

1 **SENATE FLOOR VERSION**

2 February 18, 2019

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 171

By: Standridge

6
7 An Act relating to law enforcement training; amending
8 70 O.S. 2011, Section 3311, as last amended by
9 Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.
10 2018, Section 3311), which relates to the Council on
11 Law Enforcement Education and Training; allowing
12 certain certification by the Council; requiring
13 certain training; and providing an effective date.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
16 last amended by Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.
17 2018, Section 3311), is amended to read as follows:

18 Section 3311. A. There is hereby created a Council on Law
19 Enforcement Education and Training which shall be, and is hereby
20 declared to be, a governmental law enforcement agency of the State
21 of Oklahoma, body politic and corporate, with powers of government
22 and with the authority to exercise the rights, privileges and
23 functions necessary to ensure the professional training and
24 continuing education of law enforcement officers in the State of
Oklahoma. These rights, privileges and functions include, but are

1 not limited to, those specified in Sections 3311 through 3311.15 of
2 this title and in the Oklahoma Security Guard and Private
3 Investigator Act and the Oklahoma Bail Enforcement and Licensing
4 Act. The Council shall be composed of thirteen (13) members as
5 follows:

6 1. The Commissioner of the Department of Public Safety, or
7 designee;

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

10 3. The Director of the Oklahoma State Bureau of Investigation,
11 or designee;

12 4. One member appointed by the Governor who shall be a law
13 enforcement administrator representing a tribal law enforcement
14 agency;

15 5. One member appointed by the Governor who shall be a chief of
16 police of a municipality with a population over one hundred thousand
17 (100,000), as determined by the latest Federal Decennial Census;

18 6. One member appointed by the Board of Directors of the
19 Oklahoma Sheriffs' Association who shall be a sheriff of a county
20 with a population under twenty-five thousand (25,000), as determined
21 by the latest Federal Decennial Census;

22 7. One member appointed by the Oklahoma Association of Police
23 Chiefs who shall be a chief of police representing a municipality
24

1 with a population over ten thousand (10,000), as determined by the
2 latest Federal Decennial Census;

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

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

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

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

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

22 13. The Speaker of the House of Representatives shall appoint
23 one member from a list of three or more nominees submitted by an
24 organization that assists in the establishment of accreditation

standards and training programs for law enforcement agencies throughout the State of Oklahoma.

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

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

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

2. Promulgate rules with respect to such matters as certification, revocation, suspension, withdrawal and reinstatement of certification, minimum courses of study, testing and test scores, attendance requirements, equipment and facilities, minimum qualifications for instructors, minimum standards for basic and advanced in-service courses, and seminars for Oklahoma police and peace officers;

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

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

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

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

13 7. Appoint an Executive Director and an Assistant Director to
14 direct the staff, inform the Council of compliance with the
15 provisions of this section and perform such other duties imposed on
16 the Council by law. An Executive Director appointed by the Council
17 must qualify for the position with a bachelor or higher degree in
18 law enforcement from an accredited college or university, or a
19 bachelor or higher degree in a law-enforcement-related subject area,
20 and a minimum of five (5) years of active law enforcement experience
21 including, but not limited to, responsibility for enforcement,
22 investigation, administration, training, or curriculum
23 implementation.

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

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

24

1 9. a. Certify canine teams, consisting of a dog and a
2 handler working together as a team, trained to detect:
3 (1) controlled dangerous substances, or
4 (2) explosives, explosive materials, explosive
5 devices, or materials which could be used to
6 construct an explosive device;
7 provided, the dog of a certified canine team shall not
8 be certified at any time as both a drug dog and a bomb
9 dog, and any dog of a certified canine team who has
10 been previously certified as either a drug dog or a
11 bomb dog shall not be eligible at any time to be
12 certified in the other category.

