

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1207

By: Conley

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9 COMMITTEE SUBSTITUTE

10 An Act relating to public safety; amending 70 O.S.
11 2011, Section 3311, as last amended by Section 1,
12 Chapter 217, O.S.L. 2017 (70 O.S. Supp. 2018, Section
13 3311), which relates to the Council on Law
14 Enforcement Education and Training; modifying certain
15 salary and training repayment requirements; amending
16 70 O.S. 2011, Section 3311.11, as last amended by
17 Section 1, Chapter 139, O.S.L. 2016 (70 O.S. Supp.
18 2018, Section 3311.11), which relates to CLEET rate
19 for basic training; deleting certain promissory note
20 requirements; and providing an effective date.

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

24 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
last amended by Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.
2018, Section 3311), is amended to read as follows:

Section 3311. A. There is hereby created a Council on Law
Enforcement Education and Training which shall be, and is hereby
declared to be, a governmental law enforcement agency of the State

1 of Oklahoma, body politic and corporate, with powers of government
2 and with the authority to exercise the rights, privileges and
3 functions necessary to ensure the professional training and
4 continuing education of law enforcement officers in the State of
5 Oklahoma. These rights, privileges and functions include, but are
6 not limited to, those specified in Sections 3311 through 3311.15 of
7 this title and in the Oklahoma Security Guard and Private
8 Investigator Act and the Oklahoma Bail Enforcement and Licensing
9 Act. The Council shall be composed of thirteen (13) members as
10 follows:

11 1. The Commissioner of the Department of Public Safety, or
12 designee;

13 2. The Director of the Oklahoma State Bureau of Narcotics and
14 Dangerous Drugs Control, or designee;

15 3. The Director of the Oklahoma State Bureau of Investigation,
16 or designee;

17 4. One member appointed by the Governor who shall be a law
18 enforcement administrator representing a tribal law enforcement
19 agency;

20 5. One member appointed by the Governor who shall be a chief of
21 police of a municipality with a population over one hundred thousand
22 (100,000), as determined by the latest Federal Decennial Census;

23 6. One member appointed by the Board of Directors of the
24 Oklahoma Sheriffs' Association who shall be a sheriff of a county

1 with a population under twenty-five thousand (25,000), as determined
2 by the latest Federal Decennial Census;

3 7. One member appointed by the Oklahoma Association of Police
4 Chiefs who shall be a chief of police representing a municipality
5 with a population over ten thousand (10,000), as determined by the
6 latest Federal Decennial Census;

7 8. One member shall be appointed by the Board of Directors of
8 the Oklahoma Sheriffs' Association who shall be a sheriff of a
9 county with a population of twenty-five thousand (25,000) or more,
10 as determined by the latest Federal Decennial Census;

11 9. One member appointed by the Board of Directors of the
12 Fraternal Order of Police who shall have experience as a training
13 officer;

14 10. One member appointed by the Chancellor of Higher Education
15 who shall be a representative of East Central University;

16 11. One member appointed by the Board of Directors of the
17 Oklahoma Sheriffs and Peace Officers Association who shall be a
18 full-time law enforcement officer in good standing with CLEET within
19 a county with a population under fifty thousand (50,000);

20 12. The President Pro Tempore of the Senate shall appoint one
21 member from a list of three or more nominees submitted by a
22 statewide organization representing cities and towns that is exempt
23 from taxation under federal law and designated pursuant to the
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1 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
2 and

3 13. The Speaker of the House of Representatives shall appoint
4 one member from a list of three or more nominees submitted by an
5 organization that assists in the establishment of accreditation
6 standards and training programs for law enforcement agencies
7 throughout the State of Oklahoma.

8 The Executive Director selected by the Council shall be an ex
9 officio member of the Council and shall act as Secretary. The
10 Council on Law Enforcement Education and Training shall select a
11 chair and vice-chair from among its members. Members of the Council
12 on Law Enforcement Education and Training shall not receive a salary
13 for duties performed as members of the Council, but shall be
14 reimbursed for their actual and necessary expenses incurred in the
15 performance of Council duties pursuant to the provisions of the
16 State Travel Reimbursement Act.

17 B. The Council on Law Enforcement Education and Training is
18 hereby authorized and directed to:

19 1. Appoint a larger Advisory Council to discuss problems and
20 hear recommendations concerning necessary research, minimum
21 standards, educational needs, and other matters imperative to
22 upgrading Oklahoma law enforcement to professional status;

23 2. Promulgate rules with respect to such matters as
24 certification, revocation, suspension, withdrawal and reinstatement

1 of certification, minimum courses of study, testing and test scores,
2 attendance requirements, equipment and facilities, minimum
3 qualifications for instructors, minimum standards for basic and
4 advanced in-service courses, and seminars for Oklahoma police and
5 peace officers;

6 3. Authorize research, basic and advanced courses, and seminars
7 to assist in program planning directly and through subcommittees;

8 4. Authorize additional staff and services necessary for
9 program expansion;

10 5. Recommend legislation necessary to upgrade Oklahoma law
11 enforcement to professional status;

12 6. Establish policies and regulations concerning the number,
13 geographic and police unit distribution, and admission requirements
14 of those receiving tuition or scholarship aid available through the
15 Council. Such waiver of costs shall be limited to duly appointed
16 members of legally constituted local, county, and state law
17 enforcement agencies on the basis of educational and financial need;

18 7. Appoint an Executive Director and an Assistant Director to
19 direct the staff, inform the Council of compliance with the
20 provisions of this section and perform such other duties imposed on
21 the Council by law. An Executive Director appointed by the Council
22 must qualify for the position with a bachelor or higher degree in
23 law enforcement from an accredited college or university, or a
24 bachelor or higher degree in a law-enforcement-related subject area,

1 and a minimum of five (5) years of active law enforcement experience
2 including, but not limited to, responsibility for enforcement,
3 investigation, administration, training, or curriculum
4 implementation.

