

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

COMMITTEE SUBSTITUTE

FOR

SENATE BILL 811

By: Pugh

COMMITTEE SUBSTITUTE

An Act relating to law enforcement training; providing certain deadline for crisis intervention training; providing for certain requirement; amending 70 O.S. 2011, Section 3311.4, as last amended by Section 1, Chapter 339, O.S.L. 2019 (70 O.S. Supp. 2020, Section 3311.4), which relates to continuing law enforcement training; requiring certain training; amending 70 O.S. 2011, Section 3311.5, as last amended by Section 66, Chapter 161, O.S.L. 2020 (70 O.S. Supp. 2020, Section 3311.5), which relates to law enforcement certification; requiring certain training; providing for codification; and providing an effective date.

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

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

No later than November 1, 2024, all law enforcement agencies operating in this state shall be required to have twenty-five percent (25%) of all employed full-time peace officers, certified by the Council on Law Enforcement Education and Training pursuant to

1 Section 3311 of Title 70 of the Oklahoma Statutes, to be trained in
2 crisis intervention training, as provided by the Department of
3 Mental Health and Substance Abuse Services.

4 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.4, as
5 last amended by Section 1, Chapter 339, O.S.L. 2019 (70 O.S. Supp.
6 2020, Section 3311.4), is amended to read as follows:

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

1 subsection B of Section 3311 of this title. Such training and
2 seminars shall be conducted in all areas of this state at technology
3 center schools, institutions of higher education⁷ or other approved
4 sites.

5 B. Beginning January 1, ~~2017~~ 2022, and annually thereafter,
6 every active reserve peace officer, certified by CLEET pursuant to
7 Section 3311 of this title, shall attend and complete a minimum of
8 eight (8) hours of continuing law enforcement training accredited or
9 provided by CLEET which shall include a mandatory one (1) hour on
10 mental health issues and a mandatory one (1) hour on crisis de-
11 escalation training.

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

1 waive these requirements based on review of all records of
2 employment and training.

3 D. Every tribal officer who is commissioned by an Oklahoma law
4 enforcement agency pursuant to a cross-deputization agreement with
5 ~~the State of Oklahoma~~ this state or any political subdivision of ~~the~~
6 ~~State of Oklahoma~~ this state pursuant to the provisions of Section
7 1221 of Title 74 of the Oklahoma Statutes shall comply with the
8 provisions of this section.

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

1 enforcement officer of the law enforcement agency. Any officer
2 whose certification is suspended pursuant to this section may
3 request a hearing with CLEET. Such hearings shall be governed by
4 the Administrative Procedures Act except that the affected officer
5 has the burden to show CLEET why CLEET should not have the
6 certification of the officer suspended.

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

21 G. Peace officers with full-time certification who worked
22 during a calendar year only as a reserve officer are required to
23 complete only the training requirements for reserve certification.
24 For purposes of the requirements outlined in subsection F of this

1 section, full-time peace officers who worked both in the capacity of
2 a full-time peace officer and reserve officer in a calendar year
3 must complete full-time continuing education requirements.

4 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3311.5, as
5 last amended by Section 66, Chapter 161, O.S.L. 2020 (70 O.S. Supp.
6 2020, Section 3311.5), is amended to read as follows:

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

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

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

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

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

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

19 G. By January 1, 2012, CLEET, pursuant to its authority granted
20 by Sections 3311 and 3311.4 of this title, shall establish and
21 include in its required courses of study for law enforcement
22 certification a minimum of eight (8) hours of evidence-based
23 domestic violence and stalking investigation training. The training
24 should include, at a minimum, the importance of reporting domestic

1 violence incidents, determining the predominant aggressor, evidence-
2 based investigation of domestic violence and stalking, lethality
3 assessment, and personal safety planning necessary at the pretrial
4 stages of a potential criminal case. A portion of the training
5 shall include instruction presented by an expert victim advocate
6 selected from recommendations provided by the Office of the Attorney
7 General or the Domestic Violence Fatality Review Board. The
8 training shall be developed in collaboration with the Domestic
9 Violence Fatality Review Board, and where applicable, shall replace
10 existing domestic violence and stalking courses currently required.

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

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

22 J. The Council is authorized to pay for and send training staff
23 and employees to one or more training and education courses in
24 jurisdictions outside this state for the purpose of expanding

1 curriculum, training skill development, and general knowledge within
2 the field of law enforcement education and training.

3 K. On and after November 1, 2013, CLEET, pursuant to its
4 authority granted by Section 3311 of this title, shall include in
5 its required basic training courses for law enforcement
6 certification a minimum of two (2) hours of education and training
7 relating to recognizing and managing a person experiencing dementia
8 or Alzheimer's disease.

9 L. By November 1, 2019, CLEET shall establish appropriate
10 training resources focused on protocol for handling and processing
11 sexual assault calls. The training shall include, but not be
12 limited to:

- 13 1. How to handle the sexual assault call upon first contact;
- 14 2. Determining when the assault occurred;
- 15 3. Where to take the victim;
- 16 4. Questioning witnesses and collecting evidence; and
- 17 5. Informing and assisting the victim in accessing resources,
18 help and information.

19 M. The Council shall promulgate rules to evaluate and approve
20 municipalities and counties that are deemed capable of conducting
21 separate basic law enforcement training academies in their
22 jurisdiction and to certify officers successfully completing such
23 academy training courses. Upon application to the Council, any
24 municipality with a population of sixty-five thousand (65,000) or

1 more or any county with a population of five hundred thousand
2 (500,000) or more shall be authorized to operate a basic law
3 enforcement academy. In addition, upon application and approval
4 from the Council, a municipality with a population under sixty-five
5 thousand (65,000) or a county with a population under five hundred
6 thousand (500,000) may be authorized to operate a basic law
7 enforcement academy; provided, however, the Council may approve no
8 more than two such applications per year. The Council shall approve
9 an application when the municipality or county making the
10 application meets the criteria for a separate training academy and
11 demonstrates to the satisfaction of the Council that the academy has
12 sufficient resources to conduct the training, the instructional
13 staff is appropriately trained and qualified to teach the course
14 materials, the curriculum is composed of comparable or higher
15 quality course segments to the CLEET academy curriculum, and the
16 facilities where the academy will be conducted are safe and
17 sufficient for law enforcement training purposes. Any municipality
18 or county authorized to operate a basic law enforcement academy
19 after November 1, 2007, shall not be eligible to receive funds
20 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 N. Any municipality or county that, prior to November 1, 2007,
2 was authorized to conduct a basic law enforcement academy shall
3 continue to receive funding pursuant to subsection E of Section
4 1313.2 of Title 20 of the Oklahoma Statutes.

5 O. In addition to the provisions of subsection A of this
6 section, by January 1, 2022, CLEET, pursuant to its authority
7 granted by Section 3311 of this title, shall include in its required
8 basic training courses for law enforcement certification a minimum
9 of four (4) hours of education and training in crisis de-escalation
10 training.

11 SECTION 4. This act shall become effective November 1, 2021.
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