1 ENGROSSED HOUSE AMENDMENT ТΟ 2 ENGROSSED SENATE BILL NO. 971 By: Floyd and Bice of the Senate 3 and 4 Echols of the House 5 6 7 An Act relating to law enforcement training; amending 70 O.S. 2011, Section 3311.4, as last amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp. 8 2018, Section 3311.4), which relates to continuing 9 law enforcement training; requiring certain training relating to sexual assault calls, response and 10 evidence collection; amending 70 O.S. 2011, Section 3311.5, as last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp. 2018, Section 3311.5), 11 which relates to required curriculum; requiring 12 training focused on protocol for handling and processing sexual assault calls; and declaring an 1.3 emergency. 14 15 AMENDMENT NO. 1. Delete the title, enacting clause and entire bill and replace with: 16 17 18 "An Act relating to law enforcement training; amending 70 O.S. 2011, Section 3311.4, as last 19 amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp. 2018, Section 3311.4), which relates to 20 continuing law enforcement training; requiring certain training relating to sexual assault calls, 21 response and evidence collection; amending 70 O.S. 2011, Section 3311.5, as last amended by Section 1, 22 Chapter 162, O.S.L. 2017 (70 O.S. Supp. 2018, Section 3311.5), which relates to required 23 curriculum; directing the Council on Law Enforcement Education and Training to establish training

resources focused on protocol for handling and

1 processing sexual assault calls; providing list of training topics; and providing an effective date. 2 3 4 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 5 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311.4, as last amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp. 6 7 2018, Section 3311.4), is amended to read as follows: 8 Section 3311.4 A. Beginning January 1, 2008, and annually 9 thereafter, every active full-time peace officer, certified by the 10 Council on Law Enforcement Education and Training (CLEET) pursuant 11 to Section 3311 of this title, shall attend and complete a minimum 12 of twenty-five (25) hours of continuing law enforcement training 13 accredited or provided by CLEET which shall include a mandatory two 14 (2) hours on mental health issues. Effective November 1, 2019, 15 CLEET shall establish appropriate training resources which shall 16 include the policies and protocols for responding to sexual assault 17 calls, quidelines for the collection and maintenance of sexual 18 assault kits and continuing education on trauma-informed sexual 19 assault response and intervention, and shall require all CLEET-20 certified law enforcement officers to complete such training on a 21 regular basis to be determined by CLEET. CLEET shall promulgate 22 rules to enforce the provisions of this section and shall enter into 23 contracts and agreements for the payment of classroom space, 24

training, food, and lodging expenses as may be necessary for law

- enforcement officers attending such training in accordance with
  subsection B of Section 3311 of this title. Such training and
  seminars shall be conducted in all areas of this state at technology
  center schools, institutions of higher education, or other approved
  sites.
  - B. Beginning January 1, 2017, and annually thereafter, every active reserve peace officer, certified by CLEET pursuant to Section 3311 of this title, shall attend and complete a minimum of eight (8) hours of continuing law enforcement training accredited or provided by CLEET which shall include a mandatory one (1) hour on mental health issues.
  - C. Every inactive full-time or reserve peace officer, certified by CLEET, shall be exempt from these requirements during the inactive status. Upon reentry to full-time active status, the peace officer shall be required to comply with subsection A of this section. If a full-time certified peace officer has been inactive for five (5) or more years, the officer must complete refresher training as prescribed by CLEET and which shall include a minimum of four (4) hours of mental health education and training, within one (1) year of employment. Upon reentry to active reserve status, the peace officer shall be required to comply with subsection B of this section. If a certified reserve officer has been inactive for five (5) or more years, the certified reserve officer shall complete a legal update as prescribed by CLEET. The Director of CLEET may