5 The Executive Director of the Council on Law Enforcement
6 Education and Training may commission CLEET staff as peace officers
7 for purposes consistent with the duties of CLEET as set out in state
8 law. The powers and duties conferred on the Executive Director or
9 any staff member appointed by the Executive Director as a peace
10 officer shall not limit the powers and duties of other peace
11 officers of this state or any political subdivision thereof. The
12 Executive Director or any staff member appointed by the Executive
13 Director as a peace officer may, upon request, assist any federal,
14 state, county or municipal law enforcement agency;

15 8. Enter into contracts and agreements for the payment of
16 classroom space, food, and lodging expenses as may be necessary for
17 law enforcement officers attending any official course of
18 instruction approved or conducted by the Council. Such expenses may
19 be paid directly to the contracting agency or business
20 establishment. The food and lodging expenses for each law
21 enforcement officer shall not exceed the authorized rates as
22 provided for in the State Travel Reimbursement Act; provided,
23 however, the Council may provide food and lodging to law enforcement
24 officials attending any official course of instruction approved or

1 conducted by the Council rather than paying for the provision of
2 such food and lodging by an outside contracting agency or business
3 establishment;

4 9. a. Certify canine teams, consisting of a dog and a
5 handler working together as a team, trained to detect:

6 (1) controlled dangerous substances, or

7 (2) explosives, explosive materials, explosive
8 devices, or materials which could be used to
9 construct an explosive device;

10 provided, the dog of a certified canine team shall not
11 be certified at any time as both a drug dog and a bomb
12 dog, and any dog of a certified canine team who has
13 been previously certified as either a drug dog or a
14 bomb dog shall not be eligible at any time to be
15 certified in the other category.

16 b. Upon retiring the dog from the service it was
17 certified to perform, the law enforcement department
18 that handled the dog shall retain possession of the
19 dog. The handler shall have first option of adopting
20 the dog. If that option is not exercised, the law
21 enforcement department shall provide for its adoption.
22 Once adopted the dog shall not be placed back into
23 active service;

1 10. Enter into a lease, loan or other agreement with the
2 Oklahoma Development Finance Authority or a local public trust for
3 the purpose of facilitating the financing of a new facility for its
4 operations and use and pledge, to the extent authorized by law, all
5 or a portion of its receipts of the assessment penalty herein
6 referenced for the payment of its obligations under such lease, loan
7 or other agreement. It is the intent of the Legislature to increase
8 the assessment penalty to such a level or appropriate sufficient
9 monies to the Council on Law Enforcement Education and Training to
10 make payments on the lease, loan or other agreement for the purpose
11 of retiring the bonds to be issued by the Oklahoma Development
12 Finance Authority or local public trust. Such lease, loan or other
13 agreement and the bonds issued to finance such facilities shall not
14 constitute an indebtedness of the State of Oklahoma or be backed by
15 the full faith and credit of the State of Oklahoma, and the lease,
16 loan or other agreement and the bonds shall contain a statement to
17 such effect;

18 11. Accept gifts, bequests, devises, contributions and grants,
19 public or private, of real or personal property;

20 12. Appoint an advisory committee composed of representatives
21 from security guard and private investigative agencies to advise the
22 Council concerning necessary research, minimum standards for
23 licensure, education, and other matters related to licensure of
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1 security guards, security guard agencies, private investigators, and
2 private investigative agencies;

3 13. Enter into agreements with individuals, educational
4 institutions, agencies, and business and tribal entities for
5 professional services, the use of facilities and supplies, and staff
6 overtime costs incurred as a result of the user's requests to
7 schedule functions after-hours, on weekends, or anytime such
8 requests extend staff beyond its normal capacity, whereby
9 contracting individuals, educational institutions, agencies, and
10 business and tribal entities shall pay a fee to be determined by the
11 Council by rule. All fees collected pursuant to these agreements
12 shall be deposited to the credit of the C.L.E.E.T. Training Center
13 Revolving Fund created pursuant to Section 3311.6 of this title.
14 The Council is authorized to promulgate emergency rules to
15 effectuate the provisions of this paragraph;

16 14. Promulgate rules to establish a state firearms
17 requalification standard for active peace officers and meet any
18 requirements imposed on the Council by the federal Law Enforcement
19 Officers Safety Act of 2004;

20 15. Set minimal criteria relating to qualifications for chief
21 of police administrative training pursuant to Section 34-102 of
22 Title 11 of the Oklahoma Statutes, assist in developing a course of
23 training for a Police Chief Administrative School, and approve all
24 police chief administrative training offered in this state;

1 16. Appoint a Curriculum Review Board to be composed of six (6)
2 members as follows:

- 3 a. one member shall be selected by the Chancellor for
4 Higher Education, who possesses a background of
5 creation and review of curriculum and experience
6 teaching criminal justice or law enforcement courses,
7 who shall serve an initial term of one (1) year,
- 8 b. one member shall represent a municipal jurisdiction
9 with a population of fifty thousand (50,000) or more
10 and who shall be a management-level CLEET-certified
11 training officer, who shall serve an initial term of
12 two (2) years,
- 13 c. one member shall represent a county jurisdiction with
14 a population of fifty thousand (50,000) or more and
15 who shall be a management-level CLEET-certified
16 training officer, who shall serve an initial term of
17 three (3) years,
- 18 d. one member shall represent a municipal jurisdiction
19 with a population of less than fifty thousand (50,000)
20 and who shall be a CLEET-certified training officer,
21 who shall serve an initial term of two (2) years,
- 22 e. one member shall represent a county jurisdiction with
23 a population of less than fifty thousand (50,000) and
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1 who shall be a CLEET-certified training officer, who
2 shall serve an initial term of one (1) year, and
3 f. one member selected by the Oklahoma Department of
4 Career and Technology Education from the Curriculum
5 Material and Instructional Material Center, who shall
6 serve an initial term of three (3) years.

