

1 ENGROSSED SENATE
2 BILL NO. 971

By: Floyd and Bice of the
Senate

3 and

4 Echols of the House
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7 An Act relating to law enforcement training; amending
8 70 O.S. 2011, Section 3311.4, as last amended by
9 Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp.
10 2018, Section 3311.4), which relates to continuing
11 law enforcement training; requiring certain training
12 relating to sexual assault calls, response and
13 evidence collection; amending 70 O.S. 2011, Section
14 3311.5, as last amended by Section 1, Chapter 162,
15 O.S.L. 2017 (70 O.S. Supp. 2018, Section 3311.5),
16 which relates to required curriculum; requiring
17 training focused on protocol for handling and
18 processing sexual assault calls; and declaring an
19 emergency.
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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.
2018, Section 3311.4), is amended to read as follows:

Section 3311.4. A. Beginning January 1, 2008, and annually
thereafter, every active full-time peace officer, certified by the
Council on Law Enforcement Education and Training (CLEET) pursuant
to Section 3311 of this title, shall attend and complete a minimum
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
4 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
8 provisions of this section and shall enter into contracts and
9 agreements for the payment of classroom space, training, food, and
10 lodging expenses as may be necessary for law enforcement officers
11 attending such training in accordance with subsection B of Section
12 3311 of this title. Such training and seminars shall be conducted
13 in all areas of this state at technology center schools,
14 institutions of higher education, or other approved sites.

15 B. Beginning January 1, 2017, and annually thereafter, every
16 active reserve peace officer, certified by CLEET pursuant to Section
17 3311 of this title, shall attend and complete a minimum of eight (8)
18 hours of continuing law enforcement training accredited or provided
19 by CLEET which shall include a mandatory one (1) hour on mental
20 health issues.

21 C. Every inactive full-time or reserve peace officer, certified
22 by CLEET, shall be exempt from these requirements during the
23 inactive status. Upon reentry to full-time active status, the peace
24 officer shall be required to comply with subsection A of this

1 section. If a full-time certified peace officer has been inactive
2 for five (5) or more years, the officer must complete refresher
3 training as prescribed by CLEET and which shall include a minimum of
4 four (4) hours of mental health education and training, within one
5 (1) year of employment. Upon reentry to active reserve status, the
6 peace officer shall be required to comply with subsection B of this
7 section. If a certified reserve officer has been inactive for five
8 (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.

12 D. Every tribal officer who is commissioned by an Oklahoma law
13 enforcement agency pursuant to a cross-deputization agreement with
14 the State of Oklahoma or any political subdivision of the State of
15 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
16 the Oklahoma Statutes shall comply with the provisions of this
17 section.

18 E. Any active full-time or reserve certified peace officer, or
19 CLEET-certified cross-deputized tribal officer who fails to meet the
20 annual training requirements specified in this section, shall be
21 subject to having the certification of the peace officer suspended,
22 after the peace officer and the employer have been given written
23 notice of noncompliance and a reasonable time, as defined by the
24 Council, to comply with the provisions of this section. A peace

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

16 F. All certified, active full-time or reserve peace officers
17 employed, commissioned or appointed for a period of ninety (90) days
18 in a calendar year, who become inactive prior to the end of a
19 calendar year, are responsible for meeting mandatory continuing
20 education requirements as set forth in this section upon return to
21 active full-time or reserve peace officer status within sixty (60)
22 days of the date of return to employment, commission or appointment.
23 Failure to complete the mandatory continuing education within sixty
24 (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.

6 SECTION 2. 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.
8 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
11 authority granted by Section 3311 of this title, shall include in
12 its required basic training courses for law enforcement
13 certification a minimum of four (4) hours of education and training
14 relating to recognizing and managing a person appearing to require
15 mental health treatment or services. The Council shall further
16 offer a minimum of four (4) hours of education and training on
17 specific mental health issues pursuant to Section 3311.4 of this
18 title to meet the annual requirement for continuing education in the
19 areas of mental health issues.

20 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
22 required courses of study for law enforcement certification a
23 minimum of six (6) hours of evidence-based sexual assault and sexual
24 violence training. A portion of the sexual assault and sexual

1 violence training shall include instruction presented by a certified
2 sexual assault service provider.

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

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

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

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

21 G. By January 1, 2012, CLEET, pursuant to its authority granted
22 by Sections 3311 and 3311.4 of this title, shall establish and
23 include in its required courses of study for law enforcement
24 certification a minimum of eight (8) hours of evidence-based

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

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

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

1 J. The Council is authorized to pay for and send training staff
2 and employees to one or more training and education courses in
3 jurisdictions outside this state for the purpose of expanding
4 curriculum, training skill development, and general knowledge within
5 the field of law enforcement education and training.

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

13 L. By January 1, 2020, CLEET shall include in the required
14 basic training courses for law enforcement certification a minimum
15 of two (2) hours of education and training focused on protocol for
16 handling and processing sexual assault calls. The training shall
17 include, but not be limited to:

- 18 1. How to handle the sexual assault call upon first contact;
- 19 2. Determining when the assault occurred;
- 20 3. Where to take the victim;
- 21 4. Questioning witnesses and collecting evidence; and
- 22 5. Informing and assisting the victim in accessing resources,
23 help and information.

1 M. The Council shall promulgate rules to evaluate and approve
2 municipalities and counties that are deemed capable of conducting
3 separate basic law enforcement training academies in their
4 jurisdiction and to certify officers successfully completing such
5 academy training courses. Upon application to the Council, any
6 municipality with a population of sixty-five thousand (65,000) or
7 more or any county with a population of five hundred thousand
8 (500,000) or more shall be authorized to operate a basic law
9 enforcement academy. The Council shall approve an application when
10 the municipality or county making the application meets the criteria
11 for a separate training academy and demonstrates to the satisfaction
12 of the Council that the academy has sufficient resources to conduct
13 the training, the instructional staff is appropriately trained and
14 qualified to teach the course materials, the curriculum is composed
15 of comparable or higher quality course segments to the CLEET academy
16 curriculum, and the facilities where the academy will be conducted
17 are safe and sufficient for law enforcement training purposes. Any
18 municipality or county authorized to operate a basic law enforcement
19 academy after November 1, 2007, shall not be eligible to receive
20 funds pursuant to subsection E of Section 1313.2 of Title 20 of the
21 Oklahoma Statutes. The Council shall not provide any funding for
22 the operation of any separate training academy authorized by this
23 subsection.

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 3. 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.

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Presiding Officer of the Senate

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13 Passed the House of Representatives the ____ day of _____,
14 2019.

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Presiding Officer of the House
of Representatives

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