

1 ENGROSSED SENATE
2 BILL NO. 338

By: Paxton and Bergstrom of the
Senate

3 and

4 Hill of the House

5
6 [Oklahoma Highway Patrol - qualifications -
7 allowable hours of service - effective date -
8 emergency]
9

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

11 SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-102, as
12 amended by Section 1, Chapter 60, O.S.L. 2018 (47 O.S. Supp. 2020,
13 Section 2-102), is amended to read as follows:

14 Section 2-102. A. 1. The Department shall be under the
15 control of an executive officer to be known as the "Commissioner of
16 Public Safety", who shall be appointed by the Governor with the
17 advice and consent of the Senate and shall serve at the pleasure of
18 the Governor and may be removed or replaced without cause.

19 Compensation for the Commissioner shall be determined by the
20 Governor. The Commissioner may be removed from office by a two-
21 thirds (2/3) vote of the members elected to and constituting each
22 chamber of the Legislature.

23 2. The Commissioner of Public Safety shall be ~~a professional~~
24 ~~law enforcement officer with ten (10) years' experience in the field~~

1 ~~of law enforcement or with five (5) years' experience in the field~~
2 ~~of law enforcement and a graduate of a four-year college with a~~
3 ~~degree in law enforcement administration, law, criminology or a~~
4 ~~related science~~ qualified for such position by character, knowledge,
5 skill, ability, education, training and successful administrative
6 experience and shall have five (5) years of professional level work.

7 3. Any vacancy in the office of the Commissioner shall be
8 filled in the same manner as the original appointment is made.

9 4. The Commissioner shall be allowed the actual and necessary
10 expenses incurred in the performance of official duties of the
11 Commissioner while away from the office.

12 B. The Commissioner of Public Safety, after appointment and
13 before entering upon the discharge of duties, shall take and
14 subscribe to the oath of office required by the Constitution.
15 Bonding of the Commissioner of Public Safety and other employees of
16 the Department will be provided under the provisions of Section
17 85.26 of Title 74 of the Oklahoma Statutes.

18 C. The Commissioner of Public Safety shall be eligible to
19 participate in either the Oklahoma Public Employees Retirement
20 System or in the Oklahoma Law Enforcement Retirement System and
21 shall make an irrevocable election in writing to participate in one
22 of the two retirement systems.

23 D. Any employee of the Department of Public Safety appointed to
24 the position of Commissioner shall have the ability to return to the

1 previous position of the employee without any loss of rights,
2 privileges or benefits immediately upon completion of the duties as
3 Commissioner, provided the employee is not otherwise disqualified
4 due to disciplinary reasons, termination of employment or inability
5 to effectively lead the agency.

6 SECTION 2. AMENDATORY 47 O.S. 2011, Section 2-105, as
7 last amended by Section 1, Chapter 282, O.S.L. 2017 (47 O.S. Supp.
8 2020, Section 2-105), is amended to read as follows:

9 Section 2-105. A. The Commissioner of Public Safety, subject
10 to the Oklahoma Personnel Act, shall appoint:

11 1. A Chief of the Oklahoma Highway Patrol Division with the
12 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
13 Division with the rank of Lieutenant Colonel, and subordinate
14 officers and employees of the Oklahoma Highway Patrol Division,
15 including Majors, Captains, Lieutenants, and Highway Patrolmen with
16 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
17 Division of the Department of Public Safety; provided, any officer
18 appointed to a commissioned position prescribed in this paragraph
19 which is unclassified pursuant to Section 840-5.5 of Title 74 of the
20 Oklahoma Statutes shall have a right of return to the highest
21 previously held classified commissioned position within the Highway
22 Patrol Division of the Department of Public Safety without any loss
23 of rights, privileges or benefits immediately upon completion of the
24 duties in the unclassified commissioned position;

1 2. A Captain, Lieutenants~~7~~ and Patrolmen~~7~~ who shall comprise
2 the Marine Enforcement Section of the Oklahoma Highway Patrol
3 Division of the Department of Public Safety;

4 3. A Captain, Lieutenants~~7~~ and Patrolmen, who shall comprise
5 the Capitol Patrol Section of the Oklahoma Highway Patrol Division
6 of the Department of Public Safety; and

7 4. Communications Coordinators, Communications Superintendents,
8 Communications Supervisors, Communications Dispatchers, Radio
9 Technicians and Tower Maintenance Officers shall comprise the
10 Communications Division of the Department of Public Safety.

