

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1265

By: Sharp

AS INTRODUCED

An Act relating to law enforcement certification records; amending 70 O.S. 2011, Section 3311, as last amended by Section 1, Chapter 245, O.S.L. 2019 (70 O.S. Supp. 2019, Section 3311), which relates to the duties of the Council on Law Enforcement Education and Training; modifying allowable access; 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, as last amended by Section 1, Chapter 245, O.S.L. 2019 (70 O.S. Supp. 2019, Section 3311), is amended to read as follows:

Section 3311. A. There is hereby created a Council on Law Enforcement Education and Training which shall be, and is hereby declared to be, a governmental law enforcement agency of the State of Oklahoma, body politic and corporate, with powers of government and with the authority to exercise the rights, privileges and functions necessary to ensure the professional training and 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 authorized to require agency employees  
5 and the employees of agency contractors in positions to have access  
6 to Oklahoma Peace Officer records, Oklahoma Security Guard and  
7 Private Investigator records, Oklahoma Bail Enforcement and  
8 Licensing Act records, to be subject to a criminal history search by  
9 the Oklahoma State Bureau of Investigation, as well as be  
10 fingerprinted for submission of the fingerprints through the  
11 Oklahoma State Bureau of Investigation to the Federal Bureau of  
12 Investigation for a national criminal history check. The Council  
13 shall be the recipient of the results of the record check. In  
14 accordance with Section 150.9 of Title 74 of the Oklahoma Statutes,  
15 this includes a national criminal record with a finger print  
16 analysis. The Council shall be composed of thirteen (13) members as  
17 follows:

18 1. The Commissioner of the Department of Public Safety, or  
19 designee;

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

22 3. The Director of the Oklahoma State Bureau of Investigation,  
23 or designee;

1       4. One member appointed by the Governor who shall be a law  
2 enforcement administrator representing a tribal law enforcement  
3 agency;

4       5. One member appointed by the Governor who shall be a chief of  
5 police of a municipality with a population over one hundred thousand  
6 (100,000), as determined by the latest Federal Decennial Census;

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

11       7. One member appointed by the Oklahoma Association of Police  
12 Chiefs who shall be a chief of police representing a municipality  
13 with a population over ten thousand (10,000), as determined by the  
14 latest Federal Decennial Census;

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

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

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

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

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

11        13. The Speaker of the House of Representatives shall appoint  
12 one member from a list of three or more nominees submitted by an  
13 organization that assists in the establishment of accreditation  
14 standards and training programs for law enforcement agencies  
15 throughout the State of Oklahoma.

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

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

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

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

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

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

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

20       6. Establish policies and regulations concerning the number,  
21 geographic and police unit distribution, and admission requirements  
22 of those receiving tuition or scholarship aid available through the  
23 Council. Such waiver of costs shall be limited to duly appointed  
24

1 members of legally constituted local, county, and state law  
2 enforcement agencies on the basis of educational and financial need;

3       7. Appoint an Executive Director and an Assistant Director to  
4 direct the staff, inform the Council of compliance with the  
5 provisions of this section and perform such other duties imposed on  
6 the Council by law. An Executive Director appointed by the Council  
7 must qualify for the position with a bachelor or higher degree in  
8 law enforcement from an accredited college or university, or a  
9 bachelor or higher degree in a law-enforcement-related subject area,  
10 and a minimum of five (5) years of active law enforcement experience  
11 including, but not limited to, responsibility for enforcement,  
12 investigation, administration, training, or curriculum  
13 implementation.

14       The Executive Director of the Council on Law Enforcement  
15 Education and Training may commission CLEET staff as peace officers  
16 for purposes consistent with the duties of CLEET as set out in state  
17 law. The powers and duties conferred on the Executive Director or  
18 any staff member appointed by the Executive Director as a peace  
19 officer shall not limit the powers and duties of other peace  
20 officers of this state or any political subdivision thereof. The  
21 Executive Director or any staff member appointed by the Executive  
22 Director as a peace officer may, upon request, assist any federal,  
23 state, county or municipal law enforcement agency;

1        8. Enter into contracts and agreements for the payment of  
2 classroom space, food, and lodging expenses as may be necessary for  
3 law enforcement officers attending any official course of  
4 instruction approved or conducted by the Council. Such expenses may  
5 be paid directly to the contracting agency or business  
6 establishment. The food and lodging expenses for each law  
7 enforcement officer shall not exceed the authorized rates as  
8 provided for in the State Travel Reimbursement Act; provided,  
9 however, the Council may provide food and lodging to law enforcement  
10 officials attending any official course of instruction approved or  
11 conducted by the Council rather than paying for the provision of  
12 such food and lodging by an outside contracting agency or business  
13 establishment;