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

1

3

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

- D. Every tribal officer who is commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization agreement with the State of Oklahoma or any political subdivision of the State of Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma Statutes shall comply with the provisions of this section.
- E. Any active full-time or reserve certified peace officer, or CLEET-certified cross-deputized tribal officer who fails to meet the annual training requirements specified in this section, shall be subject to having the certification of the peace officer suspended, after the peace officer and the employer have been given written notice of noncompliance and a reasonable time, as defined by the Council, to comply with the provisions of this section. A peace officer shall not be employed in the capacity of a peace officer during any period of suspension. The suspension period shall be for a period of time until the officer files a statement attesting to full compliance with the provisions of this section. Suspension of peace officer certification shall be reported to the district attorney for the jurisdiction in which the officer is employed, the liability insurance company of the law enforcement agency that employed the peace officer, the chief elected official of the governing body of the law enforcement agency and the chief law

- enforcement officer of the law enforcement agency. Any officer
  whose certification is suspended pursuant to this section may
  request a hearing with CLEET. Such hearings shall be governed by
  the Administrative Procedures Act except that the affected officer
  has the burden to show CLEET why CLEET should not have the
  certification of the officer suspended.
  - F. All certified, active full-time or reserve peace officers employed, commissioned or appointed for a period of ninety (90) days in a calendar year, who become inactive prior to the end of a calendar year, are responsible for meeting mandatory continuing education requirements as set forth in this section upon return to active full-time or reserve peace officer status within sixty (60) days of the date of return to employment, commission or appointment. Failure to complete the mandatory continuing education within sixty (60) days may result in disciplinary action as set forth in CLEET Rules at OAC 390:2. Full-time or reserve certified peace officers who return to active status within the calendar year they become inactive must complete the annual mandatory continuing education requirements outlined in this section within the remaining portion of the calendar year.
- 21 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.5, as
  22 last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp.
  23 2018, Section 3311.5), is amended to read as follows:

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

- B. By January 1, 2008, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall include in its required courses of study for law enforcement certification a minimum of six (6) hours of evidence-based sexual assault and sexual violence training. A portion of the sexual assault and sexual violence training shall include instruction presented by a certified sexual assault service provider.
- C. By January 1, 2012, every active full-time peace officer, previously certified by CLEET pursuant to Section 3311 of this title, shall be required to attend and complete the evidence-based sexual assault and sexual violence training provided in subsection B of this section.

D. CLEET shall promulgate rules to enforce the provisions of subsections B and C of this section and shall, with the assistance of certified sexual assault service providers, establish a comprehensive integrated curriculum for the teaching of evidencebased sexual assault and sexual violence issues.

- E. The Council is required to update that block of training or course materials relating to legal issues, concepts, and state laws annually, but not later than ninety (90) days following the adjournment of any legislative session.
- F. By January 1, 2009, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall include in its required courses of study for law enforcement certification a minimum of four (4) hours of oil field equipment theft training.
- G. By January 1, 2012, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall establish and include in its required courses of study for law enforcement certification a minimum of eight (8) hours of evidence-based domestic violence and stalking investigation training. The training should include, at a minimum, the importance of reporting domestic violence incidents, determining the predominant aggressor, evidence-based investigation of domestic violence and stalking, lethality assessment, and personal safety planning necessary at the pretrial stages of a potential criminal case. A portion of the training shall include instruction presented by an expert victim advocate

- selected from recommendations provided by the Office of the Attorney

  General or the Domestic Violence Fatality Review Board. The

  training shall be developed in collaboration with the Domestic

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

existing domestic violence and stalking courses currently required.

- I. CLEET shall establish the training provided in subsection G of this section as a part of CLEET's peace officer continuing education program and develop a plan to train full-time peace officers previously certified by CLEET pursuant to Section 3311 of this title where applicable. The Office of the Attorney General shall provide a list of expert victim advocates that are available to assist in the training.
- J. The Council is authorized to pay for and send training staff and employees to one or more training and education courses in jurisdictions outside this state for the purpose of expanding curriculum, training skill development, and general knowledge within the field of law enforcement education and training.
- 22 K. On and after November 1, 2013, the Council on Law
  23 Enforcement Education and Training (CLEET), pursuant to its
  24 authority granted by Section 3311 of this title, shall include in

- its required basic training courses for law enforcement

  certification a minimum of two (2) hours of education and training

  relating to recognizing and managing a person experiencing dementia

  or Alzheimer's disease.
  - L. By November 1, 2019, CLEET shall establish appropriate training resources focused on protocol for handling and processing sexual assault calls. The training shall include, but not be limited to:
    - 1. How to handle the sexual assault call upon first contact;
    - 2. Determining when the assault occurred;
    - 3. Where to take the victim;

