violation of the Uniform Controlled Dangerous  
5 Substances Act.

6 B. Any property or thing of value of a person is subject to  
7 forfeiture if it is established by a preponderance of the evidence  
8 that such property or thing of value was acquired by such person  
9 during the period of the violation of the Uniform Controlled  
10 Dangerous Substances Act or within a reasonable time after such  
11 period and there was no likely source for such property or thing of  
12 value other than the violation of the Uniform Controlled Dangerous  
13 Substances Act.

14 C. Any property or thing of value of a person is subject to  
15 forfeiture if it is established by a preponderance of the evidence  
16 that the person has not paid all or part of a fine imposed pursuant  
17 to the provisions of Section 2-415 of this title.

18 D. All items forfeited in this section shall be forfeited under  
19 the procedures established in Section 2-506 of this title. Whenever  
20 any item is forfeited pursuant to this section except for items  
21 confiscated by the Oklahoma Department of Law Enforcement, the  
22 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
23 Division, the Department of Public Safety Division, the Oklahoma  
24 State Bureau of Investigation Division, the Alcoholic Beverage Laws

1 Enforcement Commission, the Department of Corrections, or the Office  
2 of the Attorney General, the district court of the district shall  
3 order that such item, money, or monies derived from the sale of such  
4 item be deposited by the state, county or city law enforcement  
5 agency which seized the item in the revolving fund provided for in  
6 Section 2-506 of this title; provided, such item, money or monies  
7 derived from the sale of such item forfeited due to nonpayment of a  
8 fine imposed pursuant to the provisions of Section 2-415 of this  
9 title shall be apportioned as provided in Section 2-416 of this  
10 title. Items, money or monies seized pursuant to subsections A and  
11 B of this section shall not be applied or considered toward  
12 satisfaction of the fine imposed by Section 2-415 of this title.  
13 All raw materials used or intended to be used by persons to  
14 unlawfully manufacture or attempt to manufacture any controlled  
15 dangerous substance in violation of the Uniform Controlled Dangerous  
16 Substances Act shall be summarily forfeited pursuant to the  
17 provisions of Section 2-505 of this title.

18 E. All property taken or detained under this section by the  
19 Oklahoma Department of Law Enforcement, the Oklahoma State Bureau of  
20 Narcotics and Dangerous Drugs Control Division, the Department of  
21 Public Safety Division, the Oklahoma State Bureau of Investigation  
22 Division, the Alcoholic Beverage Laws Enforcement Commission, the  
23 Department of Corrections, or the Office of the Attorney General,  
24 shall not be repleviable, but shall remain in the custody of the

1 Bureaus, Departments, Commission, or Office, respectively, subject  
2 only to the orders and decrees of a court of competent jurisdiction.  
3 ~~The Director of the Oklahoma State Bureau of Narcotics and Dangerous~~  
4 ~~Drugs Control, the Commissioner of Public Safety, the Director of~~  
5 ~~the Oklahoma State Bureau of Investigation~~ Superintendent of the  
6 Oklahoma Department of Law Enforcement, the Director of the  
7 Alcoholic Beverage Laws Enforcement Commission, the Director of the  
8 Department of Corrections, and the Attorney General shall follow the  
9 procedures outlined in Section 2-506 of this title dealing with  
10 notification of seizure, intent of forfeiture, final disposition  
11 procedures, and release to innocent claimants with regard to all  
12 property included in this section detained by the Oklahoma  
13 Department of Law Enforcement, the Department of Public Safety  
14 Division, the Oklahoma State Bureau of Investigation Division, the  
15 Alcoholic Beverage Laws Enforcement Commission, the Department of  
16 Corrections, or the Office of the Attorney General. Property taken  
17 or detained by the Oklahoma Department of Law Enforcement, the  
18 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
19 Division, the Department of Public Safety Division, the Oklahoma  
20 State Bureau of Investigation Division, the Alcoholic Beverage Laws  
21 Enforcement Commission, the Department of Corrections, or the Office  
22 of the Attorney General shall be disposed of or sold pursuant to the  
23 provisions of Section 2-508 of this title. Any money, coins, and  
24 currency, taken or detained pursuant to this section may be

1 deposited in an interest bearing account by or at the direction of  
2 the State Treasurer if the seizing agency determines the currency is  
3 not to be held as evidence. All interest earned on such monies  
4 shall be returned to the claimant or forfeited with the money,  
5 coins, and currency which was taken or detained as provided by law.