11 B. 1. The Commissioner, when appointing commissioned officers
12 and employees to the positions set out in subsection A of this
13 section, shall determine, in consultation with the Director of the
14 Office of Management and Enterprise Services, minimum qualifications
15 and shall select such officers and employees only after examinations
16 to determine their physical and mental qualifications for such
17 positions. The content of the examinations shall be prescribed by
18 the Commissioner, and all such appointees shall satisfactorily
19 complete a course of training in operations and procedures as
20 prescribed by the Commissioner.

21 2. No person shall be appointed to any position set out in
22 subsection A of this section unless the person is a citizen of the
23 United States of America, of good moral character~~7~~ and:
24

1 a. for commissioned officer positions, shall be at least
2 twenty-one (21) years of age but less than forty-six
3 (46) years of age, and shall ~~possess~~:

4 (1) possess an associate's degree or a minimum of
5 sixty-two (62) successfully completed semester
6 hours from an accredited college or university as
7 denoted in the Database of Accredited
8 Postsecondary Institutions and Programs provided
9 by the U.S. Department of Education and whose
10 hours are transferable between such recognized
11 institutions, or

12 (2) ~~shall~~ have successfully completed thirty-two (32)
13 semester hours from an accredited college or
14 university as denoted in the Database of
15 Accredited Postsecondary Institutions and
16 Programs provided by the U.S. Department of
17 Education and whose hours are transferable
18 between such recognized institutions and have
19 three (3) years of honorable active military ~~or~~
20 service, reserve military service or law
21 enforcement experience, as described in this
22 section, or

23 (3) have been a paid, full-time CLEET certified law
24 enforcement officer of a state or local law

1 enforcement agency within the State of Oklahoma,

2 or

3 (4) have been a paid, full-time sworn law enforcement
4 officer who has been certified by a state peace
5 officer standards and training agency as a peace
6 officer in another state, or any officer who has
7 been certified as a federal peace officer by a
8 CLEET Council recognized law enforcement agency,
9 and

10 b. ~~applicants with prior military service, shall receive~~
11 ~~up to ten (10) semester hours for each year of~~
12 ~~honorable service in any active military or reserve~~
13 ~~military service up to a maximum of three (3) years or~~
14 ~~thirty (30) semester hours, and~~

15 e. for any such position in the Communications Division,
16 a person shall be at least eighteen (18) years of age
17 and shall possess a high school diploma or General
18 Educational Development equivalency certificate.

19 3. Applicants with prior military service shall receive up to
20 ten (10) semester hours for each year of honorable service in any
21 active military or reserve military up to a maximum of three (3)
22 years or thirty (30) semester hours.

23 4. Applicants with prior law enforcement experience shall
24 receive up to ten (10) semester hours for each year of service as a

1 paid, full-time, sworn law enforcement officer up to a maximum of
2 three (3) years or thirty (30) semester hours.

3 5. No commissioned officer of the Department shall, while in
4 such position, be a candidate for any political office or take part
5 in or contribute any money or other thing of value, directly or
6 indirectly, to any political campaign or to any candidate for public
7 office. Anyone convicted of violating the provisions of this
8 paragraph shall be guilty of a misdemeanor and shall be punished as
9 provided by law.

10 ~~4.~~ 6. The Commissioner or any employee of the Department shall
11 not be a candidate for any political office, or in any way be active
12 or participate in any political contest of any Primary, General, or
13 Special Election, except to cast a ballot. No commissioned officer
14 of the Department, while in the performance of the officer's
15 assigned duty of providing security and protection, shall be
16 considered as participating in a political campaign. The provisions
17 of this paragraph shall not be construed to preclude a commissioned
18 officer of the Oklahoma Highway Patrol Division of the Department of
19 Public Safety from being a candidate for a position on a local board
20 of education.

