

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL NO. 971

By: Floyd

AS INTRODUCED

An Act relating to law enforcement training; amending 70 O.S. 2011, Section 3311.4, as last amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp. 2018, Section 3311.4), which relates to continuing law enforcement training; requiring certain training relating to sexual assault calls, response and evidence collection; amending 70 O.S. 2011, Section 3311.5, as last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp. 2018, Section 3311.5), which relates to required curriculum; requiring training focused on protocol for handling and processing sexual assault calls; and declaring an emergency.

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

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

Section 3311.4. A. Beginning January 1, 2008, and annually thereafter, every active full-time peace officer, certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to Section 3311 of this title, shall attend and complete a minimum of twenty-five (25) hours of continuing law enforcement training

1 accredited or provided by CLEET which shall include a mandatory two  
2 (2) hours on mental health issues and a minimum of two (2) hours on  
3 sexual assault issues which shall include the policies and protocols  
4 for responding to sexual assault calls, guidelines for the  
5 collection and maintenance of sexual assault kits and continuing  
6 education on trauma-informed sexual assault response and  
7 intervention. CLEET shall promulgate rules to enforce the  
8 provisions of this section and shall enter into contracts and  
9 agreements for the payment of classroom space, training, food, and  
10 lodging expenses as may be necessary for law enforcement officers  
11 attending such training in accordance with subsection B of Section  
12 3311 of this title. Such training and seminars shall be conducted  
13 in all areas of this state at technology center schools,  
14 institutions of higher education, or other approved sites.

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

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

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

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

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

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

1 Rules at OAC 390:2. Full-time or reserve certified peace officers  
2 who return to active status within the calendar year they become  
3 inactive must complete the annual mandatory continuing education  
4 requirements outlined in this section within the remaining portion  
5 of the calendar year.

6 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.5, as  
7 last amended by Section 1, Chapter 162, O.S.L. 2017 (70 O.S. Supp.  
8 2018, Section 3311.5), is amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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



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

1       ~~M.~~ N. Any municipality or county that, prior to November 1,  
2 2007, was authorized to conduct a basic law enforcement academy  
3 shall continue to receive funding pursuant to subsection E of  
4 Section 1313.2 of Title 20 of the Oklahoma Statutes.

5       SECTION 3. It being immediately necessary for the preservation  
6 of the public peace, health or safety, an emergency is hereby  
7 declared to exist, by reason whereof this act shall take effect and  
8 be in full force from and after its passage and approval.

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