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

21 10. Enter into a lease, loan or other agreement with the
22 Oklahoma Development Finance Authority or a local public trust for
23 the purpose of facilitating the financing of a new facility for its
24 operations and use and pledge, to the extent authorized by law, all

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

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

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

22 13. Enter into agreements with individuals, educational
23 institutions, agencies, and business and tribal entities for
24 professional services, the use of facilities and supplies, and staff

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

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

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

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

22 a. one member shall be selected by the Chancellor for
23 Higher Education, who possesses a background of
24 creation and review of curriculum and experience

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

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

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

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

16 19. Summarily suspend a certification of a peace officer,
17 without prior notice but otherwise subject to administrative
18 proceedings, if CLEET finds that the actions of the certified peace
19 officer may present a danger to the peace officer, the public, a
20 family or household member, or involve a crime against a minor. A
21 certified copy of the information or indictment charging such a
22 crime shall be considered clear and convincing evidence of the
23 charge; and
24

1 20. Approve law enforcement agencies and police departments in
2 accordance with the following:

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

11 b. the entity shall submit to CLEET, a minimum of sixty
12 (60) days prior to creation of the law enforcement
13 agency or police department, information regarding:

14 (1) the need for the law enforcement agency or police
15 department in the community,

16 (2) the funding sources for the law enforcement
17 agency or police department, and proof that no
18 more than fifty percent (50%) of the funding of
19 the entity will be derived from ticket revenue or
20 fines,

21 (3) the physical resources available to officers,

22 (4) the physical facilities that the law enforcement
23 agency or police department will operate,
24 including descriptions of the evidence room,

1 dispatch area, restroom facilities, and public
2 area,

3 (5) law enforcement policies of the law enforcement
4 agency or police department, including published
5 policies on:

6 (a) use of force,

7 (b) vehicle pursuit,

8 (c) mental health,

9 (d) professional conduct of officers,

10 (e) domestic abuse,

11 (f) response to missing persons,

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

13 (h) impartial policing,

14 (6) the administrative structure of the law
15 enforcement agency or police department,

16 (7) liability insurance, and

17 (8) any other information CLEET requires by rule,

18 c. within sixty (60) days of receiving an entity's
19 request, CLEET will forward to the entity by certified
20 mail, return receipt requested, a letter of
21 authorization or denial to create a law enforcement
22 agency or police department and commission, appoint,
23 or employ officers, signed by the Executive Director
24 of CLEET, and

d. in cases of denial, the entity may appeal the decision of the Executive Director to the full CLEET Council. The Executive Director shall ensure that the final 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 majority vote:

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

C. 1. Payment of any fee provided for in this section may be made by a nationally recognized credit or debit card issued to the applicant. The Council may publicly post and collect a fee for the acceptance of the nationally recognized credit or debit card not to exceed five percent (5%) of the amount of the payment. For purposes of this subsection, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value and which is accepted by over one thousand merchants in this state. "Debit card" means an identification card

1 or device issued to a person by a business organization which
2 permits such person to obtain access to or activate a consumer
3 banking electronic facility. The Council shall determine which
4 nationally recognized credit or debit cards will be accepted as
5 payment for fees.

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

8 a. add an amount equal to the amount of the service
9 charge incurred, not to exceed three percent (3%) of
10 the amount of the check as a service charge for the
11 acceptance and verification of the check, or

12 b. add an amount of no more than Five Dollars (\$5.00) as
13 a service charge for the acceptance and verification
14 of a check. For purposes of this subsection,
15 "business check" shall not mean a money order,
16 cashier's check, or bank certified check.

17 D. Failure of the Legislature to appropriate necessary funds to
18 provide for expenses and operations of the Council on Law
19 Enforcement Education and Training shall not invalidate other
20 provisions of this section relating to the creation and duties of
21 the Council.

22 E. 1. No person shall be eligible for employment as a peace
23 officer or reserve peace officer until the employing law enforcement
24

1 agency has conducted a background investigation of such person
2 consisting of the following:

3 a. a fingerprint search submitted to the Oklahoma State
4 Bureau of Investigation with a return report to the
5 submitting agency that such person has no felony
6 record,

7 b. a fingerprint search submitted to the Federal Bureau
8 of Investigation with a return report to the
9 submitting agency that such person has no felony
10 record,

11 c. such person has undergone psychological evaluation by
12 a psychologist licensed by the State of Oklahoma and
13 has been evaluated to be suitable to serve as a peace
14 officer in the State of Oklahoma,

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

18 e. such person is not participating in a deferred
19 sentence agreement for a felony, a crime involving
20 moral turpitude or a crime of domestic violence, and
21 does not have any criminal charges pending in any
22 court in this state, another state, in tribal court or
23 pursuant to the United States Code,
24