21 ~~5.~~ 7. Drunkenness or being under the influence of intoxicating
22 substances shall be sufficient grounds for the removal of any
23 commissioned officer of the Department, in and by the manner
24 provided for in this section.

1 C. 1. Upon initial appointment to the position of Cadet
2 Highway Patrolman or Probationary Communications Dispatcher, the
3 appointed employee shall be required to serve an initial
4 probationary period of twelve (12) months. The Commissioner may
5 extend the probationary period for up to three (3) additional months
6 provided that the employee and the Office of Management and
7 Enterprise Services are notified in writing as to such action and
8 the reasons thereof. During such probationary period, the employee
9 may be terminated at any time and for any reason at the discretion
10 of the Commissioner. Retention in the service after expiration of
11 the initial probationary period shall entitle such employee to be
12 classified as a permanent employee and the employee shall be so
13 classified. No permanent employee may be discharged or removed
14 except as provided for in this section.

15 2. A commissioned officer of the Oklahoma Highway Patrol
16 Division may be promoted during the initial probationary period if
17 such officer satisfactorily completes all training requirements
18 prescribed by the Commissioner.

19 D. 1. No permanent employee, as provided for in this section,
20 who is a commissioned officer of the Department, may be suspended
21 without pay or dismissed unless the employee has been notified in
22 writing by the Commissioner of such intended action and the reasons
23 thereof. No such notice shall be given by the Commissioner unless
24

1 sworn charges or statements have been obtained to justify the
2 action.

3 2. Whenever such charges are preferred, the Commissioner may
4 suspend the accused pending the hearing and final determination of
5 such charges. If the charges are not sustained in whole or in part,
6 the accused shall be entitled to pay during the period of such
7 suspension. If the charges are sustained in whole or in part, the
8 accused shall not receive any pay for the period of such suspension.

9 3. Commissioned officers of the Department of Public Safety are
10 not entitled to appeal intra-agency transfer to the Oklahoma Merit
11 Protection Commission pursuant to the Oklahoma Personnel Act unless
12 transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74
13 of the Oklahoma Statutes.

14 4. The Department of Public Safety shall follow the uniform
15 grievance procedure established and adopted by the Office of
16 Management and Enterprise Services for permanent classified
17 employees, except for those employees who are commissioned officers
18 of the Department. The Department of Public Safety shall establish
19 and adopt a proprietary grievance procedure for commissioned
20 officers of the Department which is otherwise in compliance with the
21 provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

22 E. 1. The Commissioner is hereby authorized to purchase and
23 issue uniforms and necessary equipment for all commissioned officers
24 of the Highway Patrol Division of the Department. All uniforms and

1 equipment shall be used only in the performance of the official
2 duties of such officers and shall remain the property of the
3 Department, except as provided in Section 2-150 of this title.

4 2. Each commissioned officer of the Highway Patrol Division of
5 the Department of Public Safety shall be entitled to reimbursement
6 of expenses pursuant to the State Travel Reimbursement Act while
7 away from the assigned area of the officer as designated by the
8 Chief of the Oklahoma Highway Patrol Division, when such expense is
9 incurred in the service of the state.

10 F. 1. The positions with the rank of Colonel and Lieutenant
11 Colonel of the Oklahoma Highway Patrol Division shall be filled from
12 the body of commissioned officers of the Oklahoma Highway Patrol
13 Division and appointment to ~~said~~ the position shall be based on
14 qualifications, previous record as a commissioned officer of the
15 Oklahoma Highway Patrol Division, length of service, years of
16 experience within the Oklahoma Highway Patrol Division or other
17 service as prescribed in this subsection, and efficiency of service
18 performed.