7 After the initial terms of office, all members shall be
8 appointed to serve three-year terms. Any member may be reappointed
9 to serve consecutive terms. Members shall serve without
10 compensation, but may be reimbursed for travel expenses pursuant to
11 the State Travel Reimbursement Act. The Board shall review and
12 establish curriculum for all CLEET academies and training courses
13 pursuant to procedures established by the Council on Law Enforcement
14 Education and Training;

15 17. Conduct review and verification of any records relating to
16 the statutory duties of CLEET;

17 18. Receive requested reports including investigative reports,
18 court documents, statements, or other applicable information from
19 local, county and state agencies and other agencies for use in
20 actions where a certification or license issued by CLEET may be
21 subject to disciplinary or other actions provided by law;

22 19. Summarily suspend a certification of a peace officer,
23 without prior notice but otherwise subject to administrative
24 proceedings, if CLEET finds that the actions of the certified peace

1 officer may present a danger to the peace officer, the public, a
2 family or household member, or involve a crime against a minor. A
3 certified copy of the information or indictment charging such a
4 crime shall be considered clear and convincing evidence of the
5 charge; and

6 20. Approve law enforcement agencies and police departments in
7 accordance with the following:

8 a. this section applies only to an entity authorized by
9 statute or by the Constitution to create a law
10 enforcement agency or police department and
11 commission, appoint, or employ officers that first
12 creates or reactivates an inactive law enforcement
13 agency or police department and first begins to
14 commission, appoint, or employ officers on or after
15 November 1, 2011,

16 b. the entity shall submit to CLEET, a minimum of sixty
17 (60) days prior to creation of the law enforcement
18 agency or police department, information regarding:
19 (1) the need for the law enforcement agency or police
20 department in the community,
21 (2) the funding sources for the law enforcement
22 agency or police department, and proof that no
23 more than fifty percent (50%) of the funding of
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1 the entity will be derived from ticket revenue or
2 fines,

3 (3) the physical resources available to officers,

4 (4) the physical facilities that the law enforcement
5 agency or police department will operate,
6 including descriptions of the evidence room,
7 dispatch area, restroom facilities, and public
8 area,

9 (5) law enforcement policies of the law enforcement
10 agency or police department, including published
11 policies on:

12 (a) use of force,

13 (b) vehicle pursuit,

14 (c) mental health,

15 (d) professional conduct of officers,

16 (e) domestic abuse,

17 (f) response to missing persons,

18 (g) supervision of part-time officers, and

19 (h) impartial policing,

20 (6) the administrative structure of the law
21 enforcement agency or police department,

22 (7) liability insurance, and

23 (8) any other information CLEET requires by rule,
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1 c. within sixty (60) days of receiving an entity's
2 request, CLEET will forward to the entity by certified
3 mail, return receipt requested, a letter of
4 authorization or denial to create a law enforcement
5 agency or police department and commission, appoint,
6 or employ officers, signed by the Executive Director
7 of CLEET, and

8 d. in cases of denial, the entity may appeal the decision
9 of the Executive Director to the full CLEET Council.
10 The Executive Director shall ensure that the final
11 report is provided to all members of the Council. The
12 Council shall review and make recommendations
13 concerning the report at the first meeting of the
14 Council to occur after all members of the Council have
15 received the report. The Council may, by majority
16 vote:

- 17 (1) order additional information be provided,
18 (2) order confirmation of the opinion of the
19 Executive Director, or
20 (3) order authorization of the entity.

21 C. 1. Payment of any fee provided for in this section may be
22 made by a nationally recognized credit or debit card issued to the
23 applicant. The Council may publicly post and collect a fee for the
24 acceptance of the nationally recognized credit or debit card not to

1 exceed five percent (5%) of the amount of the payment. For purposes
2 of this subsection, "nationally recognized credit card" means any
3 instrument or device, whether known as a credit card, credit plate,
4 charge plate, or by any other name, issued with or without fee by an
5 issuer for the use of the cardholder in obtaining goods, services,
6 or anything else of value and which is accepted by over one thousand
7 merchants in this state. "Debit card" means an identification card
8 or device issued to a person by a business organization which
9 permits such person to obtain access to or activate a consumer
10 banking electronic facility. The Council shall determine which
11 nationally recognized credit or debit cards will be accepted as
12 payment for fees.

13 2. Payment for any fee provided for in this title may be made
14 by a business check. The Council may:

- 15 a. add an amount equal to the amount of the service
16 charge incurred, not to exceed three percent (3%) of
17 the amount of the check as a service charge for the
18 acceptance and verification of the check, or
- 19 b. add an amount of no more than Five Dollars (\$5.00) as
20 a service charge for the acceptance and verification
21 of a check. For purposes of this subsection,
22 "business check" shall not mean a money order,
23 cashier's check, or bank certified check.

24

1 D. Failure of the Legislature to appropriate necessary funds to
2 provide for expenses and operations of the Council on Law
3 Enforcement Education and Training shall not invalidate other
4 provisions of this section relating to the creation and duties of
5 the Council.

6 E. 1. No person shall be eligible for employment as a peace
7 officer or reserve peace officer until the employing law enforcement
8 agency has conducted a background investigation of such person
9 consisting of the following:

10 a. a fingerprint search submitted to the Oklahoma State
11 Bureau of Investigation with a return report to the
12 submitting agency that such person has no felony
13 record,

14 b. a fingerprint search submitted to the Federal Bureau
15 of Investigation with a return report to the
16 submitting agency that such person has no felony
17 record,

18 c. such person has undergone psychological evaluation by
19 a psychologist licensed by the State of Oklahoma and
20 has been evaluated to be suitable to serve as a peace
21 officer in the State of Oklahoma,

22 d. the employing agency has verified that such person has
23 a high school diploma or a GED equivalency certificate
24 as recognized by state law,

- 1 e. such person is not participating in a deferred
2 sentence agreement for a felony, a crime involving
3 moral turpitude or a crime of domestic violence, and
4 does not have any criminal charges pending in any
5 court in this state, another state, in tribal court or
6 pursuant to the United States Code,
- 7 f. such person is not currently subject to an order of
8 the Council revoking, suspending, or accepting a
9 voluntary surrender of peace officer certification,
- 10 g. such person is not currently undergoing treatment for
11 a mental illness, condition or disorder. For purposes
12 of this subsection, "currently undergoing treatment
13 for mental illness, condition or disorder" means the
14 person has been diagnosed by a licensed physician,
15 psychologist, or licensed mental health professional
16 as being afflicted with a substantial disorder of
17 thought, mood, perception, psychological orientation
18 or memory that significantly impairs judgment,
19 behavior, capacity to recognize reality, or ability to
20 meet the ordinary demands of life and such condition
21 continues to exist,
- 22 h. such person is twenty-one (21) years of age.
23 Provided, this requirement shall not affect those
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1 persons who are already employed as a police or peace
2 officer prior to November 1, 1985, and

- 3 i. such person has provided proof of United States
4 citizenship or resident alien status, pursuant to an
5 employment eligibility verification form from the
6 United States Citizenship and Immigration Services.

