

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 971

By: Floyd and Bice of the
Senate

and

Echols of the House

11 COMMITTEE SUBSTITUTE

12 An Act relating to law enforcement training; amending
13 70 O.S. 2011, Section 3311.4, as last amended by
14 Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp.
15 2018, Section 3311.4), which relates to continuing
16 law enforcement training; requiring certain training
17 relating to sexual assault calls, response and
18 evidence collection; amending 70 O.S. 2011, Section
19 3311.5, as last amended by Section 1, Chapter 162,
20 O.S.L. 2017 (70 O.S. Supp. 2018, Section 3311.5),
21 which relates to required curriculum; directing the
22 Council on Law Enforcement Education and Training to
23 establish training resources focused on protocol for
24 handling and processing sexual assault calls;
 providing list of training topics; and providing an
 effective date.

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

1 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311.4, as
2 last amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp.
3 2018, Section 3311.4), is amended to read as follows:

4 Section 3311.4 A. Beginning January 1, 2008, and annually
5 thereafter, every active full-time peace officer, certified by the
6 Council on Law Enforcement Education and Training (CLEET) pursuant
7 to Section 3311 of this title, shall attend and complete a minimum
8 of twenty-five (25) hours of continuing law enforcement training
9 accredited or provided by CLEET which shall include a mandatory two
10 (2) hours on mental health issues. Effective November 1, 2019,
11 CLEET shall establish appropriate training resources which shall
12 include the policies and protocols for responding to sexual assault
13 calls, guidelines for the collection and maintenance of sexual
14 assault kits and continuing education on trauma-informed sexual
15 assault response and intervention, and shall require all CLEET-
16 certified law enforcement officers to complete such training on a
17 regular basis to be determined by CLEET. CLEET shall promulgate
18 rules to enforce the provisions of this section and shall enter into
19 contracts and agreements for the payment of classroom space,
20 training, food, and lodging expenses as may be necessary for law
21 enforcement officers attending such training in accordance with
22 subsection B of Section 3311 of this title. Such training and
23 seminars shall be conducted in all areas of this state at technology
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1 center schools, institutions of higher education, or other approved
2 sites.

3 B. Beginning January 1, 2017, and annually thereafter, every
4 active reserve peace officer, certified by CLEET pursuant to Section
5 3311 of this title, shall attend and complete a minimum of eight (8)
6 hours of continuing law enforcement training accredited or provided
7 by CLEET which shall include a mandatory one (1) hour on mental
8 health issues.

9 C. Every inactive full-time or reserve peace officer, certified
10 by CLEET, shall be exempt from these requirements during the
11 inactive status. Upon reentry to full-time active status, the peace
12 officer shall be required to comply with subsection A of this
13 section. If a full-time certified peace officer has been inactive
14 for five (5) or more years, the officer must complete refresher
15 training as prescribed by CLEET and which shall include a minimum of
16 four (4) hours of mental health education and training, within one
17 (1) year of employment. Upon reentry to active reserve status, the
18 peace officer shall be required to comply with subsection B of this
19 section. If a certified reserve officer has been inactive for five
20 (5) or more years, the certified reserve officer shall complete a
21 legal update as prescribed by CLEET. The Director of CLEET may
22 waive these requirements based on review of all records of
23 employment and training.

1 D. Every tribal officer who is commissioned by an Oklahoma law
2 enforcement agency pursuant to a cross-deputization agreement with
3 the State of Oklahoma or any political subdivision of the State of
4 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
5 the Oklahoma Statutes shall comply with the provisions of this
6 section.

7 E. Any active full-time or reserve certified peace officer, or
8 CLEET-certified cross-deputized tribal officer who fails to meet the
9 annual training requirements specified in this section, shall be
10 subject to having the certification of the peace officer suspended,
11 after the peace officer and the employer have been given written
12 notice of noncompliance and a reasonable time, as defined by the
13 Council, to comply with the provisions of this section. A peace
14 officer shall not be employed in the capacity of a peace officer
15 during any period of suspension. The suspension period shall be for
16 a period of time until the officer files a statement attesting to
17 full compliance with the provisions of this section. Suspension of
18 peace officer certification shall be reported to the district
19 attorney for the jurisdiction in which the officer is employed, the
20 liability insurance company of the law enforcement agency that
21 employed the peace officer, the chief elected official of the
22 governing body of the law enforcement agency and the chief law
23 enforcement officer of the law enforcement agency. Any officer
24 whose certification is suspended pursuant to this section may

1 request a hearing with CLEET. Such hearings shall be governed by
2 the Administrative Procedures Act except that the affected officer
3 has the burden to show CLEET why CLEET should not have the
4 certification of the officer suspended.