1.3

- 4. Questioning witnesses and collecting evidence; and
- 5. Informing and assisting the victim in accessing resources, help and information.
- M. The Council shall promulgate rules to evaluate and approve municipalities and counties that are deemed capable of conducting separate basic law enforcement training academies in their jurisdiction and to certify officers successfully completing such academy training courses. Upon application to the Council, any municipality with a population of sixty-five thousand (65,000) or more or any county with a population of five hundred thousand (500,000) or more shall be authorized to operate a basic law enforcement academy. The Council shall approve an application when the municipality or county making the application meets the criteria

1 for a separate training academy and demonstrates to the satisfaction 2 of the Council that the academy has sufficient resources to conduct 3 the training, the instructional staff is appropriately trained and qualified to teach the course materials, the curriculum is composed 5 of comparable or higher quality course segments to the CLEET academy 6 curriculum, and the facilities where the academy will be conducted 7 are safe and sufficient for law enforcement training purposes. Any 8 municipality or county authorized to operate a basic law enforcement academy after November 1, 2007, shall not be eligible to receive 10 funds pursuant to subsection E of Section 1313.2 of Title 20 of the 11 Oklahoma Statutes. The Council shall not provide any funding for 12 the operation of any separate training academy authorized by this 1.3 subsection.

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

SECTION 3. This act shall become effective November 1, 2019."

19

14

15

16

17

18

20

21

22

23

1	Passed the House of Representatives the 25th day of April, 2019.
2	
3	
4	Presiding Officer of the House of Representatives
5	
6	Passed the Senate the day of, 2019.
7	
8	
9	Presiding Officer of the Senate
10	
11	
12	
13	
14	
15	
16	
17	
18	
19	
20	
21	
22	
23	
24	

1 ENGROSSED SENATE BILL NO. 971 By: Floyd and Bice of the 2 Senate 3 and Echols of the House 4 5 6 7 An Act relating to law enforcement training; amending 70 O.S. 2011, Section 3311.4, as last amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp. 8 2018, Section 3311.4), which relates to continuing 9 law enforcement training; requiring certain training relating to sexual assault calls, response and evidence collection; amending 70 O.S. 2011, Section 10 3311.5, as last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp. 2018, Section 3311.5), 11 which relates to required curriculum; requiring 12 training focused on protocol for handling and processing sexual assault calls; and declaring an 13 emergency. 14 15 16 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA: 70 O.S. 2011, Section 3311.4, as SECTION 4. 17 AMENDATORY last amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp. 18 2018, Section 3311.4), is amended to read as follows: 19 Section 3311.4. A. Beginning January 1, 2008, and annually 20 thereafter, every active full-time peace officer, certified by the 21 Council on Law Enforcement Education and Training (CLEET) pursuant 22 to Section 3311 of this title, shall attend and complete a minimum 23

of twenty-five (25) hours of continuing law enforcement training

1 | accredited or provided by CLEET which shall include a mandatory two

2 | (2) hours on mental health issues and a minimum of two (2) hours on

3 sexual assault issues which shall include the policies and protocols

for responding to sexual assault calls, guidelines for the

5 | collection and maintenance of sexual assault kits and continuing

6 education on trauma-informed sexual assault response and

7 | intervention. CLEET shall promulgate rules to enforce the

provisions of this section and shall enter into contracts and

9 agreements for the payment of classroom space, training, food, and

lodging expenses as may be necessary for law enforcement officers

attending such training in accordance with subsection B of Section

3311 of this title. Such training and seminars shall be conducted

in all areas of this state at technology center schools,

institutions of higher education, or other approved sites.

B. Beginning January 1, 2017, and annually thereafter, every active reserve peace officer, certified by CLEET pursuant to Section

3311 of this title, shall attend and complete a minimum of eight (8)

hours of continuing law enforcement training accredited or provided

by CLEET which shall include a mandatory one (1) hour on mental

20 health issues.