7 2. To aid the evaluating psychologist in interpreting the test
8 results, including automated scoring and interpretations, the
9 employing agency shall provide the psychologist a statement
10 confirming the identity of the individual taking the test as the
11 person who is employed or seeking employment as a peace officer of
12 the agency and attesting that it administered the psychological
13 instrument in accordance with standards within the test document.
14 The psychologist shall report to the employing agency the evaluation
15 of the assessment instrument and may include any additional
16 recommendations to assist the employing agency in determining
17 whether to certify to the Council on Law Enforcement Education and
18 Training that the person being evaluated is suitable to serve as a
19 peace officer in the State of Oklahoma. No additional procedures or
20 requirements shall be imposed for performance of the psychological
21 evaluation. The psychological instrument utilized shall be
22 evaluated by a psychologist licensed by the State of Oklahoma, and
23 the employing agency shall certify to the Council that the
24 evaluation was conducted in accordance with this provision and that

1 the employee or applicant is suitable to serve as a peace officer in
2 the State of Oklahoma.

3 a. Any person found not to be suitable for employment or
4 certification by the Council shall not be employed,
5 retained in employment as a peace officer, or
6 certified by the Council for at least one (1) year, at
7 which time the employee or applicant may be
8 reevaluated by a psychologist licensed by the State of
9 Oklahoma. This section shall also be applicable to
10 all reserve peace officers in the State of Oklahoma.

11 b. Any person who is certified by CLEET and has undergone
12 the psychological evaluation required by this
13 subparagraph and has been found to be suitable as a
14 peace officer shall not be required to be reevaluated
15 for any subsequent employment as a peace officer
16 following retirement or any break in service as a
17 peace officer, unless such break in service exceeds
18 five (5) years or the Council determines that a peace
19 officer may present a danger to himself or herself,
20 the public, or a family or household member.

21 c. All persons seeking certification shall have their
22 name, gender, date of birth, and address of such
23 person submitted to the Department of Mental Health
24 and Substance Abuse Services by the Council. The

1 Department of Mental Health and Substance Abuse
2 Services shall respond to the Council within ten (10)
3 days whether the computerized records of the
4 Department indicate the applicant has ever been
5 involuntarily committed to an Oklahoma state mental
6 institution. In the event that the Department of
7 Mental Health and Substance Abuse Services reports to
8 the Council that the applicant has been involuntarily
9 committed, the Council shall immediately inform the
10 employing agency.

11 All basic police courses shall include a minimum of four (4)
12 hours of education and training in recognizing and managing a person
13 appearing to require mental health treatment or services. The
14 training shall include training in crime and drug prevention, crisis
15 intervention, youth and family intervention techniques, recognizing,
16 investigating and preventing abuse and exploitation of elderly
17 persons, mental health issues, and criminal jurisdiction on
18 Sovereign Indian Land.

19 Subject to the availability of funding, for full-time salaried
20 police or peace officers a basic police course academy shall consist
21 of a minimum of six hundred (600) hours.

22 For reserve deputies a basic reserve academy shall consist of a
23 minimum of two hundred forty (240) hours.
24

1 3. Beginning January 1, 2018, any reserve peace officer who has
2 completed the two-hundred-forty-hour reserve peace officer
3 certification program and who has been in active service in that
4 capacity for the past six (6) months shall be eligible to attend a
5 three-hundred-sixty-hour basic full-time training academy to become
6 certified as a full-time peace or police officer.

7 4. Every person who has not been certified as a police or peace
8 officer and is duly appointed or elected as a police or peace
9 officer shall hold such position on a temporary basis only, and
10 shall, within six (6) months from the date of appointment or taking
11 office, qualify as required in this subsection or forfeit such
12 position. In computing the time for qualification, all service
13 shall be cumulative from date of first appointment or taking office
14 as a police or peace officer with any department in this state.

15 a. The Council may extend the time requirement specified
16 in this paragraph for good cause as determined by the
17 Council.

18 b. A duty is hereby imposed upon the employing agency to
19 withhold payment of the compensation or wage of such
20 unqualified officer.

21 c. If the police or peace officer fails to forfeit the
22 position or the employing agency fails to require the
23 officer to forfeit the position, the district attorney
24 shall file the proper action to cause the forfeiting

1 of such position. The district court of the county
2 where the officer is employed shall have jurisdiction
3 to hear the case.

4 5. The Council may certify officers who have completed a course
5 of study in another state deemed by the Council to meet standards
6 for Oklahoma peace officers providing the officer's certification in
7 the other state has not been revoked or voluntarily surrendered and
8 is not currently under suspension.

9 6. For purposes of this section, a police or peace officer is
10 defined as a full-time duly appointed or elected officer who is paid
11 for working more than twenty-five (25) hours per week and whose
12 duties are to preserve the public peace, protect life and property,
13 prevent crime, serve warrants, transport prisoners, and enforce laws
14 and ordinances of this state, or any political subdivision thereof;
15 provided, elected sheriffs and their deputies and elected,
16 appointed, or acting chiefs of police shall meet the requirements of
17 this subsection within the first six (6) months after assuming the
18 duties of the office to which they are elected or appointed or for
19 which they are an acting chief; provided further, that this section
20 shall not apply to persons designated by the Director of the
21 Department of Corrections as peace officers pursuant to Section 510
22 of Title 57 of the Oklahoma Statutes.

