

# An Act

ENROLLED SENATE  
BILL NO. 338

By: Paxton and Bergstrom of the  
Senate

and

Hill of the House

An Act relating to motor vehicles; amending 47 O.S. 2021, Section 2-105, which relates to Highway Patrol personnel; modifying various requirements for appointment to positions in the Oklahoma Highway Patrol; modifying restrictions for certain employees regarding the holding of public office and participating in campaigns; modifying grounds for removal of commissioned officers; updating statutory language; providing an effective date; and declaring an emergency.

SUBJECT: Oklahoma Highway Patrol

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

SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-105, is amended to read as follows:

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

1. A Chief of the Oklahoma Highway Patrol Division with the rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol Division with the rank of Lieutenant Colonel, and subordinate officers and employees of the Oklahoma Highway Patrol Division, including Majors, Captains, Lieutenants, and Highway Patrolmen with the rank of Trooper, who shall comprise the Oklahoma Highway Patrol Division of the Department of Public Safety; provided, any officer appointed to a commissioned position prescribed in this paragraph which is unclassified pursuant to Section 840-5.5 of Title 74 of the

Oklahoma Statutes shall have a right of return to the highest previously held classified commissioned position within the Oklahoma Highway Patrol Division of the Department of Public Safety without any loss of rights, privileges or benefits immediately upon completion of the duties in the unclassified commissioned position;

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

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

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

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

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

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

~~(1) an associate's degree or a minimum of sixty-two (62) successfully completed semester hours from an accredited college or university as denoted in the Database of Accredited Postsecondary~~

~~Institutions and Programs provided by the U.S. Department of Education and whose hours are transferable between such recognized institutions, or~~

~~(2) shall have successfully completed thirty-two (32) semester hours from an accredited college or university as denoted in the Database of Accredited Postsecondary Institutions and Programs provided by the U.S. Department of Education and whose hours are transferable between such recognized institutions and have three (3) years of honorable active military or reserve military service,~~

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

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

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

~~4. The Commissioner or any employee of the Department shall not be a candidate for any political office, or in any way be active or participate in any political contest of any Primary, General, or Special Election, except to cast a ballot. No commissioned officer of the Department, while in the performance of the officer's assigned duty of providing security and protection, shall be considered as participating in a political campaign. The provisions of this paragraph shall not be construed to preclude a commissioned~~

~~officer of the Oklahoma Highway Patrol Division of the Department of Public Safety from being a candidate for a position on a local board of education.~~

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

No person shall be appointed to any position set out in subsection A of this section unless the person is a citizen of the United States and of good moral character. The Commissioner shall determine minimum qualifications for all positions set out in subsection A of this section, provided such qualifications shall include, but are not limited to, the following:

1. For commissioned officer positions:

- a. appointees shall be selected only after examination to determine physical and mental fitness for such positions. The examination criteria shall be prescribed by the Commissioner,
- b. appointees shall be at least twenty-one (21) years of age but less than forty-six (46) years of age,
- c. prior to receiving a commission, all such appointees shall satisfactorily complete a course of training in operations and procedures as prescribed by the Commissioner, and
- d. prior to receiving a commission, all such appointees shall possess an associate's degree or a minimum of sixty-two (62) successfully completed semester hours from an accredited college or university as denoted in the Database of Accredited Postsecondary Institutions and Programs provided by the U.S. Department of Education and whose hours are transferable between such recognized institutions. Prior years of military or law enforcement service shall qualify as a substitute for the educational requirement, up to a

maximum of thirty (30) semester hours, for any combination of the following:

- (1) ten (10) semester hours for each year of honorable service in any active military or reserve military service,
- (2) ten (10) semester hours for each year the appointee worked as a paid, full-time, CLEET-certified law enforcement officer of a law enforcement agency within the State of Oklahoma, or
- (3) ten (10) semester hours for each year the appointee worked as a paid, full-time sworn law enforcement officer certified by a state peace officer standards and training agency as a peace officer in another state, or any officer who has been certified as a federal peace officer by a CLEET-recognized law enforcement agency; and

2. Any person appointed to a position in the Communications Division shall be at least eighteen (18) years of age and shall possess a high school diploma or General Educational Development equivalency certificate.