6 F. The proceeds of any forfeiture of items seized by the  
7 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
8 Division of the Oklahoma Department of Law Enforcement shall be  
9 distributed as follows:

10 1. To the bona fide or innocent purchaser, conditional sales  
11 vendor or mortgagee of the property, if any, up to the amount of his  
12 interest in the property, when the court declaring a forfeiture  
13 orders a distribution to such person; and

14 2. The balance to the Oklahoma Department of Law Enforcement  
15 Bureau of Narcotics Division Revolving Fund established pursuant to  
16 Section 2-107 of this title, provided the Bureau, with the approval  
17 of the Superintendent of the Oklahoma Department of Law Enforcement,  
18 may enter into agreements with municipal, tribal, county, state or  
19 federal law enforcement agencies, or other state agencies with  
20 CLEET-certified law enforcement officers, assisting in the  
21 forfeiture or underlying criminal investigation, to return to such  
22 an agency a percentage of ~~said~~ the proceeds.

23  
24

1 G. Any agency that acquires seized or forfeited property or  
2 money shall maintain a true and accurate inventory and record of all  
3 such property seized pursuant to this section.

4 SECTION 32. AMENDATORY 63 O.S. 2011, Section 4236, as  
5 amended by Section 522, Chapter 304, O.S.L. 2012 (63 O.S. Supp.  
6 2016, Section 4236), is amended to read as follows:

7 Section 4236. There is hereby created in the State Treasury a  
8 revolving fund for the Oklahoma Department of Law Enforcement's  
9 Department of Public Safety Division to be designated the "Boating  
10 Safety Education Fund". The fund shall be a continuing fund, not  
11 subject to fiscal year limitations, and shall consist of fine monies  
12 collected pursuant to Section 4235 of this title and any monies  
13 contributed to the fund from any other source. All monies accruing  
14 to the credit of such fund are hereby appropriated and shall be  
15 budgeted and expended by the Department for the exclusive purposes  
16 of establishing and maintaining a boating safety education program  
17 throughout the State of Oklahoma. Expenditures from such fund shall  
18 be made upon warrants issued by the State Treasurer against claims  
19 filed as prescribed by law with the Director of the Office of  
20 Management and Enterprise Services for approval and payment.

21 SECTION 33. AMENDATORY 74 O.S. 2011, Section 51.2, as  
22 amended by Section 701, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
23 2016, Section 51.2), is amended to read as follows:

24

1 Section 51.2. A. There is hereby created in the State Treasury  
2 a revolving fund for the Oklahoma Office of Homeland Security to be  
3 designated the "Oklahoma Homeland Security Revolving Fund". The  
4 Oklahoma Homeland Security Revolving Fund shall be a continuing  
5 fund, not subject to fiscal year limitations and shall consist of  
6 monies received by the Oklahoma Office of Homeland Security or the  
7 ~~Department of Public Safety~~ Oklahoma Department of Law Enforcement  
8 from:

9 1. Reimbursements from responsible parties for reasonable  
10 actions taken and costs incurred by a regional team in response to  
11 an incident or event involving a dangerous substance;

12 2. Reimbursements, grants, or other monies received from other  
13 state agencies and entities of state government;

14 3. Reimbursements, grants, or other monies received by the  
15 Oklahoma Office of Homeland Security or the ~~Department of Public~~  
16 ~~Safety~~ Oklahoma Department of Law Enforcement from the United States  
17 government or pursuant to proceedings in district court to enforce  
18 claims initiated pursuant to the Oklahoma Homeland Security Act or  
19 the Oklahoma Emergency Response Act;

20 4. Gifts, donations, and bequests;

21 5. Monies appropriated or apportioned by the state; and

22 6. Receipts from other ancillary services related to incidents  
23 or events related to dangerous substances, not otherwise provided by  
24 law.