23 F. No person shall be certified as a police or peace officer by
24 the Council or be employed by the state, a county, a city, or any

1 political subdivision thereof, who is currently subject to an order
2 of the Council revoking, suspending, or accepting a voluntary
3 surrender of peace officer certification or who has been convicted
4 of a felony, a crime involving moral turpitude, or a crime of
5 domestic violence, unless a full pardon has been granted by the
6 proper agency; however, any person who has been trained and
7 certified by the Council on Law Enforcement Education and Training
8 and is actively employed as a full-time peace officer as of November
9 1, 1985, shall not be subject to the provisions of this subsection
10 for convictions occurring prior to November 1, 1985.

11 G. 1. The Council is hereby authorized to provide to any
12 employing agency the following information regarding a person who is
13 or has applied for employment as a police or peace officer of such
14 employing agency:

- 15 a. Oklahoma State Bureau of Investigation and Federal
16 Bureau of Investigation reports,
- 17 b. administration of the psychological tests provided for
18 herein,
- 19 c. performance in the course of study or other basis of
20 certification,
- 21 d. previous certifications issued, and
- 22 e. any administrative or judicial determination denying
23 certification.

24

1 2. An employing agency shall not be liable in any action
2 arising out of the release of contents of personnel information
3 relevant to the qualifications or ability of a person to perform the
4 duties of a police or peace officer when such information is
5 released pursuant to written authorization for release of
6 information signed by such person and is provided to another
7 employing agency which has employed or has received an application
8 for employment from such person.

9 3. As used in this subsection, "employing agency" means a
10 political subdivision or law enforcement agency which either has
11 employed or received an employment application from a person who, if
12 employed, would be subject to this section.

13 H. 1. A law enforcement agency employing police or peace
14 officers in this state shall report the hiring, resignation, or
15 termination for any reason of a police or peace officer to the
16 Council within ten (10) days. Failure to comply with the provisions
17 of this subsection may disqualify a law enforcement agency from
18 participating in training programs sponsored by the Council. Every
19 law enforcement agency employing police or peace officers in this
20 state shall submit to CLEET on or before October 1 of each calendar
21 year a complete list of all commissioned employees with a current
22 mailing address and phone number for each such employee. In
23 addition to the above, CLEET may impose an administrative fine for
24 violations of this section.

1 2. A tribal law enforcement agency that has peace officers
2 commissioned by an Oklahoma law enforcement agency pursuant to a
3 cross-deputization agreement with the State of Oklahoma or any
4 political subdivision of the State of Oklahoma pursuant to the
5 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
6 shall report the commissioning, resignation, or termination of
7 commission for any reason of a cross-deputized tribal police or
8 peace officer to CLEET within ten (10) days of the commissioning,
9 resignation, or termination. Failure to comply with the provisions
10 of this subsection may disqualify a tribal law enforcement agency
11 from participating in training programs sponsored by the Council.

12 I. It is unlawful for any person to willfully make any
13 statement in an application to CLEET knowing the statement is false
14 or intentionally commit fraud in any application to the Council for
15 attendance in any CLEET-conducted or CLEET-approved peace officer
16 academy or Collegiate Officer Program or for the purpose of
17 obtaining peace officer certification or reinstatement. It is
18 unlawful for any person to willfully submit false or fraudulent
19 documents relating to continuing education rosters, transcripts or
20 certificates, or any canine license application. Any person
21 convicted of a violation of this subsection shall be guilty of a
22 felony punishable by imprisonment in the Department of Corrections
23 for a term of not less than two (2) years nor more than five (5)
24 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),

1 or by both such fine and imprisonment. In addition to the above,
2 CLEET may impose an administrative fine.

3 J. 1. A police or peace officer shall be subject to
4 disciplinary action to include a denial, suspension, revocation or
5 acceptance of voluntary surrender of peace officer certification
6 upon a showing of clear and convincing evidence for the following:

- 7 a. conviction of a felony or a crime of domestic
8 violence,
- 9 b. conviction of a misdemeanor involving moral turpitude;
10 provided, if the conviction is a single isolated
11 incident that occurred more than five (5) years ago
12 and the Council is satisfied that the person has been
13 sufficiently rehabilitated, the Council may, in its
14 discretion, certify such person providing that all
15 other statutory requirements have been met,
- 16 c. a verdict of guilt or entry of a plea of guilty or
17 nolo contendere or an "Alford" plea or any plea other
18 than a not guilty plea for a felony offense, a crime
19 of moral turpitude, or a crime of domestic violence,
- 20 d. falsification or a willful misrepresentation of
21 information in an employment application or
22 application to the Council on Law Enforcement
23 Education and Training, records of evidence, or in
24 testimony under oath,

- 1 e. revocation or voluntary surrender of police or peace
2 officer certification in another state for a violation
3 of any law or rule or in settlement of any
4 disciplinary action in such state,
- 5 f. involuntary commitment of a reserve or peace officer
6 in a mental institution or licensed private mental
7 health facility for any mental illness, condition or
8 disorder that is diagnosed by a licensed physician,
9 psychologist or a licensed mental health professional
10 as a substantial disorder of thought, mood,
11 perception, psychological orientation, or memory that
12 significantly impairs judgment, behavior, capacity to
13 recognize reality, or ability to meet the ordinary
14 demands of life. Provided, the peace officer
15 certification may be reinstated upon the Council
16 receiving notification of a psychological evaluation
17 conducted by a licensed physician, psychologist or
18 licensed mental health professional which attests and
19 states by affidavit that the officer and the
20 evaluation test data of the officer have been examined
21 and that, in the professional opinion of the
22 physician, psychologist or licensed mental health
23 professional, the officer is psychologically suitable
24 to return to duty as a peace officer. Notwithstanding

1 any other provision of state law pertaining to
2 confidentiality of hospital or other medical records,
3 and as allowable under federal law, CLEET may subpoena
4 or request a court to subpoena records necessary to
5 assure compliance with these provisions. Any
6 confidential information received by CLEET for such
7 purpose shall retain its confidential character while
8 in the possession of CLEET,

9 g. abuse of office,

10 h. entry of a final order of protection against applicant
11 or officer, or

12 i. any violation of the Oklahoma Private Security
13 Licensing Act.

