

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1612

By: David of the Senate

and

Echols of the House

8  
9  
10                                   COMMITTEE SUBSTITUTE

11           [ law enforcement unification - Oklahoma Department  
12           of Public Safety Unification, Recruitment, and  
13           Retention Act of 2022 - Commissioner of the  
14           Oklahoma Department of Public Safety - Oklahoma  
15           Board of Public Safety - Oklahoma Department of  
16           Public Safety Revolving Fund - creation and  
17           maintenance of a Mental Wellness Division -  
18           effective date ]

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20  
21 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

22           SECTION 1.       NEW LAW       A new section of law not to be  
23           codified in the Oklahoma Statutes reads as follows:  
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1 This act shall be known and may be cited as the "Oklahoma  
2 Department of Public Safety Unification, Recruitment, and Retention  
3 Act of 2022".

4 SECTION 2. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 9101 of Title 74, unless there  
6 is created a duplication in numbering, reads as follows:

7 A. Upon the effective date of this act, there is hereby created  
8 the Oklahoma Department of Public Safety. The Oklahoma Department  
9 of Public Safety shall include the following law enforcement  
10 departments and agencies:

- 11 1. The Oklahoma Highway Patrol Division;
- 12 2. The Oklahoma State Bureau of Investigation; and
- 13 3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
14 Control.

15 B. The Oklahoma Department of Public Safety may include, but  
16 shall not be limited to, the following divisions:

- 17 1. Administration, to be comprised of the nonlaw enforcement  
18 division of the current Department of Public Safety;
- 19 2. Training and Recruitment; and
- 20 3. Licensing.

21 SECTION 3. NEW LAW A new section of law to be codified  
22 in the Oklahoma Statutes as Section 9102 of Title 74, unless there  
23 is created a duplication in numbering, reads as follows:

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1 A. There is hereby created the Oklahoma Board of Public Safety.

2 The Board shall be comprised of nine (9) members as follows:

3 1. Three members, who shall be lay members, who have a law  
4 enforcement background, appointed by the Governor;

5 2. One member, who shall be a lay member who has a law  
6 enforcement background, appointed by the Lieutenant Governor;

7 3. One member, who shall be a district attorney, duly elected  
8 by the citizens of this state, appointed by the Attorney General;

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

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

17 6. One member, who shall be a chief of police representing a  
18 municipality with a population over one hundred thousand (100,000),  
19 as determined by the latest Federal Decennial Census, appointed by  
20 the Board of Directors of the Oklahoma Association of Chiefs of  
21 Police; and

22 7. One member, who shall be a chief of police representing a  
23 municipality with a population under one hundred thousand (100,000),  
24 as determined by the latest Federal Decennial Census, appointed by

1 the Board of Directors of the Oklahoma Association of Chiefs of  
2 Police.

3 B. The Secretary of Public Safety shall call the first  
4 meeting of the Board no later than October 1, 2022. A quorum of  
5 members shall be necessary to conduct any official business. At the  
6 first meeting of the Board, the members shall elect a chair from its  
7 membership to serve for a term of one (1) year. No member of the  
8 Board shall be elected to consecutive terms.

9 C. Board meetings shall be hosted by the Secretary of Public  
10 Safety.

11 D. The Chair of the Board shall preside at all meetings of the  
12 Board and shall have the power to call meetings of the Board. In  
13 addition, meetings of the Board may be called by a majority of the  
14 members.

15 SECTION 4. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 9103 of Title 74, unless there  
17 is created a duplication in numbering, reads as follows:

18 The Oklahoma Board of Public Safety shall have the following  
19 powers, duties, and responsibilities:

20 1. To formulate and implement a unified law enforcement and  
21 public safety strategy for activities of the Department with annual  
22 and long-term measurable goals and objectives to achieve greater  
23 public safety, which shall be published on the website of the  
24 Oklahoma Department of Public Safety;

1           2. To appoint or confirm division chiefs of the respective  
2 divisions of the Department who shall serve at the pleasure of the  
3 Commissioner;

4           3. To appoint any other staff that may be necessary and proper  
5 for the administration of the Department who shall serve at the  
6 pleasure of the Board;

7           4. To delegate duties and responsibilities to the chiefs of the  
8 divisions within the Department;

9           5. To prepare proposed rules and regulations considered  
10 necessary for the operation of the Department;

11          6. To enter into contracts with public agencies, institutions  
12 of higher education, and private organizations or individuals for  
13 the purpose of conducting research, demonstrations, or special  
14 projects which bear directly on the operation of the Department or  
15 the reduction of crime;

16          7. To enter into contracts for education and research  
17 activities without performance bonds;

18          8. To commission employees as peace officers of the Oklahoma  
19 Department of Public Safety;

20          9. To investigate any complaint against the Department or any  
21 of its employees for actions directly related to their official  
22 duties;

23          10. To be directly responsible for all monies appropriated for  
24 and deposited to the credit of the Department and each division