14        9.    a.    Certify canine teams, consisting of a dog and a  
15 handler working together as a team, trained to detect:

- 16            (1) controlled dangerous substances, or  
17            (2) explosives, explosive materials, explosive  
18            devices, or materials which could be used to  
19            construct an explosive device;

20            provided, the dog of a certified canine team shall not  
21 be certified at any time as both a drug dog and a bomb  
22 dog, and any dog of a certified canine team who has  
23 been previously certified as either a drug dog or a  
24

1 bomb dog shall not be eligible at any time to be  
2 certified in the other category.

3 b. Upon retiring the dog from the service it was  
4 certified to perform, the law enforcement department  
5 that handled the dog shall retain possession of the  
6 dog. The handler shall have first option of adopting  
7 the dog. If that option is not exercised, the law  
8 enforcement department shall provide for its adoption.  
9 Once adopted the dog shall not be placed back into  
10 active service;

11 10. Enter into a lease, loan or other agreement with the  
12 Oklahoma Development Finance Authority or a local public trust for  
13 the purpose of facilitating the financing of a new facility for its  
14 operations and use and pledge, to the extent authorized by law, all  
15 or a portion of its receipts of the assessment penalty herein  
16 referenced for the payment of its obligations under such lease, loan  
17 or other agreement. It is the intent of the Legislature to increase  
18 the assessment penalty to such a level or appropriate sufficient  
19 monies to the Council on Law Enforcement Education and Training to  
20 make payments on the lease, loan or other agreement for the purpose  
21 of retiring the bonds to be issued by the Oklahoma Development  
22 Finance Authority or local public trust. Such lease, loan or other  
23 agreement and the bonds issued to finance such facilities shall not  
24 constitute an indebtedness of the State of Oklahoma or be backed by



1 the full faith and credit of the State of Oklahoma, and the lease,  
2 loan or other agreement and the bonds shall contain a statement to  
3 such effect;

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

6 12. Appoint an advisory committee composed of representatives  
7 from security guard and private investigative agencies to advise the  
8 Council concerning necessary research, minimum standards for  
9 licensure, education, and other matters related to licensure of  
10 security guards, security guard agencies, private investigators, and  
11 private investigative agencies;

12 13. Enter into agreements with individuals, educational  
13 institutions, agencies, and business and tribal entities for  
14 professional services, the use of facilities and supplies, and staff  
15 overtime costs incurred as a result of the user's requests to  
16 schedule functions after-hours, on weekends, or anytime such  
17 requests extend staff beyond its normal capacity, whereby  
18 contracting individuals, educational institutions, agencies, and  
19 business and tribal entities shall pay a fee to be determined by the  
20 Council by rule. All fees collected pursuant to facilities usage  
21 shall be deposited to the credit of the C.L.E.E.T. Training Center  
22 Revolving Fund created pursuant to Section 3311.6 of this title.  
23 All other fees collected pursuant to these agreements shall be  
24 deposited to the credit of the Peace Officer Revolving Fund created

1 pursuant to Section 3311.7 of this title. The Council is authorized  
2 to promulgate emergency rules to effectuate the provisions of this  
3 paragraph;

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

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

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

- 15 a. one member shall be selected by the Chancellor for  
16 Higher Education, who possesses a background of  
17 creation and review of curriculum and experience  
18 teaching criminal justice or law enforcement courses,  
19 who shall serve an initial term of one (1) year,  
20 b. one member shall represent a municipal jurisdiction  
21 with a population of fifty thousand (50,000) or more  
22 and who shall be a management-level CLEET-certified  
23 training officer, who shall serve an initial term of  
24 two (2) years,

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

18       After the initial terms of office, all members shall be  
19       appointed to serve three-year terms. Any member may be reappointed  
20       to serve consecutive terms. Members shall serve without  
21       compensation, but may be reimbursed for travel expenses pursuant to  
22       the State Travel Reimbursement Act. The Board shall review and  
23       establish curriculum for all CLEET academies and training courses  
24

1 pursuant to procedures established by the Council on Law Enforcement  
2 Education and Training;