19 2. In addition to the requirements of paragraph 1 of this
20 subsection, the position of Chief of the Oklahoma Highway Patrol
21 Division shall be based on one of the following:

22 a. one (1) year of experience in any combination:

23 (1) as Commissioner of Public Safety,

24 (2) as Assistant Commissioner of Public Safety, or

- 1 (3) as Assistant Chief,
- 2 b. two (2) years of experience in any combination:
- 3 (1) as Deputy Chief or higher rank, or
- 4 (2) if the experience was prior to April 21, 2006, as
- 5 Major or higher rank,
- 6 c. four (4) years of experience in any combination:
- 7 (1) as Major or higher rank, or
- 8 (2) if the experience was prior to April 21, 2006, as
- 9 Captain or higher rank, or
- 10 d. six (6) years of experience in any combination:
- 11 (1) as Captain or higher rank, or
- 12 (2) if the experience was prior to April 21, 2006, as
- 13 First Lieutenant or higher rank.

14 3. In addition to the requirements of paragraph 1 of this

15 subsection, the position of Deputy Chief of the Oklahoma Highway

16 Patrol Division shall be based on one of the following:

- 17 a. one (1) year of experience in any combination:
- 18 (1) as Commissioner of Public Safety,
- 19 (2) as Assistant Commissioner of Public Safety, or
- 20 (3) as Colonel,
- 21 b. two (2) years of experience in any combination:
- 22 (1) as Major or higher rank, or
- 23 (2) if the experience was prior to April 21, 2006, as
- 24 Captain or higher rank, or

1 c. four (4) years of experience in any combination:

2 (1) as Captain or higher rank, or

3 (2) if the experience was prior to April 21, 2006, as
4 Highway Patrol First Lieutenant or higher rank.

5 G. The Commissioner of Public Safety is hereby authorized to
6 send employees of the Department of Public Safety to schools such as
7 Northwestern University Center for Public Safety, Southern Police
8 Institute, the FBI National Academy, the Institute of Police
9 Technology and Management, or to any other schools of similar
10 training which would be conducive to improving the efficiency of the
11 Oklahoma Highway Patrol Division and the Department of Public
12 Safety. While an employee is attending a school, the Commissioner
13 is authorized to permit the employee to use a state-owned vehicle
14 and to use a fuel-purchasing card for any expenses related to the
15 operation of the vehicle. In addition, while an employee is
16 attending the FBI National Academy, a one-time expense allowance of
17 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room
18 and board, and other related expenses shall be paid to the employee
19 by the Department; provided, the employee shall not be further
20 compensated through the State Travel Reimbursement Act, and, if any
21 other agency reimburses the employee for any expenses, the
22 reimbursement shall be given to the Department. All purchases made
23 by the employee with the expense allowance shall be considered
24 property of the employee.

1 H. 1. Any former commissioned officer of the Department whose
2 separation from the Department was at such officer's own request and
3 not a result of such officer's own actions contrary to the policy of
4 the Department or was not as a result of the retirement of that
5 officer from the Department may make application for reinstatement
6 as a commissioned officer of the division or section of the
7 Department in which such officer was previously employed, provided
8 such reinstated officer will be able to complete twenty (20) years
9 of credited service by the time the reinstated officer reaches
10 sixty-two (62) years of age. The Commissioner may waive the
11 requirements of possessing the number of semester hours or degree as
12 required in subsection B of this section for any former commissioned
13 officer making application for reinstatement as a commissioned
14 officer of the Department. The Commissioner may require the
15 applicant for reinstatement to attend selected courses of
16 instruction, as prescribed by the Commissioner.

17 2. In the event of future hostilities wherein the Congress of
18 the United States declares this nation in a state of war with a
19 foreign nation, including military service brought about by the
20 Vietnam War, any period of military service served by a commissioned
21 officer of the Department shall be considered as continued service
22 with such Department, provided such commissioned officer returns to
23 duty with the Department within sixty (60) days after release from
24 military service.

SECTION 3. This act shall become effective July 1, 2021.

SECTION 4. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 11th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2021.

Presiding Officer of the House
of Representatives