

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

HOUSE BILL 3041

By: West (Tammy)

AS INTRODUCED

An Act relating to law enforcement; amending 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), which relates to continuing law enforcement training; requiring active full-time peace officers and active reserve peace officers to complete certain training; and providing an effective date.

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 339, O.S.L. 2019 (70 O.S. Supp. 2019, 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 accredited or provided by CLEET which shall include a mandatory two (2) hours on mental health issues and beginning November 1, 2020, a

1 mandatory eight (8) hours of developmental disabilities training.

2 Effective November 1, 2019, CLEET shall establish appropriate
3 training resources 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, and shall require all CLEET-certified law enforcement
8 officers to complete such training on a regular basis to be
9 determined by CLEET. CLEET shall promulgate rules to enforce the
10 provisions of this section and shall enter into contracts and
11 agreements for the payment of classroom space, training, food, and
12 lodging expenses as may be necessary for law enforcement officers
13 attending such training in accordance with subsection B of Section
14 3311 of this title. Such training and seminars shall be conducted
15 in all areas of this state at technology center schools,
16 institutions of higher education, or other approved sites.

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

23 2. Beginning November 1, 2020, and biennially thereafter, every
24 active reserve peace officer, certified by CLEET pursuant to Section

1 3311 of this title, shall attend and complete a minimum of eight (8)
2 hours of developmental disabilities training.

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

18 D. Every tribal officer who is commissioned by an Oklahoma law
19 enforcement agency pursuant to a ~~cross-deputization~~ cooperative
20 agreement with the State of Oklahoma or any political subdivision of
21 the State of Oklahoma pursuant to the provisions of Section 1221 of
22 Title 74 of the Oklahoma Statutes shall comply with the provisions
23 of this section.

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

23 F. All certified, active full-time or reserve peace officers
24 employed, commissioned or appointed for a period of ninety (90) days

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

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

20 SECTION 2. This act shall become effective November 1, 2020.
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