1 B. All monies accruing to the credit of the Oklahoma Homeland  
2 Security Revolving Fund are hereby appropriated and may be budgeted  
3 and expended by the Oklahoma Office of Homeland Security for:

4 1. Operating expenses;

5 2. Administrative duties; and

6 3. Education and reimbursement for expenses of regional teams,  
7 including maintenance of equipment.

8 C. Expenditures from the Oklahoma Homeland Security Revolving  
9 Fund shall be made upon warrants issued by the State Treasurer  
10 against claims filed as prescribed by law with the Director of the  
11 Office of Management and Enterprise Services for approval and  
12 payment.

13 SECTION 34. AMENDATORY 74 O.S. 2011, Section 62.9, is  
14 amended to read as follows:

15 Section 62.9. Unless otherwise prohibited, as funds become  
16 available from appropriations approved by the United States Congress  
17 or grants awarded by federal agencies to the Oklahoma Department of  
18 Law Enforcement or to the former Oklahoma State Bureau of  
19 Investigation, or from the Oklahoma Department of Law Enforcement's  
20 OSBI Revolving Fund, the Oklahoma Department of Law Enforcement's  
21 A.F.I.S. Fund, or the Oklahoma Department of Law Enforcement's  
22 Forensic Science Improvement Revolving Fund, the ~~Oklahoma State~~  
23 ~~Bureau of Investigation~~ Oklahoma Department of Law Enforcement shall  
24 be authorized to use the funds to purchase equipment and provide

1 training to law enforcement agencies located in this state at no  
2 cost to the agencies. The costs of training may include tuition,  
3 equipment, supplies, and costs involved in attending training, and  
4 travel costs paid in accordance with the State Travel Reimbursement  
5 Act. In consideration of the economic benefit provided to the State  
6 of Oklahoma, its citizens, their health, and their property, by the  
7 continued use of the equipment and training for use in law  
8 enforcement efforts, the ~~Oklahoma State Bureau of Investigation~~  
9 Oklahoma Department of Law Enforcement may transfer title to any  
10 such equipment to a law enforcement agency for official law  
11 enforcement uses only.

12 SECTION 35. AMENDATORY 74 O.S. 2011, Section 150.2, as  
13 amended by Section 7, Chapter 397, O.S.L. 2015 (74 O.S. Supp. 2016,  
14 Section 150.2), is amended to read as follows:

15 Section 150.2. ~~The Oklahoma State Bureau of Investigation~~ The  
16 Superintendent of the Oklahoma Department of Law Enforcement shall  
17 have the power and duty to:

18 1. Maintain a nationally accredited scientific laboratory to  
19 assist all law enforcement agencies in the discovery and detection  
20 of criminal activity;

21 2. Maintain fingerprint and other identification files  
22 including criminal history records, juvenile identification files,  
23 and DNA profiles;

24

- 1       3. Establish, coordinate and maintain the automated  
2 fingerprinting identification system (AFIS) and the deoxyribonucleic  
3 acid (DNA) laboratory;
- 4       4. Operate teletype, mobile and fixed radio or other  
5 communications systems;
- 6       5. Conduct schools and training programs for the agents, peace  
7 officers, and technicians of this state charged with the enforcement  
8 of law and order and the investigation and detection of crime;
- 9       6. Assist the Director of the Oklahoma State Bureau of  
10 Narcotics and Dangerous Drugs Control, the Chief Medical Examiner,  
11 and all law enforcement officers and district attorneys when such  
12 assistance is requested, in accordance with the policy determined by  
13 ~~the Oklahoma State Bureau of Investigation Commission established in~~  
14 ~~Section 150.3 of this title~~ Superintendent;
- 15       7. Investigate and detect criminal activity when directed to do  
16 so by the Governor;
- 17       8. Investigate, detect, institute and maintain actions  
18 involving vehicle theft pursuant to Section 150.7a of this title or  
19 oil, gas or oil field equipment theft pursuant to Sections 152.2  
20 through 152.9 of this title;
- 21       9. Investigate any criminal threat made to the physical safety  
22 of elected or appointed officials of this state or any political  
23 subdivision of the state ~~and forward the results of that~~  
24 ~~investigation to the Department of Public Safety,~~ and provide