4

10

11

12

13

14

17

18

19

23

24

21 C. Every inactive full-time or reserve peace officer, certified

22 by CLEET, shall be exempt from these requirements during the

inactive status. Upon reentry to full-time active status, the peace

officer shall be required to comply with subsection A of this

- 1 section. If a full-time certified peace officer has been inactive for five (5) or more years, the officer must complete refresher 2 training as prescribed by CLEET and which shall include a minimum of 3 four (4) hours of mental health education and training, within one 5 (1) year of employment. Upon reentry to active reserve status, the peace officer shall be required to comply with subsection B of this 6 section. If a certified reserve officer has been inactive for five 7 (5) or more years, the certified reserve officer shall complete a 9 legal update as prescribed by CLEET. The Director of CLEET may 10 waive these requirements based on review of all records of 11 employment and training.
  - D. Every tribal officer who is commissioned by an Oklahoma law enforcement agency pursuant to a cross-deputization agreement with the State of Oklahoma or any political subdivision of the State of Oklahoma pursuant to the provisions of Section 1221 of Title 74 of the Oklahoma Statutes shall comply with the provisions of this section.
- E. Any active full-time or reserve certified peace officer, or

  CLEET-certified cross-deputized tribal officer who fails to meet the

  annual training requirements specified in this section, shall be

  subject to having the certification of the peace officer suspended,

  after the peace officer and the employer have been given written

  notice of noncompliance and a reasonable time, as defined by the

  Council, to comply with the provisions of this section. A peace

13

14

15

16

officer shall not be employed in the capacity of a peace officer during any period of suspension. The suspension period shall be for a period of time until the officer files a statement attesting to full compliance with the provisions of this section. Suspension of peace officer certification shall be reported to the District Attorney for the jurisdiction in which the officer is employed, the liability insurance company of the law enforcement agency that employed the peace officer, the chief elected official of the governing body of the law enforcement agency and the chief law enforcement officer of the law enforcement agency. Any officer whose certification is suspended pursuant to this section may request a hearing with CLEET. Such hearings shall be governed by the Administrative Procedures Act except that the affected officer has the burden to show CLEET why CLEET should not have the certification of the officer suspended.

F. All certified, active full-time or reserve peace officers employed, commissioned or appointed for a period of ninety (90) days in a calendar year, who become inactive prior to the end of a calendar year, are responsible for meeting mandatory continuing education requirements as set forth in this section upon return to active full-time or reserve peace officer status within sixty (60) days of the date of return to employment, commission or appointment. Failure to complete the mandatory continuing education within sixty (60) days may result in disciplinary action as set forth in CLEET

1 Rules at OAC 390:2. Full-time or reserve certified peace officers

2 | who return to active status within the calendar year they become

3 | inactive must complete the annual mandatory continuing education

4 | requirements outlined in this section within the remaining portion

5 | of the calendar year.

8

11

12

14

15

16

17

18

19

22

24

6 | SECTION 5. AMENDATORY 70 O.S. 2011, Section 3311.5, as

7 | last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp.

2018, Section 3311.5), is amended to read as follows:

9 Section 3311.5. A. On and after November 1, 2007, the Council 10 on Law Enforcement Education and Training (CLEET), pursuant to its

authority granted by Section 3311 of this title, shall include in

its required basic training courses for law enforcement

13 certification a minimum of four (4) hours of education and training

relating to recognizing and managing a person appearing to require

mental health treatment or services. The Council shall further

offer a minimum of four (4) hours of education and training on

specific mental health issues pursuant to Section 3311.4 of this

title to meet the annual requirement for continuing education in the

areas of mental health issues.