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

5 18. Receive requested reports including investigative reports,  
6 court documents, statements, or other applicable information from  
7 local, county and state agencies and other agencies for use in  
8 actions where a certification or license issued by CLEET may be  
9 subject to disciplinary or other actions provided by law including  
10 but not limited to access to the Oklahoma State Courts Network  
11 (OSCN);

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

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

- 22 a. this section applies only to an entity authorized by  
23 statute or by the Constitution to create a law  
24 enforcement agency or police department and  
25

1 commission, appoint, or employ officers that first  
2 creates or reactivates an inactive law enforcement  
3 agency or police department and first begins to  
4 commission, appoint, or employ officers on or after  
5 November 1, 2011,

- 6 b. the entity shall submit to CLEET, a minimum of sixty  
7 (60) days prior to creation of the law enforcement  
8 agency or police department, information regarding:
- 9 (1) the need for the law enforcement agency or police  
10 department in the community,
  - 11 (2) the funding sources for the law enforcement  
12 agency or police department, and proof that no  
13 more than fifty percent (50%) of the funding of  
14 the entity will be derived from ticket revenue or  
15 fines,
  - 16 (3) the physical resources available to officers,
  - 17 (4) the physical facilities that the law enforcement  
18 agency or police department will operate,  
19 including descriptions of the evidence room,  
20 dispatch area, restroom facilities, and public  
21 area,
  - 22 (5) law enforcement policies of the law enforcement  
23 agency or police department, including published  
24 policies on:

- (a) use of force,
  - (b) vehicle pursuit,
  - (c) mental health,
  - (d) professional conduct of officers,
  - (e) domestic abuse,
  - (f) response to missing persons,
  - (g) supervision of part-time officers, and
  - (h) impartial policing,
- (6) the administrative structure of the law enforcement agency or police department,
  - (7) liability insurance, and
  - (8) any other information CLEET requires by rule,
- c. within sixty (60) days of receiving an entity's request, CLEET will forward to the entity by certified mail, return receipt requested, a letter of authorization or denial to create a law enforcement agency or police department and commission, appoint, or employ officers, signed by the Executive Director 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

1 concerning the report at the first meeting of the  
2 Council to occur after all members of the Council have  
3 received the report. The Council may, by majority  
4 vote:

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

9 C. 1. Payment of any fee provided for in this section may be  
10 made by a nationally recognized credit or debit card issued to the  
11 applicant. The Council may publicly post and collect a fee for the  
12 acceptance of the nationally recognized credit or debit card not to  
13 exceed five percent (5%) of the amount of the payment. For purposes  
14 of this subsection, "nationally recognized credit card" means any  
15 instrument or device, whether known as a credit card, credit plate,  
16 charge plate, or by any other name, issued with or without fee by an  
17 issuer for the use of the cardholder in obtaining goods, services,  
18 or anything else of value and which is accepted by over one thousand  
19 merchants in this state. "Debit card" means an identification card  
20 or device issued to a person by a business organization which  
21 permits such person to obtain access to or activate a consumer  
22 banking electronic facility. The Council shall determine which  
23 nationally recognized credit or debit cards will be accepted as  
24 payment for fees.

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

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

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

12       D. Failure of the Legislature to appropriate necessary funds to  
13 provide for expenses and operations of the Council on Law  
14 Enforcement Education and Training shall not invalidate other  
15 provisions of this section relating to the creation and duties of  
16 the Council.

17       E. 1. No person shall be eligible for employment as a peace  
18 officer or reserve peace officer until the employing law enforcement  
19 agency has conducted a background investigation of such person  
20 consisting of the following:

21           a. a fingerprint search submitted to the Oklahoma State  
22 Bureau of Investigation with a return report to the  
23 submitting agency that such person has no felony  
24 record,



- b. a fingerprint search submitted to the Federal Bureau of Investigation with a return report to the submitting agency that such person has no felony record,
- c. such person has undergone psychological evaluation by a psychologist licensed by the State of Oklahoma and has been evaluated to be suitable to serve as a peace officer in the State of Oklahoma,
- d. the employing agency has verified that such person has a high school diploma or a GED equivalency certificate as recognized by state law,
- e. such person is not participating in a deferred sentence agreement for a felony, a crime involving moral turpitude or a crime of domestic violence, and does not have any criminal charges pending in any court in this state, another state, in tribal court or pursuant to the United States Code,
- f. such person is not currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification,
- g. such person is not currently undergoing treatment for a mental illness, condition or disorder. For purposes of this subsection, "currently undergoing treatment for mental illness, condition or disorder" means the

1 person has been diagnosed by a licensed physician,  
2 psychologist, or licensed mental health professional  
3 as being afflicted with a substantial disorder of  
4 thought, mood, perception, psychological orientation  
5 or memory that significantly impairs judgment,  
6 behavior, capacity to recognize reality, or ability to  
7 meet the ordinary demands of life and such condition  
8 continues to exist,

9 h. such person is twenty-one (21) years of age.