1 security to foreign elected or appointed officials while they are in  
2 this state on official business;

3 10. Investigate and detect violations of the Oklahoma Computer  
4 Crimes Act; and

5 11. Investigate and enforce all laws relating to any crime  
6 listed in Section 571 of Title 57 of the Oklahoma Statutes that  
7 ~~occur~~ occurs on the turnpikes.

8 SECTION 36. AMENDATORY 74 O.S. 2011, Section 150.6, is  
9 amended to read as follows:

10 Section 150.6. A. ~~The Oklahoma State Bureau of Investigation~~  
11 ~~shall be under the operational control of a Director.~~ The Director  
12 of the Oklahoma State Bureau of Investigation shall be appointed or  
13 dismissed by ~~a majority vote of the total membership of the~~  
14 ~~Commission~~ Superintendent of the Oklahoma Department of Law  
15 Enforcement. The Director shall be a ~~professional law enforcement~~  
16 full-time, certified peace officer who possesses a bachelor's degree  
17 from an accredited college or university and who shall have a  
18 minimum of five (5) ~~years'~~ years of experience in criminal  
19 investigation and/or law enforcement or five (5) years' experience  
20 as an agent with ~~said~~ the Bureau and ~~must have~~ has at least two (2)  
21 ~~years'~~ years of experience in an administrative position. Effective  
22 until December 1, 2018, the Director must be a current employee of  
23 the Division.

24

1 B. Any Director appointed on or after July 1, 2003, may  
2 participate in either the Oklahoma Public Employees Retirement  
3 System or in the Oklahoma Law Enforcement Retirement System and  
4 shall make an irrevocable election in writing to participate in one  
5 of the two retirement systems within ninety (90) days of  
6 appointment. Any earned benefits or any credits toward retirement  
7 benefits from previous participation within the Oklahoma Public  
8 Employees Retirement System or the Oklahoma Law Enforcement  
9 Retirement System shall remain intact within that System should the  
10 Director elect to become a new participant in a different retirement  
11 system.

12 SECTION 37. AMENDATORY 74 O.S. 2011, Section 150.7, as  
13 amended by Section 1, Chapter 136, O.S.L. 2015 (74 O.S. Supp. 2016,  
14 Section 150.7), is amended to read as follows:

15 Section 150.7. The Director of the Oklahoma State Bureau of  
16 Investigation shall have the following powers, duties and  
17 responsibilities:

18 1. ~~To~~ Subject to the approval of the Superintendent of the  
19 Oklahoma Department of Law Enforcement, appoint or dismiss a Deputy  
20 Director who shall have the same qualifications as the Director;

21 2. ~~To supervise~~ Subject to the approval of the Superintendent,  
22 supervise the maintaining of all reports and records of the Bureau  
23 and to promulgate administrative rules concerning the destruction  
24 and retention of such records. Such records shall not be

1 transferred to the custody or control of the Archives and Records  
2 Commission or be subject to the provisions of Section 590 of Title  
3 21 of the Oklahoma Statutes. The Director may, pursuant to adopted  
4 and promulgated administrative rule, order the destruction of  
5 records deemed to be no longer of value to the Bureau, excluding  
6 criminalistic and investigative records which shall forever be kept  
7 and maintained;

8 3. ~~To report to the Commission at each regular meeting, or as~~  
9 ~~directed by the Commission, the current workload of the Bureau.~~  
10 ~~Such reports shall be submitted by category of the persons or~~  
11 ~~entities authorized to initiate investigations as provided for in~~  
12 ~~subsection A of Section 150.5 of this title, and any other category~~  
13 ~~the Commission may request which does not violate the~~  
14 ~~confidentiality restrictions imposed in Sections 150.1 through 152.9~~  
15 ~~of this title. Such reports shall contain the following~~  
16 ~~information:~~

