

OKLAHOMA STATE SENATE
CONFERENCE
COMMITTEE REPORT

May 19, 2017

Mr. President:

Mr. Speaker:

The Conference Committee, to which was referred

SB 314

By: Scott of the Senate and Biggs of the House


Title: County officers; qualifications to hold or file as candidate for office of county sheriff. Effective date.

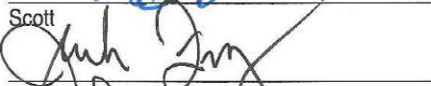
together with Engrossed House Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

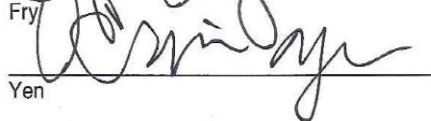
1. That the House recede from all Amendments.
2. By restoring the title as follows:
"An Act relating to counties and county officers; amending 19 O.S. 2011, Section 510, which relates to qualifications for the office of county sheriff; deleting obsolete language; modifying qualifications to hold or file as candidate for office; clarifying language; providing for certain eligibility; providing for codification; and providing an effective date."

Respectfully submitted,

SENATE CONFEREES:



Scott


Fry


Yen



Shaw



Dossett


Matthews

Thompson

HOUSE CONFEREES:

Conference Committee on Elections and Ethics

Senate Action _____ Date _____ House Action _____ Date _____

epc

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 314 By: Scott of the Senate
3 and
4 Biggs of the House
5
6

7 [counties and county officers - sheriff -
8 qualifications - effective date]
9

10 AMENDMENT NO. 1. Replace the stricken title, enacting clause and
11 entire bill and insert
12

13 "An Act relating to county sheriffs; amending 19 O.S.
14 2011, Section 510, which relates to county sheriff
15 qualifications; modifying requirement of prior
16 service as peace officer; removing population
17 threshold to expand certain required qualification;
18 defining term; and providing an effective date.

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

19 SECTION 1. AMENDATORY 19 O.S. 2011, Section 510, is
20 amended to read as follows:

21 Section 510. Any person, otherwise qualified, who has been a
22 resident of the State of Oklahoma for two (2) years, has been a
23 registered voter of the party whose nomination he or she seeks, or a
24 registered Independent, within the county from which such person

1 seeks election for the six (6) months next preceding the first day
2 of the filing period, ~~except in 2004, when such person must have~~
3 ~~been a qualified registered elector no later than December 21, 2003,~~
4 is at least twenty-five (25) years of age next preceding the date of
5 filing for office, possesses at least a high school education and
6 has served as a duly certified peace officer, in a full-time
7 capacity, for a period of four (4) years or more prior to the date
8 of filing for the office of county sheriff, shall be eligible to
9 hold the office of county sheriff or to file therefor. ~~Provided,~~
10 ~~however, in counties with populations of five hundred thousand~~
11 ~~(500,000) or more, the person seeking election shall also be a~~
12 ~~current certified peace officer in good standing.~~ Within twelve
13 (12) months of taking office, all newly elected or appointed
14 sheriffs shall complete a sheriff's administrative school which has
15 been developed by the Oklahoma ~~Sheriff's~~ Sheriffs' Association and
16 which has been approved by the Council on Law Enforcement Education
17 and Training (CLEET). Failure to complete the sheriff's
18 administrative school within the specified period shall preclude the
19 new sheriff from obtaining CLEET certification. New sheriffs with
20 prior CLEET certification, who fail to attend the sheriff's
21 administrative school, shall have their CLEET certification revoked.
22 Provided, however, the provisions of this section relating to
23 qualifications shall not apply to any person serving as a county
24

1 sheriff or to any person previously serving as county sheriff prior
2 to the adoption of this statute.

3 For purposes of this section, "peace officer" shall mean a full-
4 time duly appointed or elected officer who is paid for working more
5 than twenty-five (25) hours per week and whose duties are to
6 preserve the public peace, protect life and property, prevent crime,
7 serve warrants, and enforce state, federal or military laws and
8 local ordinances of this state or any political subdivision thereof.