14 2. Disciplinary proceedings shall be commenced by filing a
15 complaint with the Council on a form approved by the Council. Any
16 employing agency or other person having information may submit such
17 information to the Council for consideration as provided in this
18 subsection.

19 3. Upon the filing of the complaint, a preliminary
20 investigation shall be conducted to determine whether:

21 a. there is reason to believe the person has violated any
22 provision of this subsection or any other provision of
23 law or rule, or
24

1 b. there is reason to believe the person has been
2 convicted of a felony, a crime involving moral
3 turpitude or a domestic violence offense or is
4 currently participating in a deferred sentence for
5 such offenses.

6 4. When the investigation of a complaint does not find the
7 person has violated any of the provisions of this subsection, or
8 finds that the person is sufficiently rehabilitated as provided in
9 subparagraph b or f of paragraph 1 of this subsection, no
10 disciplinary action shall be required and the person shall remain
11 certified as a police or peace officer. When the investigation of a
12 complaint finds that the person has violated any of the provisions
13 of this subsection, the matter shall be referred for disciplinary
14 proceedings. The disciplinary proceedings shall be in accordance
15 with Articles I and II of the Administrative Procedures Act.

16 5. The Council shall revoke the certification of any person
17 upon determining that such person has been convicted of a felony or
18 a crime involving moral turpitude or a domestic violence offense or
19 has entered a plea of guilty, or nolo contendere or an "Alford" plea
20 or any plea other than a not guilty plea for a felony offense, a
21 crime of moral turpitude or a crime of domestic violence or is the
22 respondent in a final Victims Protective Order; provided, that if
23 the conviction has been reversed, vacated or otherwise invalidated
24 by an appellate court, such conviction shall not be the basis for

1 revocation of certification; provided further, that any person who
2 has been trained and certified by the Council on Law Enforcement
3 Education and Training and is actively employed as a full-time peace
4 officer as of November 1, 1985, shall not be subject to the
5 provisions of this subsection for convictions occurring prior to
6 November 1, 1985. The sole issue to be determined at the hearing
7 shall be whether the person has been convicted of a felony, a crime
8 involving moral turpitude or a domestic violence offense.

9 6. The Council shall revoke the certification of any person
10 upon determining that such person has received a deferred sentence
11 for a felony, a crime involving moral turpitude or a domestic
12 violence offense.

13 7. The Council may suspend the certification of any person upon
14 a determination that such person has been involuntarily committed to
15 a mental institution or mental health facility for a mental illness,
16 condition or disorder as provided in subparagraph f of paragraph 1
17 of this subsection.

18 8. Every law enforcement agency in this state shall, within
19 thirty (30) days of a final order of termination or resignation
20 while under investigation of a CLEET-certified peace officer, report
21 such order or resignation in writing to the Executive Director of
22 the Council. Any report, upon receipt by the Council, shall be
23 considered as personnel records and shall be afforded confidential
24 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the

Oklahoma Statutes. Any medical or other confidential records obtained by subpoena pursuant to this subsection shall not be made a part of such report. The Executive Director shall ensure that the report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first meeting of the Council to occur after all members of the Council have received the report. The Council may, by a majority vote, order the suspension, for a given period of time, or revocation of the CLEET certification of the peace officer in question if there are grounds for such actions pursuant to this section and the peace officer in question has been provided with notice and an opportunity for a hearing pursuant to the Administrative Procedures Act. Suspension or revocation of CLEET certification pursuant to this paragraph shall be reported to the district attorney for the jurisdiction in which the peace officer was employed, to 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.

9. For all other violations of this subsection, the hearing examiner shall take into consideration the severity of the violation, any mitigating circumstances offered by the person subject to disciplinary action, and any other evidence relevant to

1 the person's character to determine the appropriate disciplinary
2 action.

3 10. a. A police or peace officer may voluntarily surrender
4 and relinquish the peace officer certification to
5 CLEET. Pursuant to such surrender or relinquishment,
6 the person surrendering the certification shall be
7 prohibited from applying to CLEET for reinstatement
8 within five (5) years of the date of the surrender or
9 relinquishment, unless otherwise provided by law for
10 reinstatement.

11 b. No person who has had a police or peace officer
12 certification from another state revoked or
13 voluntarily surrendered and has not been reinstated by
14 that state shall be considered for certification by
15 CLEET.

16 c. Any person seeking reinstatement of police or peace
17 officer certification which has been suspended,
18 revoked, or voluntarily surrendered may apply for
19 reinstatement pursuant to promulgated CLEET rules
20 governing reinstatement. Except as provided in this
21 subsection, any person whose certification has been
22 revoked, suspended or voluntarily surrendered for any
23 reason, including failure to comply with mandatory
24 education and training requirements, shall pay a

1 reinstatement fee of One Hundred Fifty Dollars
2 (\$150.00) to be deposited to the credit of the Peace
3 Officer Revolving Fund created pursuant to Section
4 3311.7 of this title.

5 11. A duty is hereby imposed upon the district attorney who, on
6 behalf of the State of Oklahoma, prosecutes a person holding police
7 or peace officer or reserve peace officer certification for a
8 felony, a crime involving moral turpitude, or a crime of domestic
9 violence in which a plea of guilty, nolo contendere, or an "Alford"
10 plea or any other plea other than a not guilty plea or other finding
11 of guilt is entered by, against or on behalf of a certified police
12 or peace officer to report such plea, agreement, or other finding of
13 guilt to the Council on Law Enforcement Education and Training
14 within ten (10) days of such plea agreement or the finding of guilt.

15 12. Any person or agency required or authorized to submit
16 information pursuant to this section to the Council shall be immune
17 from liability arising from the submission of the information as
18 long as the information was submitted in good faith and without
19 malice.

20 13. Any peace officer employed by a law enforcement agency in
21 this state which has internal discipline policies and procedures on
22 file with CLEET shall be exempt from the disciplinary proceedings
23 and actions provided for in this subsection; provided, however, such
24 exemption shall not apply if the peace officer has been convicted of

1 a felony crime, a crime of moral turpitude, or a crime of domestic
2 violence.