- 17 a. ~~what types of investigations are pending,~~
- 18 b. ~~what new types of investigations have been opened,~~
- 19 c. ~~what types of investigations have been closed, and~~
- 20 d. ~~what criminal charges have been filed as a result of~~  
21 ~~Bureau investigations.~~

22 ~~The reports shall not contain any information on the individual~~  
23 ~~subjects of the investigation or persons questioned in connection~~  
24

1 ~~with an investigation. These reports shall be open for public~~  
2 ~~inspection;~~

3 4. ~~To~~ Upon approval of the Superintendent of the Oklahoma  
4 Department of Law Enforcement, designate positions, ~~and~~ and appoint  
5 employees and fix salaries of the Bureau, other than the salaries  
6 established by subsection A of Section 150.6a of this title, and ~~to~~  
7 authorize the payment of necessary certification expenses for the  
8 employees;

9 5. ~~To~~ 4. Upon approval of the Superintendent of the Oklahoma  
10 Department of Law Enforcement, authorize the purchase and issuance  
11 of uniforms for all law enforcement officers, criminalists, and  
12 other personnel of the Bureau as designated by the Director and to  
13 purchase and issue necessary equipment for all employees of the  
14 Bureau. All uniforms and equipment shall be used only in the  
15 performance of the official duties of the officers, criminalists or  
16 other personnel and shall remain the property of the Bureau except  
17 as otherwise provided by law; and

18 6. ~~To~~ 5. The Superintendent of the Oklahoma Department of Law  
19 Enforcement may enter into local cooperative agreements with local  
20 law enforcement agencies for the purpose of appointing affiliate  
21 task force agents to assist the ~~Bureau~~ Oklahoma Department of Law  
22 Enforcement in the investigation of major crimes under the  
23 jurisdiction of ~~the Bureau~~ all divisions of the Department.  
24 Affiliate task force agents shall be employees and commissioned law

1 enforcement officers of the local law enforcement agency entering  
2 into agreement with the ~~Bureau~~ Department and ~~shall not~~ may be  
3 employees of the ~~Bureau~~ any divisions of the Department. Affiliate  
4 task force agents shall have general peace officer powers and the  
5 authority to arrest persons throughout the state while serving as an  
6 affiliate task force agent. Affiliate task force agents serve  
7 solely at the discretion and will of the ~~Director~~ Superintendent.  
8 The ~~Director~~ Superintendent may renew, suspend, or revoke any  
9 agreement appointing an affiliate task force agent at any time.

10 SECTION 38. AMENDATORY 74 O.S. 2011, Section 150.13A, as  
11 amended by Section 1, Chapter 89, O.S.L. 2012 (74 O.S. Supp. 2016,  
12 Section 150.13A), is amended to read as follows:

13 Section 150.13A. A. ~~The Director of the Oklahoma State Bureau~~  
14 ~~of Investigation is hereby authorized to appoint, with the approval~~  
15 ~~of the Oklahoma State Bureau of Investigation Commission,~~  
16 Superintendent of the Oklahoma Department of Law Enforcement may  
17 appoint special officers that shall have enforcement authority  
18 related to the investigation of oil and gas industry crimes, which  
19 shall include the larceny of equipment, property, supplies or  
20 products. The number of special officers shall not exceed twenty  
21 (20) positions and those special officers shall not be salaried  
22 employees of the ~~Bureau~~ Department, but shall at all times be  
23 subject to the orders and directions of the ~~Director~~ Superintendent.  
24 In addition, the special officers shall not have authority to

1 enforce any laws except the provisions of the Oklahoma Statutes  
2 relating directly to oil and gas industry crimes, for which they  
3 will have the same authority as any other peace officer. The  
4 special officers shall be known as Special Oil and Gas  
5 Investigators.