10 Provided, this requirement shall not affect those  
11 persons who are already employed as a police or peace  
12 officer prior to November 1, 1985, and

13 i. such person has provided proof of United States  
14 citizenship or resident alien status, pursuant to an  
15 employment eligibility verification form from the  
16 United States Citizenship and Immigration Services.

17 2. To aid the evaluating psychologist in interpreting the test  
18 results, including automated scoring and interpretations, the  
19 employing agency shall provide the psychologist a statement  
20 confirming the identity of the individual taking the test as the  
21 person who is employed or seeking employment as a peace officer of  
22 the agency and attesting that it administered the psychological  
23 instrument in accordance with standards within the test document.  
24 The psychologist shall report to the employing agency the evaluation

1 of the assessment instrument and may include any additional  
2 recommendations to assist the employing agency in determining  
3 whether to certify to the Council on Law Enforcement Education and  
4 Training that the person being evaluated is suitable to serve as a  
5 peace officer in the State of Oklahoma. No additional procedures or  
6 requirements shall be imposed for performance of the psychological  
7 evaluation. The psychological instrument utilized shall be  
8 evaluated by a psychologist licensed by the State of Oklahoma, and  
9 the employing agency shall certify to the Council that the  
10 evaluation was conducted in accordance with this provision and that  
11 the employee or applicant is suitable to serve as a peace officer in  
12 the State of Oklahoma.

13       a. Any person found not to be suitable for employment or  
14       certification by the Council shall not be employed,  
15       retained in employment as a peace officer, or  
16       certified by the Council for at least one (1) year, at  
17       which time the employee or applicant may be  
18       reevaluated by a psychologist licensed by the State of  
19       Oklahoma. This section shall also be applicable to  
20       all reserve peace officers in the State of Oklahoma.

21       b. Any person who is certified by CLEET and has undergone  
22       the psychological evaluation required by this  
23       subparagraph and has been found to be suitable as a  
24       peace officer shall not be required to be reevaluated

1 for any subsequent employment as a peace officer  
2 following retirement or any break in service as a  
3 peace officer, unless such break in service exceeds  
4 five (5) years or the Council determines that a peace  
5 officer may present a danger to himself or herself,  
6 the public, or a family or household member.

7 c. All persons seeking certification shall have their  
8 name, gender, date of birth, and address of such  
9 person submitted to the Department of Mental Health  
10 and Substance Abuse Services by the Council. The  
11 Department of Mental Health and Substance Abuse  
12 Services shall respond to the Council within ten (10)  
13 days whether the computerized records of the  
14 Department indicate the applicant has ever been  
15 involuntarily committed to an Oklahoma state mental  
16 institution. In the event that the Department of  
17 Mental Health and Substance Abuse Services reports to  
18 the Council that the applicant has been involuntarily  
19 committed, the Council shall immediately inform the  
20 employing agency.

21 All basic police courses shall include a minimum of four (4)  
22 hours of education and training in recognizing and managing a person  
23 appearing to require mental health treatment or services. The  
24 training shall include training in crime and drug prevention, crisis

1 intervention, youth and family intervention techniques, recognizing,  
2 investigating and preventing abuse and exploitation of elderly  
3 persons, mental health issues, and criminal jurisdiction on  
4 Sovereign Indian Land.

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

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

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

16 4. Every person who has not been certified as a police or peace  
17 officer and is duly appointed or elected as a police or peace  
18 officer shall hold such position on a temporary basis only, and  
19 shall, within six (6) months from the date of appointment or taking  
20 office, qualify as required in this subsection or forfeit such  
21 position. In computing the time for qualification, all service  
22 shall be cumulative from date of first appointment or taking office  
23 as a police or peace officer with any department in this state.  
24

- 1           a.    The Council may extend the time requirement specified  
2                   in this paragraph for good cause as determined by the  
3                   Council.
- 4           b.    A duty is hereby imposed upon the employing agency to  
5                   withhold payment of the compensation or wage of such  
6                   unqualified officer.
- 7           c.    If the police or peace officer fails to forfeit the  
8                   position or the employing agency fails to require the  
9                   officer to forfeit the position, the district attorney  
10                  shall file the proper action to cause the forfeiting  
11                  of such position. The district court of the county  
12                  where the officer is employed shall have jurisdiction  
13                  to hear the case.