3 14. All criminal proceedings initiated against a CLEET-
4 certified peace officer or reserve peace officer shall be reported
5 by the officer to CLEET immediately after arrest or discovery of the
6 filing of such criminal proceeding. All CLEET-certified peace
7 officers and reserve peace officers shall be required to report when
8 a Victim Protective Order has been issued against the officer,
9 including orders issued on an emergency basis and all final orders
10 of protection. Failure to give notice pursuant to the provisions of
11 this paragraph may be cause to initiate an action against the
12 officer by CLEET.

13 15. As used in this subsection:

- 14 a. "law enforcement agency" means any department or
15 agency of the state, a county, a municipality, or
16 political subdivision thereof, with the duties to
17 maintain public order, make arrests, and enforce the
18 criminal laws of this state or municipal ordinances,
19 which employs CLEET-certified personnel,
- 20 b. "final order of termination" means a final notice of
21 dismissal from employment provided after all
22 grievance, arbitration, and court actions have been
23 completed, and
24

1 c. "resignation while under investigation" means the
2 resignation from employment of a peace officer who is
3 under investigation for any felony violation of law, a
4 crime of moral turpitude, a crime of domestic
5 violence, or the resignation from employment of a
6 peace officer as part of an arbitration or plea
7 agreement.

8 K. 1. Every canine team in the state trained to detect
9 controlled dangerous substances shall be certified, by test, in the
10 detection of such controlled dangerous substances and shall be
11 recertified annually so long as the canine is used for such
12 detection purposes. The certification test and annual
13 recertification test provisions of this subsection shall not be
14 applicable to canines that are owned by a law enforcement agency and
15 that are certified and annually recertified in the detection of
16 controlled dangerous substances by the United States Customs
17 Service. No employee of CLEET may be involved in the training or
18 testing of a canine team.

19 2. The Council shall appoint a Drug Dog Advisory Council to
20 make recommendations concerning minimum standards, educational
21 needs, and other matters imperative to the certification of canines
22 and canine teams trained to detect controlled dangerous substances.
23 The Council shall promulgate rules based upon the recommendations of
24 the Advisory Council. Members of the Advisory Council shall

1 include, but need not be limited to, a commissioned officer with
2 practical knowledge of such canines and canine teams from each of
3 the following:

- 4 a. the Oklahoma State Bureau of Narcotics and Dangerous
5 Drugs Control,
- 6 b. the Department of Public Safety,
- 7 c. a police department,
- 8 d. a sheriff's office, and
- 9 e. a university or college campus police department.

10 3. The fee for the certification test shall be Two Hundred
11 Dollars (\$200.00) and the annual recertification test fee shall be
12 One Hundred Dollars (\$100.00) per canine team. A retest fee of
13 Fifty Dollars (\$50.00) will be charged if the team fails the test.
14 No such fee shall be charged to any local, state or federal
15 government agency. The fees provided for in this paragraph shall be
16 deposited to the credit of the CLEET Fund created pursuant to
17 Section 1313.2 of Title 20 of the Oklahoma Statutes.

18 L. 1. Every canine team in the state trained to detect
19 explosives, explosive materials, explosive devices, and materials
20 which could be used to construct an explosive device shall be
21 certified, by test, in the detection of such explosives and
22 materials and shall be recertified annually so long as the canine is
23 used for such detection purposes. The certification test and annual
24 recertification test provisions of this subsection shall not be

1 applicable to canines that are owned by a law enforcement agency if
2 such canines are certified and annually recertified in the detection
3 of explosives and materials by the United States Department of
4 Defense. No employee of CLEET may be involved in the training or
5 testing of a canine team.

6 2. The Council shall appoint a Bomb Dog Advisory Council to
7 make recommendations concerning minimum standards, educational
8 needs, and other matters imperative to the certification of canines
9 and canine teams trained to detect explosives, explosive materials,
10 explosive devices and materials which could be used to construct an
11 explosive device. The Council shall promulgate rules based upon the
12 recommendations of the Advisory Council. Members of the Advisory
13 Council shall include, but need not be limited to, a commissioned
14 officer with practical knowledge of such canines and canine teams
15 from each of the following:

- 16 a. the Department of Public Safety,
- 17 b. a police department,
- 18 c. a sheriff's office, and
- 19 d. a university or college campus police department.

20 3. The fee for the certification test shall be Two Hundred
21 Dollars (\$200.00) and the annual recertification test fee shall be
22 One Hundred Dollars (\$100.00) per canine team. A retest fee of
23 Fifty Dollars (\$50.00) will be charged if the team fails the test.
24 No such fee shall be charged to any local, state or federal

1 government agency. The fees provided for in this paragraph shall be
2 deposited to the credit of the CLEET Fund created pursuant to
3 Section 1313.2 of Title 20 of the Oklahoma Statutes.

4 M. All tribal police officers of any Indian tribe or nation who
5 have been commissioned by an Oklahoma law enforcement agency
6 pursuant to a cross-deputization agreement with the State of
7 Oklahoma or any political subdivision of the State of Oklahoma
8 pursuant to the provisions of Section 1221 of Title 74 of the
9 Oklahoma Statutes shall be eligible for peace officer certification
10 under the same terms and conditions required of members of the law
11 enforcement agencies of the State of Oklahoma and its political
12 subdivisions. CLEET shall issue peace officer certification to
13 tribal police officers who, as of July 1, 2003, are commissioned by
14 an Oklahoma law enforcement agency pursuant to a cross-deputization
15 agreement with the State of Oklahoma or any political subdivision of
16 the State of Oklahoma pursuant to the provisions of Section 1221 of
17 Title 74 of the Oklahoma Statutes and have met the training and
18 qualification requirements of this section.

19 N. If an employing law enforcement agency in this state has
20 paid for CLEET training and the salary of a person while that person
21 is completing in this state a basic police course approved by the
22 Council and if within one (1) year after ~~certification~~ initial
23 employment with the original employing agency that person resigns
24 and is hired by another law enforcement agency in this state, the

1 second agency or the person receiving the training shall reimburse
2 the original employing agency for the cost of CLEET training and
3 salary paid to the person while completing the basic police course
4 by the original employing agency. If the person leaves the original
5 employing agency later than one (1) year, but less than two (2)
6 years, after initial employment, the second agency or the person
7 receiving the training shall reimburse the original employing agency
8 fifty percent (50%) of the cost of CLEET training and salary paid to
9 the person while completing the basic police course by the original
10 employing agency. CLEET shall not be a party to any court action
11 based on this provision.