6 B. Special Oil and Gas Investigators shall not receive any  
7 compensation or expenses from this state or any of its departments,  
8 agencies or subdivisions for their services. Before the issuance of  
9 a special commission, each Special Oil and Gas Investigator shall  
10 enter into a good and sufficient bond executed by a surety company  
11 authorized to do business in this state in the sum of Five Hundred  
12 Thousand Dollars (\$500,000.00). The bond shall also be approved by  
13 the ~~Director~~ Superintendent of the Oklahoma Department of Law  
14 Enforcement and shall indemnify all persons against damages accruing  
15 as a result of any illegal or unlawful acts on the part of the  
16 Special Oil and Gas Investigators. The special oil and gas  
17 commissions shall expire on January 1 of the odd-numbered year after  
18 the appointment. ~~The~~ Upon approval of the Superintendent of the  
19 Oklahoma Department of Law Enforcement, the Director may renew,  
20 suspend or revoke any special oil and gas commission at any time.

21 SECTION 39. AMENDATORY 74 O.S. 2011, Section 150.16, as  
22 amended by Section 1, Chapter 156, O.S.L. 2012 (74 O.S. Supp. 2016,  
23 Section 150.16), is amended to read as follows:

24

1       Section 150.16. The Oklahoma ~~State Bureau of Investigation~~  
2 Department of Law Enforcement is hereby authorized to own and  
3 operate aircraft and to rent or charter aircraft on a project or  
4 mission basis, such rental or charter to last only for the duration  
5 of the project or mission. The ~~Bureau~~ Superintendent of the  
6 Oklahoma Department of Law Enforcement is also authorized to pay,  
7 from any funds available ~~to the Bureau~~, expenses involved in  
8 qualifying multiengine and instrument pilots as may be required to  
9 accomplish agency responsibilities.

10       SECTION 40.       AMENDATORY       74 O.S. 2011, Section 150.19a, as  
11 amended by Section 833, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
12 2016, Section 150.19a), is amended to read as follows:

13       Section 150.19a. There is hereby created in the State Treasury  
14 a revolving fund for the Oklahoma Department of Law Enforcement's  
15 Oklahoma State Bureau of Investigation Division to be designated the  
16 "OSBI Division Revolving Fund". The fund shall be a continuing  
17 fund, not subject to fiscal year limitations, and shall consist of  
18 any monies received from the sale of surplus property, fees and  
19 receipts collected pursuant to the Oklahoma Open Records Act, fines,  
20 forfeitures, fees, charges, receipts, donations, gifts, bequests,  
21 contributions, devises, interagency reimbursements, federal funds  
22 unless otherwise provided by federal law or regulation, or any other  
23 source. All monies accruing to the credit of ~~said~~ the fund are  
24 hereby appropriated and may be budgeted and expended by the ~~Oklahoma~~

1 ~~State Bureau of Investigation~~ Oklahoma Department of Law Enforcement  
2 for operating expenses of the ~~Bureau~~ Oklahoma Department of Law  
3 Enforcement, for the purpose of implementing the Oklahoma Reward  
4 System pursuant to Section 150.18 of this title, and to purchase  
5 equipment and provide training to law enforcement agencies located  
6 in the state, pursuant to Section 62.9 of this title. Expenditures  
7 from ~~said~~ the fund shall be made upon warrants issued by the State  
8 Treasurer against claims filed as prescribed by law with the  
9 Director of the Office of Management and Enterprise Services for  
10 approval and payment.

11 SECTION 41. AMENDATORY 74 O.S. 2011, Section 150.21, is  
12 amended to read as follows:

13 Section 150.21. The Oklahoma State Bureau of Investigation  
14 ~~shall~~ may establish or provide for a legal division ~~and~~. Subject to  
15 the approval of the Superintendent of the Oklahoma Department of Law  
16 Enforcement, the Director may employ ~~two~~ attorneys as needed, ~~which~~.  
17 The attorneys, in addition to advising the Director, the ~~Commission~~  
18 Superintendent of the Oklahoma Department of Law Enforcement, the  
19 Oklahoma Law Enforcement Council and employees of the Bureau on  
20 legal matters, may appear for and represent the Director, the  
21 ~~Commission~~ Superintendent, Oklahoma Law Enforcement Council and  
22 employees of the Bureau in administrative hearings and other legal  
23 actions and proceedings. No Bureau attorney shall enter an  
24 appearance in a criminal action nor engage in private practice of