14           5.    The Council may certify officers who have completed a course  
15 of study in another state deemed by the Council to meet standards  
16 for Oklahoma peace officers providing the officer's certification in  
17 the other state has not been revoked or voluntarily surrendered and  
18 is not currently under suspension.

19           6.    For purposes of this section, a police or peace officer is  
20 defined as a full-time duly appointed or elected officer who is paid  
21 for working more than twenty-five (25) hours per week and whose  
22 duties are to preserve the public peace, protect life and property,  
23 prevent crime, serve warrants, transport prisoners, and enforce laws  
24 and ordinances of this state, or any political subdivision thereof;

1 provided, elected sheriffs and their deputies and elected,  
2 appointed, or acting chiefs of police shall meet the requirements of  
3 this subsection within the first six (6) months after assuming the  
4 duties of the office to which they are elected or appointed or for  
5 which they are an acting chief; provided further, that this section  
6 shall not apply to persons designated by the Director of the  
7 Department of Corrections as peace officers pursuant to Section 510  
8 of Title 57 of the Oklahoma Statutes.

9 F. No person shall be certified as a police or peace officer by  
10 the Council or be employed by the state, a county, a city, or any  
11 political subdivision thereof, who is currently subject to an order  
12 of the Council revoking, suspending, or accepting a voluntary  
13 surrender of peace officer certification or who has been convicted  
14 of a felony, a crime involving moral turpitude, or a crime of  
15 domestic violence, unless a full pardon has been granted by the  
16 proper agency; however, any person who has been trained and  
17 certified by the Council on Law Enforcement Education and Training  
18 and is actively employed as a full-time peace officer as of November  
19 1, 1985, shall not be subject to the provisions of this subsection  
20 for convictions occurring prior to November 1, 1985.

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

- a. Oklahoma State Bureau of Investigation and Federal Bureau of Investigation reports,
- b. administration of the psychological tests provided for herein,
- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

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

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

H. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the



1 Council within ten (10) days. Failure to comply with the provisions  
2 of this subsection may disqualify a law enforcement agency from  
3 participating in training programs sponsored by the Council. Every  
4 law enforcement agency employing police or peace officers in this  
5 state shall submit to CLEET on or before October 1 of each calendar  
6 year a complete list of all commissioned employees with a current  
7 mailing address and phone number for each such employee. In  
8 addition to the above, CLEET may impose an administrative fine for  
9 violations of this section.

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

21 I. It is unlawful for any person to willfully make any  
22 statement in an application to CLEET knowing the statement is false  
23 or intentionally commit fraud in any application to the Council for  
24 attendance in any CLEET-conducted or CLEET-approved peace officer  
25

academy or Collegiate Officer Program or for the purpose of obtaining peace officer certification or reinstatement. It is unlawful for any person to willfully submit false or fraudulent documents relating to continuing education rosters, transcripts or certificates, or any canine license application. Any person convicted of a violation of this subsection shall be guilty of a felony punishable by imprisonment in the Department of Corrections for a term of not less than two (2) years nor more than five (5) years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00), or by both such fine and imprisonment. In addition to the above, CLEET may impose an administrative fine.

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

- a. conviction of a felony or a crime of domestic violence,
- b. conviction of a misdemeanor involving moral turpitude; provided, if the conviction is a single isolated incident that occurred more than five (5) years ago and the Council is satisfied that the person has been sufficiently rehabilitated, the Council may, in its discretion, certify such person providing that all other statutory requirements have been met,

- 1 c. a verdict of guilt or entry of a plea of guilty or  
2 nolo contendere or an "Alford" plea or any plea other  
3 than a not guilty plea for a felony offense, a crime  
4 of moral turpitude, or a crime of domestic violence,  
5 d. falsification or a willful misrepresentation of  
6 information in an employment application or  
7 application to the Council on Law Enforcement  
8 Education and Training, records of evidence, or in  
9 testimony under oath,  
10 e. revocation or voluntary surrender of police or peace  
11 officer certification in another state for a violation  
12 of any law or rule or in settlement of any  
13 disciplinary action in such state,  
14 f. involuntary commitment of a reserve or peace officer  
15 in a mental institution or licensed private mental  
16 health facility for any mental illness, condition or  
17 disorder that is diagnosed by a licensed physician,  
18 psychologist or a licensed mental health professional  
19 as a substantial disorder of thought, mood,  
20 perception, psychological orientation, or memory that  
21 significantly impairs judgment, behavior, capacity to  
22 recognize reality, or ability to meet the ordinary  
23 demands of life. Provided, the peace officer  
24 certification may be reinstated upon the Council