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

10 Passed the House of Representatives the 19th day of April, 2017.

11
12
13 _____
Presiding Officer of the House of
Representatives

14
15 Passed the Senate the ____ day of _____, 2017.

16
17
18 _____
Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 314

By: Scott of the Senate

3 and

4 Biggs of the House

5
6 [counties and county officers - sheriff -
7 qualifications - effective date]
8

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

10 SECTION 3. AMENDATORY 19 O.S. 2011, Section 510, is
11 amended to read as follows:

12 Section 510. A. Any person, otherwise qualified, ~~who has~~ shall
13 be eligible to hold the office of county sheriff or to file as a
14 candidate therefor if such person:

15 1. Has been a resident of the State of Oklahoma for two (2)
16 years, ~~has;~~

17 2. Has been a registered voter of the party whose nomination he
18 or she seeks, or a registered Independent, within the county from
19 which such person seeks election, for the six (6) months next
20 preceding the first day of the filing period, ~~except in 2004, when~~
21 ~~such person must have been a qualified registered elector no later~~
22 ~~than December 21, 2003, is;~~

23 3. Is at least twenty-five (25) years of age next preceding the
24 date of filing for office, ~~possesses;~~

1 4. Possesses at least a high school education, ~~shall be~~
2 ~~eligible to hold the office of county sheriff or to file therefor.~~
3 ~~Provided, however, in counties with populations of five hundred~~
4 ~~thousand (500,000) or more, the person seeking election shall also~~
5 ~~be a current certified peace officer in good standing.; and~~

6 5. a. in counties with populations of twenty-five thousand
7 (25,000) or more but fewer than one hundred thousand
8 (100,000) according to the most recent federal
9 decennial census, has served as a duly certified peace
10 officer in a full-time capacity for a period of three
11 (3) years or more or has served as a duly certified
12 peace officer in a part-time capacity as a military
13 police officer or reserve officer in this or any other
14 state for a period of five (5) years or more, or
15 b. in counties with populations of one hundred thousand
16 (100,000) or more according to the most recent federal
17 decennial census, holds a current certification as a
18 peace officer in good standing.

19 In counties with populations under twenty-five thousand (25,000)
20 according to the most recent federal decennial census, no previous
21 service or certification as a peace officer shall be required.

22 Provided, any person who previously served as a duly certified
23 peace officer for a period of five (5) years or more and who has
24 completed a program for refresher training conducted by the Council

1 on Law Enforcement Education and Training as provided in Section
2 3311.4 of Title 70 of the Oklahoma Statutes shall be deemed to have
3 met the qualifications set forth in this paragraph.

4 B. Within twelve (12) months of taking office, all newly
5 elected or appointed sheriffs shall complete a sheriff's
6 administrative school which has been developed by the Oklahoma
7 Sheriff's Association and which has been approved by the Council on
8 Law Enforcement Education and Training (CLEET). Failure to complete
9 the sheriff's administrative school within the specified period
10 shall preclude the new sheriff from obtaining CLEET certification.
11 New sheriffs with prior CLEET certification, who fail to attend the
12 sheriff's administrative school, shall have their CLEET
13 certification revoked.

14 C. Provided, however, the provisions of this section relating
15 to qualifications shall not apply to any person serving as a county
16 sheriff or to any person previously serving as county sheriff prior
17 to the adoption of this statute.

18 SECTION 4. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 3311.16 of Title 70, unless
20 there is created a duplication in numbering, reads as follows:

21 Any person, otherwise qualified, shall be eligible to serve as a
22 Council on Law Enforcement Education and Training (CLEET) Arms
23 Instructor who has served as a duly certified peace officer in a
24 full-time capacity for a period of three (3) years or more, or has

served as a duly certified peace officer in a part-time capacity as a military police officer or reserve officer in this or any other state for a period of five (5) years or more.

SECTION 5. This act shall become effective November 1, 2017.

Passed the Senate the 23rd day of March, 2017.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2017.

Presiding Officer of the House
of Representatives