- 1 f. such person is not currently subject to an order of
2 the Council revoking, suspending, or accepting a
3 voluntary surrender of peace officer certification,
- 4 g. such person is not currently undergoing treatment for
5 a mental illness, condition or disorder. For purposes
6 of this subsection, "currently undergoing treatment
7 for mental illness, condition or disorder" means the
8 person has been diagnosed by a licensed physician,
9 psychologist, or licensed mental health professional
10 as being afflicted with a substantial disorder of
11 thought, mood, perception, psychological orientation
12 or memory that significantly impairs judgment,
13 behavior, capacity to recognize reality, or ability to
14 meet the ordinary demands of life and such condition
15 continues to exist,
- 16 h. such person is twenty-one (21) years of age.
17 Provided, this requirement shall not affect those
18 persons who are already employed as a police or peace
19 officer prior to November 1, 1985, and
- 20 i. such person has provided proof of United States
21 citizenship or resident alien status, pursuant to an
22 employment eligibility verification form from the
23 United States Citizenship and Immigration Services.
- 24

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

21 a. Any person found not to be suitable for employment or
22 certification by the Council shall not be employed,
23 retained in employment as a peace officer, or
24 certified by the Council for at least one (1) year, at

1 which time the employee or applicant may be
2 reevaluated by a psychologist licensed by the State of
3 Oklahoma. This section shall also be applicable to
4 all reserve peace officers in the State of Oklahoma.

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

15 c. All persons seeking certification shall have their
16 name, gender, date of birth, and address of such
17 person submitted to the Department of Mental Health
18 and Substance Abuse Services by the Council. The
19 Department of Mental Health and Substance Abuse
20 Services shall respond to the Council within ten (10)
21 days whether the computerized records of the
22 Department indicate the applicant has ever been
23 involuntarily committed to an Oklahoma state mental
24 institution. In the event that the Department of

1 Mental Health and Substance Abuse Services reports to
2 the Council that the applicant has been involuntarily
3 committed, the Council shall immediately inform the
4 employing agency.

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

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

16 For reserve deputies a basic reserve academy shall consist of a
17 minimum of two hundred forty (240) hours.

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

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

9 a. The Council may extend the time requirement specified
10 in this paragraph for good cause as determined by the
11 Council.

12 b. A duty is hereby imposed upon the employing agency to
13 withhold payment of the compensation or wage of such
14 unqualified officer.

15 c. If the police or peace officer fails to forfeit the
16 position or the employing agency fails to require the
17 officer to forfeit the position, the district attorney
18 shall file the proper action to cause the forfeiting
19 of such position. The district court of the county
20 where the officer is employed shall have jurisdiction
21 to hear the case.

22 5. The Council may certify officers who have completed a course
23 of study in another state deemed by the Council to meet standards
24 for Oklahoma peace officers providing the officer's certification in

1 the other state has not been revoked or voluntarily surrendered and
2 is not currently under suspension.

3 6. The Executive Director, or designee, shall recognize
4 military police who have completed training as identified in the
5 Department of Defense POST Instruction 5525.1 Guideline 1 and who
6 have served in a full-time military police capacity for six (6)
7 months within the preceding two (2) years of full-time employment as
8 an Oklahoma Law Enforcement Officer. Military police who meet this
9 standard shall attend the three-hundred-sixty hour basic full-time
10 academy to be certified as a full-time peace officer.

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

1 F. No person shall be certified as a police or peace officer by
2 the Council or be employed by the state, a county, a city, or any
3 political subdivision thereof, who is currently subject to an order
4 of the Council revoking, suspending, or accepting a voluntary
5 surrender of peace officer certification or who has been convicted
6 of a felony, a crime involving moral turpitude, or a crime of
7 domestic violence, unless a full pardon has been granted by the
8 proper agency; however, any person who has been trained and
9 certified by the Council on Law Enforcement Education and Training
10 and is actively employed as a full-time peace officer as of November
11 1, 1985, shall not be subject to the provisions of this subsection
12 for convictions occurring prior to November 1, 1985.

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

- 17 a. Oklahoma State Bureau of Investigation and Federal
18 Bureau of Investigation reports,
 - 19 b. administration of the psychological tests provided for
20 herein,
 - 21 c. performance in the course of study or other basis of
22 certification,
 - 23 d. previous certifications issued, and
- 24

1 e. any administrative or judicial determination denying
2 certification.

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

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

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

1 addition to the above, CLEET may impose an administrative fine for
2 violations of this section.