1 receiving notification of a psychological evaluation  
2 conducted by a licensed physician, psychologist or  
3 licensed mental health professional which attests and  
4 states by affidavit that the officer and the  
5 evaluation test data of the officer have been examined  
6 and that, in the professional opinion of the  
7 physician, psychologist or licensed mental health  
8 professional, the officer is psychologically suitable  
9 to return to duty as a peace officer. Notwithstanding  
10 any other provision of state law pertaining to  
11 confidentiality of hospital or other medical records,  
12 and as allowable under federal law, CLEET may subpoena  
13 or request a court to subpoena records necessary to  
14 assure compliance with these provisions. Any  
15 confidential information received by CLEET for such  
16 purpose shall retain its confidential character while  
17 in the possession of CLEET,

- 18 g. abuse of office,
- 19 h. entry of a final order of protection against applicant
- 20 or officer, or
- 21 i. any violation of the Oklahoma Private Security
- 22 Licensing Act.

23 2. Disciplinary proceedings shall be commenced by filing a  
24 complaint with the Council on a form approved by the Council. Any

1 employing agency or other person having information may submit such  
2 information to the Council for consideration as provided in this  
3 subsection.

4 3. Upon the filing of the complaint, a preliminary  
5 investigation shall be conducted to determine whether:

- 6 a. there is reason to believe the person has violated any  
7 provision of this subsection or any other provision of  
8 law or rule, or
- 9 b. there is reason to believe the person has been  
10 convicted of a felony, a crime involving moral  
11 turpitude or a domestic violence offense or is  
12 currently participating in a deferred sentence for  
13 such offenses.

14 4. When the investigation of a complaint does not find the  
15 person has violated any of the provisions of this subsection, or  
16 finds that the person is sufficiently rehabilitated as provided in  
17 subparagraph b or f of paragraph 1 of this subsection, no  
18 disciplinary action shall be required and the person shall remain  
19 certified as a police or peace officer. When the investigation of a  
20 complaint finds that the person has violated any of the provisions  
21 of this subsection, the matter shall be referred for disciplinary  
22 proceedings. The disciplinary proceedings shall be in accordance  
23 with Articles I and II of the Administrative Procedures Act.  
24

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

19        6. The Council shall revoke the certification of any person  
20 upon determining that such person has received a deferred sentence  
21 for a felony, a crime involving moral turpitude or a domestic  
22 violence offense.

23        7. The Council may suspend the certification of any person upon  
24 a determination that such person has been involuntarily committed to  
25

1 a mental institution or mental health facility for a mental illness,  
2 condition or disorder as provided in subparagraph f of paragraph 1  
3 of this subsection.

4 8. Every law enforcement agency in this state shall, within  
5 thirty (30) days of a final order of termination or resignation  
6 while under investigation of a CLEET-certified peace officer, report  
7 such order or resignation in writing to the Executive Director of  
8 the Council. Any report, upon receipt by the Council, shall be  
9 considered as personnel records and shall be afforded confidential  
10 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the  
11 Oklahoma Statutes. Any medical or other confidential records  
12 obtained by subpoena pursuant to this subsection shall not be made a  
13 part of such report. The Executive Director shall ensure that the  
14 report is provided to all members of the Council. The Council shall  
15 review and make recommendations concerning the report at the first  
16 meeting of the Council to occur after all members of the Council  
17 have received the report. The Council may, by a majority vote,  
18 order the suspension, for a given period of time, or revocation of  
19 the CLEET certification of the peace officer in question if there  
20 are grounds for such actions pursuant to this section and the peace  
21 officer in question has been provided with notice and an opportunity  
22 for a hearing pursuant to the Administrative Procedures Act.  
23 Suspension or revocation of CLEET certification pursuant to this  
24 paragraph shall be reported to the district attorney for the

1 jurisdiction in which the peace officer was employed, to the  
2 liability insurance company of the law enforcement agency that  
3 employed the peace officer, the chief elected official of the  
4 governing body of the law enforcement agency and the chief law  
5 enforcement officer of the law enforcement agency.

