

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 HOUSE BILL 3065

By: Manger

7 AS INTRODUCED

8 An Act relating to public health and safety; amending
9 63 O.S. 2021, Section 2-103, which relates to the
10 Uniform Controlled Dangerous Substances Act;
11 authorizing commissioned employees to purchase
12 certain firearms prior to retirement; providing
13 purchasing requirements; providing for the transfer
14 and modification of ownership records; directing
15 proceeds be deposited into certain revolving fund;
16 and providing an effective date.

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

16 SECTION 1. AMENDATORY 63 O.S. 2021, Section 2-103, is
17 amended to read as follows:

18 Section 2-103. A. The Director shall be appointed by the
19 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
20 Commission. The Director of the Oklahoma State Bureau of Narcotics
21 and Dangerous Drugs Control on January 1, 1984, shall be initially
22 appointed as Director. The succeeding Director shall, at the time
23 of the appointment, have a Bachelor's Degree from an accredited
24 college or university and at least five (5) years of experience in

1 drug law enforcement. The Director may appoint necessary
2 assistants, agents, and other personnel to perform the work of the
3 office and may prescribe their titles and duties and fix their
4 compensation pursuant to Merit System rules. The Director may
5 appoint employees to the positions of Chief of Law Enforcement
6 Information and Technology, Public Information/Education Officer,
7 Training Officer, Program Administrators, Grants Administrator,
8 Criminal Analysts, Legal Secretary, and Typist Clerk/Spanish
9 Transcriptionists. The positions shall be unclassified and exempt
10 from the rules and procedures of the Office of Management and
11 Enterprise Services, except leave regulations. The office of the
12 Director shall be located at a suitable place in Oklahoma City,
13 Oklahoma.

14 B. 1. Agents appointed by the Director shall have the powers
15 of peace officers generally; provided, the Director may appoint
16 special agents and reserve special agents, who shall be unclassified
17 employees of the state, to meet specific investigatory needs.
18 Special agents and reserve special agents shall not be required to
19 meet the age and educational requirements as specified in this
20 section.

21 2. Agents appointed on and after November 1, 1998, shall be at
22 least twenty-one (21) years of age and shall have a Bachelor's
23 Degree from an accredited college or university.

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1 3. Each entering agent, with the exception of special agents,
2 shall be required to serve one (1) year in a probationary status as
3 a prerequisite to being placed on permanent status.

4 C. Agents appointed pursuant to the provisions of this section
5 shall have the responsibility of investigating alleged violations
6 and shall have the authority to arrest those suspected of having
7 violated the provisions of the Uniform Controlled Dangerous
8 Substances Act, as well as the crimes of money laundering and human
9 trafficking, as otherwise set forth by laws of this state.

10 D. The Director may appoint reserve special agents who shall
11 not be considered employees of the state and shall serve at the will
12 of the Director. Reserve special agents shall complete a minimum of
13 two hundred forty (240) hours of training pursuant to Section 3311
14 of Title 70 of the Oklahoma Statutes and may not serve more than one
15 hundred forty (140) hours per calendar month. Upon completion of
16 training, reserve special agents appointed by the Director shall
17 have general peace officer powers and the authority to arrest those
18 suspected of having violated the provisions of the Uniform
19 Controlled Dangerous Substances Act. The agency may expend funds
20 related to training and special reserve agents may receive travel
21 expenses pursuant to the State Travel Reimbursement Act.

22 E. A commissioned employee of the Oklahoma State Bureau of
23 Narcotics and Dangerous Drugs Control shall be entitled to receive,
24 upon retirement by reason of length of service, the continued

1 custody and possession of the sidearm and badge carried by such
2 employee immediately prior to retirement. In addition to the
3 sidearm carried by the commissioned employee immediately prior to
4 retirement, the commissioned employee may purchase the rifle or
5 shotgun, or both, issued to the commissioned employee immediately
6 prior to retirement upon approval from the Director. The cost to
7 the commissioned employee of purchasing the firearm shall be the
8 state-approved firearms vendor trade-in value, and upon payment of
9 that price, the commissioned employee shall be entitled to ownership
10 of the firearm. Any records regarding the ownership of each firearm
11 transferred shall be modified to reflect the transfer to the
12 commissioned employee. Proceeds from the purchase of the firearm
13 shall be deposited in the Bureau of Narcotics Revolving Fund
14 established pursuant to Section 2-107 of this title.

15 F. A commissioned employee of the Bureau may be entitled to
16 receive, upon retirement by reason of disability, the continued
17 custody and possession of the sidearm and badge carried by such
18 employee immediately prior to retirement upon written approval of
19 the Director.

20 G. Custody and possession of the sidearm and badge of a
21 commissioned employee killed in the line of duty may be awarded by
22 the Director to the spouse or next of kin of the deceased employee.

23 H. Custody and possession of the sidearm and badge of a
24 commissioned employee who dies while employed at the Oklahoma State

1 Bureau of Narcotics and Dangerous Drugs Control may be awarded by
2 the Director to the spouse or next of kin of the deceased employee.

3 I. Any Director appointed on or after July 1, 2003, shall be
4 eligible to participate in either the Oklahoma Public Employees
5 Retirement System or in the Oklahoma Law Enforcement Retirement
6 System and shall make an irrevocable election in writing to
7 participate in one of the two retirement systems.

8 J. Any employee of the Oklahoma State Bureau of Narcotics and
9 Dangerous Drugs Control in a classified position under the Merit
10 System of the Personnel Administration who is appointed Director,
11 Deputy Director, Acting Director or Acting Deputy Director shall
12 have a right to return to the highest previously held classified
13 position without any loss of rights, privileges or benefits
14 immediately upon completion of the duties of the employee, provided
15 the employee is not otherwise disqualified.

16 SECTION 2. This act shall become effective November 1, 2022.

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18 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/15/2022 -
19 DO PASS.
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