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

14 I. It is unlawful for any person to willfully make any
15 statement in an application to CLEET knowing the statement is false
16 or intentionally commit fraud in any application to the Council for
17 attendance in any CLEET-conducted or CLEET-approved peace officer
18 academy or Collegiate Officer Program or for the purpose of
19 obtaining peace officer certification or reinstatement. It is
20 unlawful for any person to willfully submit false or fraudulent
21 documents relating to continuing education rosters, transcripts or
22 certificates, or any canine license application. Any person
23 convicted of a violation of this subsection shall be guilty of a
24 felony punishable by imprisonment in the Department of Corrections

1 for a term of not less than two (2) years nor more than five (5)
2 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
3 or by both such fine and imprisonment. In addition to the above,
4 CLEET may impose an administrative fine.

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

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

1 Education and Training, records of evidence, or in
2 testimony under oath,

3 e. revocation or voluntary surrender of police or peace
4 officer certification in another state for a violation
5 of any law or rule or in settlement of any
6 disciplinary action in such state,

7 f. involuntary commitment of a reserve or peace officer
8 in a mental institution or licensed private mental
9 health facility for any mental illness, condition or
10 disorder that is diagnosed by a licensed physician,
11 psychologist or a licensed mental health professional
12 as a substantial disorder of thought, mood,
13 perception, psychological orientation, or memory that
14 significantly impairs judgment, behavior, capacity to
15 recognize reality, or ability to meet the ordinary
16 demands of life. Provided, the peace officer
17 certification may be reinstated upon the Council
18 receiving notification of a psychological evaluation
19 conducted by a licensed physician, psychologist or
20 licensed mental health professional which attests and
21 states by affidavit that the officer and the
22 evaluation test data of the officer have been examined
23 and that, in the professional opinion of the
24 physician, psychologist or licensed mental health

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

11 g. abuse of office,

12 h. entry of a final order of protection against applicant
13 or officer, or

14 i. any violation of the Oklahoma Private Security
15 Licensing Act.

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

21 3. Upon the filing of the complaint, a preliminary
22 investigation shall be conducted to determine whether:
23
24

1 a. there is reason to believe the person has violated any
2 provision of this subsection or any other provision of
3 law or rule, or

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

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

19 5. The Council shall revoke the certification of any person
20 upon determining that such person has been convicted of a felony or
21 a crime involving moral turpitude or a domestic violence offense or
22 has entered a plea of guilty, or nolo contendere or an "Alford" plea
23 or any plea other than a not guilty plea for a felony offense, a
24 crime of moral turpitude or a crime of domestic violence or is the

1 respondent in a final Victims Protective Order; provided, that if
2 the conviction has been reversed, vacated or otherwise invalidated
3 by an appellate court, such conviction shall not be the basis for
4 revocation of certification; provided further, that any person who
5 has been trained and certified by the Council on Law Enforcement
6 Education and Training and is actively employed as a full-time peace
7 officer as of November 1, 1985, shall not be subject to the
8 provisions of this subsection for convictions occurring prior to
9 November 1, 1985. The sole issue to be determined at the hearing
10 shall be whether the person has been convicted of a felony, a crime
11 involving moral turpitude or a domestic violence offense.

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

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

21 8. Every law enforcement agency in this state shall, within
22 thirty (30) days of a final order of termination or resignation
23 while under investigation of a CLEET-certified peace officer, report
24 such order or resignation in writing to the Executive Director of

1 the Council. Any report, upon receipt by the Council, shall be
2 considered as personnel records and shall be afforded confidential
3 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
4 Oklahoma Statutes. Any medical or other confidential records
5 obtained by subpoena pursuant to this subsection shall not be made a
6 part of such report. The Executive Director shall ensure that the
7 report is provided to all members of the Council. The Council shall
8 review and make recommendations concerning the report at the first
9 meeting of the Council to occur after all members of the Council
10 have received the report. The Council may, by a majority vote,
11 order the suspension, for a given period of time, or revocation of
12 the CLEET certification of the peace officer in question if there
13 are grounds for such actions pursuant to this section and the peace
14 officer in question has been provided with notice and an opportunity
15 for a hearing pursuant to the Administrative Procedures Act.
16 Suspension or revocation of CLEET certification pursuant to this
17 paragraph shall be reported to the district attorney for the
18 jurisdiction in which the peace officer was employed, to the
19 liability insurance company of the law enforcement agency that
20 employed the peace officer, the chief elected official of the
21 governing body of the law enforcement agency and the chief law
22 enforcement officer of the law enforcement agency.