6 9. For all other violations of this subsection, the hearing  
7 examiner shall take into consideration the severity of the  
8 violation, any mitigating circumstances offered by the person  
9 subject to disciplinary action, and any other evidence relevant to  
10 the person's character to determine the appropriate disciplinary  
11 action.

12 10. a. A police or peace officer may voluntarily surrender  
13 and relinquish the peace officer certification to  
14 CLEET. Pursuant to such surrender or relinquishment,  
15 the person surrendering the certification shall be  
16 prohibited from applying to CLEET for reinstatement  
17 within five (5) years of the date of the surrender or  
18 relinquishment, unless otherwise provided by law for  
19 reinstatement.

20 b. No person who has had a police or peace officer  
21 certification from another state revoked or  
22 voluntarily surrendered and has not been reinstated by  
23 that state shall be considered for certification by  
24 CLEET.



1           c. Any person seeking reinstatement of police or peace  
2           officer certification which has been suspended,  
3           revoked, or voluntarily surrendered may apply for  
4           reinstatement pursuant to promulgated CLEET rules  
5           governing reinstatement. Except as provided in this  
6           subsection, any person whose certification has been  
7           revoked, suspended or voluntarily surrendered for any  
8           reason, including failure to comply with mandatory  
9           education and training requirements, shall pay a  
10          reinstatement fee of One Hundred Fifty Dollars  
11          (\$150.00) to be deposited to the credit of the Peace  
12          Officer Revolving Fund created pursuant to Section  
13          3311.7 of this title.

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

1       12. Any person or agency required or authorized to submit  
2 information pursuant to this section to the Council shall be immune  
3 from liability arising from the submission of the information as  
4 long as the information was submitted in good faith and without  
5 malice.

6       13. Any peace officer employed by a law enforcement agency in  
7 this state which has internal discipline policies and procedures on  
8 file with CLEET shall be exempt from the disciplinary proceedings  
9 and actions provided for in this subsection; provided, however, such  
10 exemption shall not apply if the peace officer has been convicted of  
11 a felony crime, a crime of moral turpitude, or a crime of domestic  
12 violence.

13       14. All criminal proceedings initiated against a CLEET-  
14 certified peace officer or reserve peace officer shall be reported  
15 by the officer to CLEET immediately after arrest or discovery of the  
16 filing of such criminal proceeding. All CLEET-certified peace  
17 officers and reserve peace officers shall be required to report when  
18 a Victim Protective Order has been issued against the officer,  
19 including orders issued on an emergency basis and all final orders  
20 of protection. Failure to give notice pursuant to the provisions of  
21 this paragraph may be cause to initiate an action against the  
22 officer by CLEET.

23       15. As used in this subsection:  
24  
25

- 1           a. "law enforcement agency" means any department or  
2           agency of the state, a county, a municipality, or  
3           political subdivision thereof, with the duties to  
4           maintain public order, make arrests, and enforce the  
5           criminal laws of this state or municipal ordinances,  
6           which employs CLEET-certified personnel,
- 7           b. "final order of termination" means a final notice of  
8           dismissal from employment provided after all  
9           grievance, arbitration, and court actions have been  
10          completed, and
- 11          c. "resignation while under investigation" means the  
12          resignation from employment of a peace officer who is  
13          under investigation for any felony violation of law, a  
14          crime of moral turpitude, a crime of domestic  
15          violence, or the resignation from employment of a  
16          peace officer as part of an arbitration or plea  
17          agreement.

18          K. 1. Every canine team in the state trained to detect  
19          controlled dangerous substances shall be certified, by test, in the  
20          detection of such controlled dangerous substances and shall be  
21          recertified annually so long as the canine is used for such  
22          detection purposes. The certification test and annual  
23          recertification test provisions of this subsection shall not be  
24          applicable to canines that are owned by a law enforcement agency and

1 that are certified and annually recertified in the detection of  
2 controlled dangerous substances by the United States Customs  
3 Service. No employee of CLEET may be involved in the training or  
4 testing of a canine team.