12 O. The Council on Law Enforcement Education and Training, in
13 its discretion, may waive all or part of any moneys due to the
14 Council, if deemed uncollectable by the Council.

15 P. Peace officers, reserve peace officers, tribal peace
16 officers, agencies, bail enforcers, security guards and private
17 investigators shall maintain with the Council current mailing
18 addresses and shall notify the Council, in writing, of any change of
19 address or name. Notification of change of name shall require
20 certified copies of any marriage license or other court document
21 which reflects the change of name. Notice of change of address or
22 telephone number must be made within ten (10) days of the effected
23 change. Notices shall not be accepted over the phone. In any
24 proceeding in which the Council is required to serve notice or an

1 order on an individual or an agency, the Council may send a letter
2 to the mailing address on file with the Council. If the letter is
3 returned and a notation of the U.S. Postal Service indicates
4 "unclaimed", or "moved", or "refused" or any other nondelivery
5 markings and the records of the Council indicate that no change of
6 address as required by this subsection has been received by the
7 Council, the notice and any subsequent notices or orders shall be
8 deemed by the Court as having been legally served for all purposes.

9 Q. All CLEET records of Bail Enforcers may be released only in
10 compliance with this section and the Oklahoma Bail Enforcement and
11 Licensing Act. All records in CLEET possession concerning other
12 persons or entities shall be released only in compliance with this
13 section and the Oklahoma Open Records Act.

14 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.11, as
15 last amended by Section 1, Chapter 139, O.S.L. 2016 (70 O.S. Supp.
16 2018, Section 3311.11), is amended to read as follows:

17 Section 3311.11 A. Any person or peace officer who desires to
18 attend a basic law enforcement academy conducted by the Council on
19 Law Enforcement Education and Training (CLEET) shall within ninety
20 (90) days of hire and prior to CLEET admission, be required to score
21 a minimum of seventy percent (70%) on a reading and writing
22 comprehension examination approved by CLEET to assure the applicant
23 can read and write on a level necessary to perform the requirements
24 of the CLEET academy. Any person or any peace officer who desires

1 to attend a CLEET-approved reserve basic law enforcement academy
2 shall, within ninety (90) days of hire and prior to reserve basic
3 law enforcement academy admission, be required to score a minimum of
4 seventy percent (70%) on a reading and writing comprehension
5 examination approved by CLEET to assure the applicant can read and
6 write at a level necessary to perform the requirements of the
7 reserve academy.

8 B. Beginning November 1, 2009, any person or peace officer who
9 desires to attend the basic law enforcement academy conducted by
10 CLEET shall, prior to admission, be required to provide proof of a
11 score of a minimum of seventy percent (70%) on a physical agility
12 test approved by CLEET to assure the applicant is in sufficient
13 physical condition to avoid unnecessary injury during the basic law
14 enforcement academy training.

15 ~~C. Beginning November 1, 2009, any person or peace officer,~~
16 ~~upon employment by a law enforcement agency and prior to attending a~~
17 ~~basic law enforcement academy conducted by CLEET, shall execute a~~
18 ~~promissory note for academy training expenses payable to CLEET~~
19 ~~whereby the person or peace officer promises to repay the note by~~
20 ~~remaining within the law enforcement profession in the State of~~
21 ~~Oklahoma in a position approved by rules and regulations of CLEET~~
22 ~~for four (4) years following graduation from the basic law~~
23 ~~enforcement academy.~~

1 ~~D. The amounts due pursuant to subsection C of this section~~
2 ~~shall be reduced at a rate of Three Dollars (\$3.00) per calendar day~~
3 ~~beginning the first day after graduation from the basic law~~
4 ~~enforcement academy and continuing until the end of one thousand~~
5 ~~four hundred sixty (1,460) days. If for any reason a peace officer~~
6 ~~leaves the employment of a law enforcement agency and does not~~
7 ~~reemploy with an approved law enforcement agency within ninety (90)~~
8 ~~days of the date of becoming inactive the obligation shall be~~
9 ~~considered due. Upon default of the note, if no agreement for~~
10 ~~payment or payment schedule has been agreed upon, the certification~~
11 ~~of the peace officer shall be suspended. For purposes of repayment,~~
12 ~~periods of time where a peace officer is inactive shall not be~~
13 ~~included in the one thousand four hundred sixty day employment~~
14 ~~period.~~

15 ~~E. The amount of a promissory note for academy training~~
16 ~~expenses that is cancelled under the provisions of this section~~
17 ~~shall not be considered income for the purposes of Oklahoma State~~
18 ~~Income Tax.~~

19 ~~F. The Director of CLEET may waive any or all promissory note~~
20 ~~obligations for academy training expenses in instances where in the~~
21 ~~sole opinion of the Director, a waiver is in the best interests of~~
22 ~~law enforcement.~~

23 ~~G. Violation of the provisions of subsection D of this section~~
24 ~~or the terms of the promissory note for academy training expenses~~

1 ~~entered into pursuant to this section shall give rise to a cause of~~
2 ~~action and suit may be commenced by CLEET for and on behalf of the~~
3 ~~State of Oklahoma for restitution of any and all sums plus interest~~
4 ~~at the statutory rate, costs and reasonable attorney fees. All~~
5 ~~promissory notes for academy training expenses, interest and fees~~
6 ~~collected pursuant to this section shall be deposited into the Peace~~
7 ~~Officer Revolving Fund provided for in Section 3311.7 of Title 70 of~~
8 ~~the Oklahoma Statutes. The provisions of this section shall not~~
9 ~~apply to persons who volunteer or are drafted into active military~~
10 ~~service subsequent to receiving CLEET training at state expense.~~

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

12

13 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/14/2019 -
14 DO PASS, As Amended.

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