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

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

D. 1. No commissioned officer of the Department shall be a candidate for any political office or take part in or contribute any money or other thing of value, directly or indirectly, to any political campaign or to any candidate for public office. Anyone convicted of violating the provisions of this paragraph shall be guilty of a misdemeanor and shall be punished as provided by law.

2. No commissioned officer of the Department, while in the performance of the officer's assigned duty of providing security and protection, shall be considered as participating in a political campaign. The provisions of this paragraph shall not be construed to preclude a commissioned officer of the Oklahoma Highway Patrol Division of the Department of Public Safety from being a candidate for a position on a local board of education.

3. The Commissioner or any employee of the Department shall not be a candidate for any political office, or in any way be active or participate in any political contest of any Primary, General, or Special Election, except to cast a ballot.

E. Drunkenness or being under the influence of intoxicating substances shall be sufficient grounds for the removal of any commissioned officer of the Department, as provided for in this section.

F. 1. No permanent employee, as provided for in this section, who is a commissioned officer of the Department, may be suspended without pay or dismissed unless the employee has been notified in writing by the Commissioner of such intended action and the reasons thereof. No such notice shall be given by the Commissioner unless sworn charges or statements have been obtained to justify the action.

2. Whenever such charges are preferred, the Commissioner may suspend the accused pending the hearing and final determination of such charges. If the charges are not sustained in whole or in part, the accused shall be entitled to pay during the period of such

suspension. If the charges are sustained in whole or in part, the accused shall not receive any pay for the period of such suspension.

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

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

~~F.~~ G. 1. The Commissioner is hereby authorized to purchase and issue uniforms and necessary equipment for all commissioned officers of the Oklahoma Highway Patrol Division of the Department. All uniforms and equipment shall be used only in the performance of the official duties of such officers and shall remain the property of the Department, except as provided in Section 2-150 of this title.

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

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

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

- a. one (1) year of experience in any combination:
  - (1) as Commissioner of Public Safety,
  - (2) as Assistant Commissioner of Public Safety, or
  - (3) as Assistant Chief,
- b. two (2) years of experience in any combination:
  - (1) as Deputy Chief or higher rank, or
  - (2) if the experience was prior to April 21, 2006, as Major or higher rank,
- c. four (4) years of experience in any combination:
  - (1) as Major or higher rank, or
  - (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or
- d. six (6) years of experience in any combination:
  - (1) as Captain or higher rank, or
  - (2) if the experience was prior to April 21, 2006, as First Lieutenant or higher rank.

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

- a. one (1) year of experience in any combination:
  - (1) as Commissioner of Public Safety,
  - (2) as Assistant Commissioner of Public Safety, or

- (3) as Colonel,
- b. two (2) years of experience in any combination:
  - (1) as Major or higher rank, or
  - (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or
- c. four (4) years of experience in any combination:
  - (1) as Captain or higher rank, or
  - (2) if the experience was prior to April 21, 2006, as Highway Patrol First Lieutenant or higher rank.

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

~~H.~~ J. 1. Any former commissioned officer of the Department whose separation from the Department was at such officer's own request and not a result of such officer's own actions contrary to the policy of the Department or was not as a result of the

retirement of that officer from the Department may make application for reinstatement as a commissioned officer of the division or section of the Department in which such officer was previously employed, provided such reinstated officer will be able to complete twenty (20) years of credited service by the time the reinstated officer reaches sixty-two (62) years of age. The Commissioner may waive the requirements of possessing the number of semester hours or degree as required in subsection B of this section for any former commissioned officer making application for reinstatement as a commissioned officer of the Department. The Commissioner may require the applicant for reinstatement to attend selected courses of instruction, as prescribed by the Commissioner.

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

SECTION 2. This act shall become effective July 1, 2022.

SECTION 3. 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 16th day of May, 2022.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 26th day of April, 2022.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_