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February 19, 2020

AS AMENDED

SENATE BILL NO. 1353

By: Pugh

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[ law enforcement training - crisis intervention
training - certification - codification - effective
date ]
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-111 of Title 43A, unless there is created a duplication in numbering, reads as follows:

No later than November 1, 2023, all law enforcement agencies operating in this state shall be required to have twenty-five percent (25%) of all employed full-time peace officers, certified by the Council on Law Enforcement Education and Training pursuant to Section 3311 of Title 70 of the Oklahoma Statutes, to be trained in crisis intervention training, as provided by the Department of Mental Health and Substance Abuse Services.

SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.4, as last amended by Section 1, Chapter 339, O.S.L. 2019 (70 O.S. Supp. 2019, Section 3311.4), is amended to read as follows:

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

23 B. Beginning January 1, ~~2017~~ 2021, and annually thereafter,
24 every active reserve peace officer, certified by CLEET pursuant to

1 Section 3311 of this title, shall attend and complete a minimum of
2 eight (8) hours of continuing law enforcement training accredited or
3 provided by CLEET which shall include a mandatory one (1) hour on
4 mental health issues and a mandatory one (1) hour on crisis
5 intervention training.

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

21 D. Every tribal officer who is commissioned by an Oklahoma law
22 enforcement agency pursuant to a cross-deputization agreement with
23 the State of Oklahoma or any political subdivision of the State of
24 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of

1 the Oklahoma Statutes shall comply with the provisions of this
2 section.

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

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

15 G. Peace officers with full-time certification who worked
16 during a calendar year only as a reserve officer are required to
17 complete only the training requirements for reserve certification.
18 For purposes of the requirements outlined in subsection F of this
19 section, full-time peace officers who worked both in the capacity of
20 a full-time peace officer and reserve officer in a calendar year
21 must complete full-time continuing education requirements.

22 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3311.5, as
23 last amended by Section 2, Chapter 339, O.S.L. 2019 (70 O.S. Supp.
24 2019, Section 3311.5), is amended to read as follows:

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

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

19 C. By January 1, 2012, every active full-time peace officer,
20 previously certified by CLEET pursuant to Section 3311 of this
21 title, shall be required to attend and complete the evidence-based
22 sexual assault and sexual violence training provided in subsection B
23 of this section.
24

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

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

10 F. By January 1, 2009, CLEET, pursuant to its authority granted
11 by Sections 3311 and 3311.4 of this title, shall include in its
12 required courses of study for law enforcement certification oil
13 field equipment theft training.

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

1 selected from recommendations provided by the Office of the Attorney
2 General or the Domestic Violence Fatality Review Board. The
3 training shall be developed in collaboration with the Domestic
4 Violence Fatality Review Board, and where applicable, shall replace
5 existing domestic violence and stalking courses currently required.

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

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

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

22 K. On and after November 1, 2013, CLEET, pursuant to its
23 authority granted by Section 3311 of this title, shall include in
24 its required basic training courses for law enforcement

1 certification a minimum of two (2) hours of education and training
2 relating to recognizing and managing a person experiencing dementia
3 or Alzheimer's disease.

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

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

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

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

13 N. Any municipality or county that, prior to November 1, 2007,
14 was authorized to conduct a basic law enforcement academy shall
15 continue to receive funding pursuant to subsection E of Section
16 1313.2 of Title 20 of the Oklahoma Statutes.

17 O. In addition to the provisions of subsection A of this
18 section, by January 1, 2021, CLEET, pursuant to its authority
19 granted by Section 3311 of this title, shall include in its required
20 basic training courses for law enforcement certification a minimum
21 of four (4) hours of education and training in crisis intervention
22 training.

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SECTION 4. This act shall become effective November 1, 2020.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 19, 2020 - DO PASS AS AMENDED