23 9. For all other violations of this subsection, the hearing
24 examiner shall take into consideration the severity of the

1 violation, any mitigating circumstances offered by the person
2 subject to disciplinary action, and any other evidence relevant to
3 the person's character to determine the appropriate disciplinary
4 action.

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

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

18 c. Any person seeking reinstatement of police or peace
19 officer certification which has been suspended,
20 revoked, or voluntarily surrendered may apply for
21 reinstatement pursuant to promulgated CLEET rules
22 governing reinstatement. Except as provided in this
23 subsection, any person whose certification has been
24 revoked, suspended or voluntarily surrendered for any

1 reason, including failure to comply with mandatory
2 education and training requirements, shall pay a
3 reinstatement fee of One Hundred Fifty Dollars
4 (\$150.00) to be deposited to the credit of the Peace
5 Officer Revolving Fund created pursuant to Section
6 3311.7 of this title.

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

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

22 13. Any peace officer employed by a law enforcement agency in
23 this state which has internal discipline policies and procedures on
24 file with CLEET shall be exempt from the disciplinary proceedings

1 and actions provided for in this subsection; provided, however, such
2 exemption shall not apply if the peace officer has been convicted of
3 a felony crime, a crime of moral turpitude, or a crime of domestic
4 violence.

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

15 15. As used in this subsection:

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

1 grievance, arbitration, and court actions have been
2 completed, and

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

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

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

1 The Council shall promulgate rules based upon the recommendations of
2 the Advisory Council. Members of the Advisory Council shall
3 include, but need not be limited to, a commissioned officer with
4 practical knowledge of such canines and canine teams from each of
5 the following:

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

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

20 L. 1. Every canine team in the state trained to detect
21 explosives, explosive materials, explosive devices, and materials
22 which could be used to construct an explosive device shall be
23 certified, by test, in the detection of such explosives and
24 materials and shall be recertified annually so long as the canine is

1 used for such detection purposes. The certification test and annual
2 recertification test provisions of this subsection shall not be
3 applicable to canines that are owned by a law enforcement agency if
4 such canines are certified and annually recertified in the detection
5 of explosives and materials by the United States Department of
6 Defense. No employee of CLEET may be involved in the training or
7 testing of a canine team.

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

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

22 3. The fee for the certification test shall be Two Hundred
23 Dollars (\$200.00) and the annual recertification test fee shall be
24 One Hundred Dollars (\$100.00) per canine team. A retest fee of

1 Fifty Dollars (\$50.00) will be charged if the team fails the test.
2 No such fee shall be charged to any local, state or federal
3 government agency. The fees provided for in this paragraph shall be
4 deposited to the credit of the CLEET Fund created pursuant to
5 Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

21 N. If an employing law enforcement agency in this state has
22 paid the salary of a person while that person is completing in this
23 state a basic police course approved by the Council and if within
24 one (1) year after certification that person resigns and is hired by

1 another law enforcement agency in this state, the second agency or
2 the person receiving the training shall reimburse the original
3 employing agency for the salary paid to the person while completing
4 the basic police course by the original employing agency. CLEET
5 shall not be a party to any court action based on this provision.

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

9 P. Peace officers, reserve peace officers, tribal peace
10 officers, agencies, bail enforcers, security guards and private
11 investigators shall maintain with the Council current mailing
12 addresses and shall notify the Council, in writing, of any change of
13 address or name. Notification of change of name shall require
14 certified copies of any marriage license or other court document
15 which reflects the change of name. Notice of change of address or
16 telephone number must be made within ten (10) days of the effected
17 change. Notices shall not be accepted over the phone. In any
18 proceeding in which the Council is required to serve notice or an
19 order on an individual or an agency, the Council may send a letter
20 to the mailing address on file with the Council. If the letter is
21 returned and a notation of the U.S. Postal Service indicates
22 "unclaimed", or "moved", or "refused" or any other nondelivery
23 markings and the records of the Council indicate that no change of
24 address as required by this subsection has been received by the

1 Council, the notice and any subsequent notices or orders shall be
2 deemed by the Court as having been legally served for all purposes.

3 Q. All CLEET records of Bail Enforcers may be released only in
4 compliance with this section and the Oklahoma Bail Enforcement and
5 Licensing Act. All records in CLEET possession concerning other
6 persons or entities shall be released only in compliance with this
7 section and the Oklahoma Open Records Act.

8 SECTION 2. This act shall become effective November 1, 2019.

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
February 18, 2019 - DO PASS AS AMENDED

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