5 2. The Council shall appoint a Drug Dog Advisory Council to  
6 make recommendations concerning minimum standards, educational  
7 needs, and other matters imperative to the certification of canines  
8 and canine teams trained to detect controlled dangerous substances.  
9 The Council shall promulgate rules based upon the recommendations of  
10 the Advisory Council. Members of the Advisory Council shall  
11 include, but need not be limited to, a commissioned officer with  
12 practical knowledge of such canines and canine teams from each of  
13 the following:

- 14 a. the Oklahoma State Bureau of Narcotics and Dangerous  
15 Drugs Control,
- 16 b. the Department of Public Safety,
- 17 c. a police department,
- 18 d. a sheriff's office, and
- 19 e. a university or college campus police department.

20 3. The fee for the certification test shall be Two Hundred  
21 Dollars (\$200.00) and the annual recertification test fee shall be  
22 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
23 Fifty Dollars (\$50.00) will be charged if the team fails the test.  
24 No such fee shall be charged to any local, state or federal

1 government agency. The fees provided for in this paragraph shall be  
2 deposited to the credit of the CLEET Fund created pursuant to  
3 Section 1313.2 of Title 20 of the Oklahoma Statutes.

4 L. 1. Every canine team in the state trained to detect  
5 explosives, explosive materials, explosive devices, and materials  
6 which could be used to construct an explosive device shall be  
7 certified, by test, in the detection of such explosives and  
8 materials and shall be recertified annually so long as the canine is  
9 used for such detection purposes. The certification test and annual  
10 recertification test provisions of this subsection shall not be  
11 applicable to canines that are owned by a law enforcement agency if  
12 such canines are certified and annually recertified in the detection  
13 of explosives and materials by the United States Department of  
14 Defense. No employee of CLEET may be involved in the training or  
15 testing of a canine team.

16 2. The Council shall appoint a Bomb Dog Advisory Council to  
17 make recommendations concerning minimum standards, educational  
18 needs, and other matters imperative to the certification of canines  
19 and canine teams trained to detect explosives, explosive materials,  
20 explosive devices and materials which could be used to construct an  
21 explosive device. The Council shall promulgate rules based upon the  
22 recommendations of the Advisory Council. Members of the Advisory  
23 Council shall include, but need not be limited to, a commissioned  
24

1 officer with practical knowledge of such canines and canine teams  
2 from each of the following:

- 3 a. the Department of Public Safety,
- 4 b. a police department,
- 5 c. a sheriff's office, and
- 6 d. a university or college campus police department.

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

15 M. All tribal police officers of any Indian tribe or nation who  
16 have been commissioned by an Oklahoma law enforcement agency  
17 pursuant to a cross-deputization agreement with the State of  
18 Oklahoma or any political subdivision of the State of Oklahoma  
19 pursuant to the provisions of Section 1221 of Title 74 of the  
20 Oklahoma Statutes shall be eligible for peace officer certification  
21 under the same terms and conditions required of members of the law  
22 enforcement agencies of the State of Oklahoma and its political  
23 subdivisions. CLEET shall issue peace officer certification to  
24 tribal police officers who, as of July 1, 2003, are commissioned by

1 an Oklahoma law enforcement agency pursuant to a cross-deputization  
2 agreement with the State of Oklahoma or any political subdivision of  
3 the State of Oklahoma pursuant to the provisions of Section 1221 of  
4 Title 74 of the Oklahoma Statutes and have met the training and  
5 qualification requirements of this section.

6 N. If an employing law enforcement agency in this state has  
7 paid for CLEET training and the salary of a person while that person  
8 is completing in this state a basic police course approved by the  
9 Council and if within one (1) year after initial employment with the  
10 original employing agency that person resigns and is hired by  
11 another law enforcement agency in this state, the second agency or  
12 the person receiving the training shall reimburse the original  
13 employing agency for the cost of CLEET training and salary paid to  
14 the person while completing the basic police course by the original  
15 employing agency. If the person leaves the original employing  
16 agency later than one (1) year, but less than two (2) years, after  
17 the initial employment, the second agency or the person receiving  
18 the training shall reimburse the original employing agency fifty  
19 percent (50%) of the cost of CLEET training and salary paid to the  
20 person while completing the basic police course by the original  
21 employing agency. CLEET shall not be a party to any court action  
22 based on this provision.

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

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

22 Q. All CLEET records of Bail Enforcers may be released only in  
23 compliance with this section and the Oklahoma Bail Enforcement and  
24 Licensing Act. All records in CLEET possession concerning other  
25



1 persons or entities shall be released only in compliance with this  
2 section and the Oklahoma Open Records Act.

3 SECTION 2. This act shall become effective November 1, 2020.  
4

5 57-2-2467 BG 1/10/2020 12:54:31 PM  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25