5 F. All certified, active full-time or reserve peace officers
6 employed, commissioned or appointed for a period of ninety (90) days
7 in a calendar year, who become inactive prior to the end of a
8 calendar year, are responsible for meeting mandatory continuing
9 education requirements as set forth in this section upon return to
10 active full-time or reserve peace officer status within sixty (60)
11 days of the date of return to employment, commission or appointment.
12 Failure to complete the mandatory continuing education within sixty
13 (60) days may result in disciplinary action as set forth in CLEET
14 Rules at OAC 390:2. Full-time or reserve certified peace officers
15 who return to active status within the calendar year they become
16 inactive must complete the annual mandatory continuing education
17 requirements outlined in this section within the remaining portion
18 of the calendar year.

19 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.5, as
20 last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp.
21 2018, Section 3311.5), is amended to read as follows:

22 Section 3311.5 A. On and after November 1, 2007, the Council
23 on Law Enforcement Education and Training (CLEET), pursuant to its
24 authority granted by Section 3311 of this title, shall include in

1 its required basic training courses for law enforcement
2 certification a minimum of four (4) hours of education and training
3 relating to recognizing and managing a person appearing to require
4 mental health treatment or services. The Council shall further
5 offer a minimum of four (4) hours of education and training on
6 specific mental health issues pursuant to Section 3311.4 of this
7 title to meet the annual requirement for continuing education in the
8 areas of mental health issues.

9 B. By January 1, 2008, CLEET, pursuant to its authority granted
10 by Sections 3311 and 3311.4 of this title, shall include in its
11 required courses of study for law enforcement certification a
12 minimum of six (6) hours of evidence-based sexual assault and sexual
13 violence training. A portion of the sexual assault and sexual
14 violence training shall include instruction presented by a certified
15 sexual assault service provider.

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

21 D. CLEET shall promulgate rules to enforce the provisions of
22 subsections B and C of this section and shall, with the assistance
23 of certified sexual assault service providers, establish a
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1 comprehensive integrated curriculum for the teaching of evidence-
2 based sexual assault and sexual violence issues.

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

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

11 G. By January 1, 2012, CLEET, pursuant to its authority granted
12 by Sections 3311 and 3311.4 of this title, shall establish and
13 include in its required courses of study for law enforcement
14 certification a minimum of eight (8) hours of evidence-based
15 domestic violence and stalking investigation training. The training
16 should include, at a minimum, the importance of reporting domestic
17 violence incidents, determining the predominant aggressor, evidence-
18 based investigation of domestic violence and stalking, lethality
19 assessment, and personal safety planning necessary at the pretrial
20 stages of a potential criminal case. A portion of the training
21 shall include instruction presented by an expert victim advocate
22 selected from recommendations provided by the Office of the Attorney
23 General or the Domestic Violence Fatality Review Board. The
24 training shall be developed in collaboration with the Domestic

1 Violence Fatality Review Board, and where applicable, shall replace
2 existing domestic violence and stalking courses currently required.

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

7 I. CLEET shall establish the training provided in subsection G
8 of this section as a part of CLEET's peace officer continuing
9 education program and develop a plan to train full-time peace
10 officers previously certified by CLEET pursuant to Section 3311 of
11 this title where applicable. The Office of the Attorney General
12 shall provide a list of expert victim advocates that are available
13 to assist in the training.

14 J. The Council is authorized to pay for and send training staff
15 and employees to one or more training and education courses in
16 jurisdictions outside this state for the purpose of expanding
17 curriculum, training skill development, and general knowledge within
18 the field of law enforcement education and training.

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

3 L. By November 1, 2019, CLEET shall establish appropriate
4 training resources focused on protocol for handling and processing
5 sexual assault calls. The training shall include, but not be
6 limited to:

- 7 1. How to handle the sexual assault call upon first contact;
- 8 2. Determining when the assault occurred;
- 9 3. Where to take the victim;
- 10 4. Questioning witnesses and collecting evidence; and
- 11 5. Informing and assisting the victim in accessing resources,
12 help and information.

13 M. The Council shall promulgate rules to evaluate and approve
14 municipalities and counties that are deemed capable of conducting
15 separate basic law enforcement training academies in their
16 jurisdiction and to certify officers successfully completing such
17 academy training courses. Upon application to the Council, any
18 municipality with a population of sixty-five thousand (65,000) or
19 more or any county with a population of five hundred thousand
20 (500,000) or more shall be authorized to operate a basic law
21 enforcement academy. The Council shall approve an application when
22 the municipality or county making the application meets the criteria
23 for a separate training academy and demonstrates to the satisfaction
24 of the Council that the academy has sufficient resources to conduct

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

12 ~~M.~~ N. Any municipality or county that, prior to November 1,
13 2007, was authorized to conduct a basic law enforcement academy
14 shall continue to receive funding pursuant to subsection E of
15 Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/04/2019 -
19 DO PASS, As Amended.
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