B. By January 1, 2008, CLEET, pursuant to its authority granted

21 by Sections 3311 and 3311.4 of this title, shall include in its

required courses of study for law enforcement certification a

23 minimum of six (6) hours of evidence-based sexual assault and sexual

violence training. A portion of the sexual assault and sexual

- violence training shall include instruction presented by a certified sexual assault service provider.
  - C. By January 1, 2012, every active full-time peace officer, previously certified by CLEET pursuant to Section 3311 of this title, shall be required to attend and complete the evidence-based sexual assault and sexual violence training provided in subsection B of this section.
  - D. CLEET shall promulgate rules to enforce the provisions of subsections B and C of this section and shall, with the assistance of certified sexual assault service providers, establish a comprehensive integrated curriculum for the teaching of evidence-based sexual assault and sexual violence issues.
  - E. The Council is required to update that block of training or course materials relating to legal issues, concepts, and state laws annually, but not later than ninety (90) days following the adjournment of any legislative session.
  - F. By January 1, 2009, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall include in its required courses of study for law enforcement certification a minimum of four (4) hours of oil field equipment theft training.
- G. By January 1, 2012, CLEET, pursuant to its authority granted by Sections 3311 and 3311.4 of this title, shall establish and include in its required courses of study for law enforcement certification a minimum of eight (8) hours of evidence-based

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

- H. By January 1, 2012, the evidence-based domestic violence and stalking investigation curriculum developed in collaboration with the Domestic Violence Fatality Review Board shall be submitted to the Council for approval.
- I. CLEET shall establish the training provided in subsection G of this section as a part of CLEET's peace officer continuing education program and develop a plan to train full-time peace officers previously certified by CLEET pursuant to Section 3311 of this title where applicable. The Office of the Attorney General shall provide a list of expert victim advocates that are available to assist in the training.

- J. The Council is authorized to pay for and send training staff and employees to one or more training and education courses in jurisdictions outside this state for the purpose of expanding curriculum, training skill development, and general knowledge within the field of law enforcement education and training.
  - K. On and after November 1, 2013, the Council on Law Enforcement Education and Training (CLEET), pursuant to its authority granted by Section 3311 of this title, shall include in its required basic training courses for law enforcement certification a minimum of two (2) hours of education and training relating to recognizing and managing a person experiencing dementia or Alzheimer's disease.
- L. By January 1, 2020, CLEET shall include in the required basic training courses for law enforcement certification a minimum of two (2) hours of education and training focused on protocol for handling and processing sexual assault calls. The training shall include, but not be limited to:
  - 1. How to handle the sexual assault call upon first contact;
  - 2. Determining when the assault occurred;
  - 3. Where to take the victim;
  - 4. Questioning witnesses and collecting evidence; and
- 22 5. Informing and assisting the victim in accessing resources,
- 23 help and information.

The Council shall promulgate rules to evaluate and approve municipalities and counties that are deemed capable of conducting separate basic law enforcement training academies in their jurisdiction and to certify officers successfully completing such academy training courses. Upon application to the Council, any municipality with a population of sixty-five thousand (65,000) or more or any county with a population of five hundred thousand (500,000) or more shall be authorized to operate a basic law enforcement academy. The Council shall approve an application when the municipality or county making the application meets the criteria for a separate training academy and demonstrates to the satisfaction of the Council that the academy has sufficient resources to conduct the training, the instructional staff is appropriately trained and qualified to teach the course materials, the curriculum is composed of comparable or higher quality course segments to the CLEET academy curriculum, and the facilities where the academy will be conducted are safe and sufficient for law enforcement training purposes. municipality or county authorized to operate a basic law enforcement academy after November 1, 2007, shall not be eligible to receive funds pursuant to subsection E of Section 1313.2 of Title 20 of the Oklahoma Statutes. The Council shall not provide any funding for the operation of any separate training academy authorized by this subsection.

24

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

1	M. $N$ . Any municipality or county that, prior to November 1,
2	2007, was authorized to conduct a basic law enforcement academy
3	shall continue to receive funding pursuant to subsection E of
4	Section 1313.2 of Title 20 of the Oklahoma Statutes.
5	SECTION 6. It being immediately necessary for the preservation
6	of the public peace, health or safety, an emergency is hereby
7	declared to exist, by reason whereof this act shall take effect and
8	be in full force from and after its passage and approval.
9	Passed the Senate the 11th day of March, 2019.
10	
11	Presiding Officer of the Senate
12	
13	Passed the House of Representatives the day of,
14	2019.
15	
16	Presiding Officer of the House
17	of Representatives
18	
19	
20	
21	
22	
23	