1 the law while in the employment of the Oklahoma State Bureau of  
2 Investigation, except for the purpose of representing the agency in  
3 motions to quash subpoenas, other discovery matters, expungement  
4 applications, evidentiary hearings, and forfeiture proceedings. It  
5 shall continue to be the duty of the Attorney General to give  
6 official opinions to and to prosecute and defend actions for the  
7 Director, ~~Commission~~ the Superintendent, the Oklahoma Law  
8 Enforcement Council and employees of the Bureau, if requested to do  
9 so.

10 SECTION 42. AMENDATORY 74 O.S. 2011, Section 150.25, as  
11 amended by Section 834, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
12 2016, Section 150.25), is amended to read as follows:

13 Section 150.25. There is hereby created in the State Treasury a  
14 revolving fund for the Oklahoma Department of Law Enforcement's  
15 Oklahoma State Bureau of Investigation Division, to be designated  
16 the "A.F.I.S. Fund". The fund shall be a continuing fund, not  
17 subject to fiscal year limitations, and shall consist of all monies  
18 received by the ~~Oklahoma State Bureau of Investigation~~ Oklahoma  
19 Department of Law Enforcement, from appropriations, federal grants  
20 and assessments levied to ~~said~~ the fund pursuant to law. All monies  
21 accruing to the credit of ~~said~~ the fund are hereby appropriated and  
22 shall be budgeted and expended by the ~~Oklahoma State Bureau of~~  
23 ~~Investigation~~ Oklahoma Department of Law Enforcement for the purpose  
24 of maintaining and operating the Automated Fingerprint

1 Identification System (A.F.I.S.) until the indebtedness for the  
2 purchase of the automated fingerprint identification system  
3 equipment has been satisfied and to purchase equipment and provide  
4 training to law enforcement agencies located in the state, pursuant  
5 to Section 62.9 of this title. After the indebtedness has been  
6 satisfied, any monies not necessary for the maintenance, operating  
7 and upgrading expenses of the A.F.I.S. may be used for purchase,  
8 renovation or leasing of buildings, upgrading of laboratory  
9 equipment, and other capital expenditures of the ~~Oklahoma State~~  
10 ~~Bureau of Investigation~~ Oklahoma Department of Law Enforcement and  
11 to purchase equipment and provide training to law enforcement  
12 agencies located in the state, pursuant to Section 62.9 of this  
13 title. Expenditures from ~~said~~ the fund shall be made upon warrants  
14 issued by the State Treasurer against claims filed as prescribed by  
15 law with the Director of the Office of Management and Enterprise  
16 Services for approval and payment.

17 SECTION 43. AMENDATORY 74 O.S. 2011, Section 150.35, as  
18 amended by Section 836, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
19 2016, Section 150.35), is amended to read as follows:

20 Section 150.35. There is hereby created in the State Treasury a  
21 revolving fund for the Oklahoma Department of Law Enforcement's  
22 Oklahoma State Bureau of Investigation Division to be designated the  
23 "Forensic Science Improvement Revolving Fund". The fund shall be a  
24 continuing fund, not subject to fiscal year limitations, and shall

1 consist of all appropriated funds, any funds from state, federal or  
2 other grants, the funds collected from assessments provided by  
3 Section 1313.4 of Title 20 of the Oklahoma Statutes, any monies  
4 transferred from the Oklahoma Department of Law Enforcement's OSBI  
5 Division Revolving Fund; and any other monies designated to or  
6 deposited to the benefit of this fund. All monies accruing to the  
7 credit of this fund are hereby appropriated and may be budgeted and  
8 expended by the ~~Oklahoma State Bureau of Investigation~~ Oklahoma  
9 Department of Law Enforcement for the purpose of improvement of the  
10 forensic science services of the ~~Oklahoma State Bureau of~~  
11 ~~Investigation~~ Oklahoma Department of Law Enforcement including, but  
12 not limited to:

- 13 1. Purchase, construction, renovation, financing or leasing of  
14 facilities and equipment;
- 15 2. Purchase, rental, upgrades, repair, and maintenance of  
16 instrumentation and equipment;
- 17 3. Salaries, benefits, training, equipment, supplies, and  
18 overhead expenses for agency personnel;
- 19 4. Education, training and development of OSBI personnel;
- 20 5. Destruction of seized property and chemicals;
- 21 6. Accreditation and quality assurance expenses;
- 22 7. Professional services contracts;

23  
24

1 8. Purchase equipment and provide training to law enforcement  
2 agencies located in this state, pursuant to Section 62.9 of this  
3 title; and

4 9. Enhancement or implementation of forensic technologies.  
5 Expenditures from the fund shall be made upon warrants issued by the  
6 State Treasurer against claims filed as prescribed by law with the  
7 Director of the Office of Management and Enterprise Services for  
8 approval and payment.

9 SECTION 44. AMENDATORY 74 O.S. 2011, Section 152.5, as  
10 amended by Section 837, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
11 2016, Section 152.5), is amended to read as follows:

12 Section 152.5. A. All monies received from fines and  
13 forfeitures for violations of the provisions of this act on behalf  
14 of the ~~Bureau~~ Oklahoma Department of Law Enforcement, when collected  
15 by the court clerk, shall be deposited by such clerk as follows:

16 1. Fifty percent (50%) thereof with the county treasurer to be  
17 credited to the general fund of the county and so reported; and

18 2. Fifty percent (50%) shall be transmitted to the Oil and Gas  
19 Theft Recovery Fund by cash voucher and so reported.

20 B. All transmittals of monies under this section shall be  
21 accompanied by a report showing the name of the court, the number of  
22 the case, the style of the case and the amount of fine and  
23 forfeiture in each separate instance.

24

1 C. There is hereby created in the State Treasury a revolving  
2 fund for the ~~Bureau~~ Department, to be designated the "Oil and Gas  
3 Theft Recovery Revolving Fund". The fund shall be a continuing  
4 fund, not subject to fiscal year limitations, and shall consist of  
5 all monies received by the ~~Bureau~~ Department, from fines and  
6 forfeitures received pursuant to this act. All monies accruing to  
7 the credit of ~~said~~ the fund are hereby appropriated and may be  
8 budgeted and expended by the ~~Bureau~~ Division for the purpose of  
9 effectuating the provisions of this act. Expenditures from said  
10 fund shall be made upon warrants issued by the State Treasurer  
11 against claims filed as prescribed by law with the Director of the  
12 Office of Management and Enterprise Services for approval and  
13 payment.

14 SECTION 45. AMENDATORY 22 O.S. 2011, Section 1518, is  
15 amended to read as follows:

16 Section 1518. There is hereby created in the State Treasury a  
17 revolving fund for the Oklahoma Department of Law Enforcement's  
18 Oklahoma State Bureau of Investigation Division to be designated the  
19 "Oklahoma Criminal Justice Resource Revolving Fund". The fund shall  
20 be a continuing fund, not subject to fiscal year limitations, and  
21 shall consist of all grants, gifts, bequests and any other lawful  
22 monies received for the benefit of the ~~Bureau~~ Department. All  
23 monies accruing to the credit of ~~said~~ the fund are hereby  
24 appropriated and may be budgeted and expended by the ~~Director of the~~

1 ~~Bureau~~ Superintendent of the Department for the operation of the  
2 ~~Bureau~~ Department in furtherance of its duties as set forth in  
3 Section 1517 of this title or other purposes authorized by law.

4 SECTION 46. REPEALER 63 O.S. 2011, Section 2-104.1, is  
5 hereby repealed.

6 SECTION 47. REPEALER 74 O.S. 2011, Sections 150.3 and  
7 150.4, are hereby repealed.

8 SECTION 48. Sections 46 and 47 of this act shall become  
9 effective December 1, 2017.

10

11 56-1-1154 BH 1/19/2017 6:27:19 PM

12

13

14

15

16

17

18

19

20

21

22

23

24