1 under its control and approve all claims and payments, or delegate  
2 responsibility as provided for in Section 34.68 of Title 62 of the  
3 Oklahoma Statutes;

4 11. To accept gifts, bequests, devices, contributions, and  
5 grants, public or private including federal funds or funds from any  
6 other source for use in furthering the purpose of the Department;

7 12. To purchase, lease, and maintain motor vehicles and other  
8 equipment and properties for use by employees of the Department;

9 13. To purchase or lease and equip motor vehicles for the use  
10 of the Governor and Lieutenant Governor;

11 14. To authorize the use of a state-owned motor vehicle as  
12 authorized in Section 156.1 of Title 47 of the Oklahoma Statutes;

13 15. To transfer assets within the Department as may be  
14 necessary and proper for the operation of the Department; and

15 16. To maintain records of all proceedings and official orders.

16 SECTION 5. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 9104 of Title 74, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. Effective July 1, 2023, the Oklahoma Board of Public Safety  
20 shall merge the following agencies into the Oklahoma Department of  
21 Public Safety as divisions of the Department, each maintaining its  
22 unique statutory mission:

23 1. The Oklahoma Highway Patrol Division;

24 2. The Oklahoma State Bureau of Investigation; and

1           3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
2 Control.

3           B. No later than July 1, 2023, the Board shall have the  
4 authority to affirm the current Chief of the Oklahoma Highway Patrol  
5 Division, Director of the Oklahoma State Bureau of Investigation,  
6 and the Director of the Oklahoma State Bureau of Narcotics and  
7 Dangerous Drugs Control as chiefs of their respective divisions and  
8 to appoint a chief of a respective division if the current position  
9 is vacant.

10          C. The Board shall have authority to budget and expend the  
11 operating funds of the agency.

12          D. The Board shall have the authority to administer all funds  
13 appropriated for the fiscal year ending on June 30, 2023, for the  
14 operation of the Oklahoma State Bureau of Investigation, Oklahoma  
15 State Bureau of Narcotics and Dangerous Drugs Control, and the  
16 Department of Public Safety.

17          SECTION 6.           NEW LAW           A new section of law to be codified  
18 in the Oklahoma Statutes as Section 9105 of Title 74, unless there  
19 is created a duplication in numbering, reads as follows:

20          A. No later than July 1, 2023, all employees of the Oklahoma  
21 Department of Public Safety shall be under the authority of the  
22 Oklahoma Board of Public Safety.

23          B. Should an emergency be proclaimed by the Governor due to the  
24 existence of a natural or manmade disaster, the Governor shall have

1 and may exercise operational authority over the Oklahoma Highway  
2 Patrol Division of the Oklahoma Department of Public Safety.

3 SECTION 7. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 9106 of Title 74, unless there  
5 is created a duplication in numbering, reads as follows:

6 There is hereby created in the State Treasury a revolving fund  
7 for the Oklahoma Department of Public Safety to be designated the  
8 "Oklahoma Department of Public Safety Revolving Fund". The fund  
9 shall be a continuing fund, not subject to fiscal year limitations,  
10 and shall consist of any monies received from the sale of surplus  
11 and confiscated property, fees, and receipts collected pursuant to  
12 the Oklahoma Open Records Act, gifts, bequests, devises,  
13 contributions, or grants, public or private including federal funds  
14 unless otherwise provided for by federal law or regulation,  
15 reimbursements, refunds, fees, and receipts from any other source.  
16 All monies, and other money as provided by law, accruing to the  
17 credit of the fund are hereby appropriated and may be budgeted and  
18 expended by the Oklahoma Department of Public Safety for general  
19 operations of the Department. Expenditures from the fund shall be  
20 made upon warrants issued by the State Treasurer against claims  
21 filed as prescribed by law with the Director of the Office of  
22 Management and Enterprise Services for approval and payment.

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1 SECTION 8. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 9107 of Title 74, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. The Oklahoma Department of Public Safety shall establish and  
5 maintain a Mental Wellness Division to provide mental wellness  
6 services and programs to public safety personnel to promote good  
7 mental wellness. The Oklahoma Board of Public Safety shall appoint  
8 the Director of the Mental Wellness Division.

9 B. The Director of the Mental Wellness Division shall report to  
10 the Board. All current and former employees of the Mental Wellness  
11 Division shall maintain the privacy of all public safety personnel  
12 served by the Division or who participate in its programs. No  
13 privileged personal health information shall ever be shared with the  
14 Board or made public without the consent of that person. However,  
15 aggregate mental health information may be shared with the Board.  
16 Aggregate mental health information may be made public by the Board  
17 if, in the judgment of the Board, doing so could improve public  
18 safety mental wellness policies for public safety personnel and is  
19 made public for this sole purpose. Provided, no aggregate mental  
20 health information may be shared or made public if doing so could  
21 reveal otherwise privileged personal mental health information about  
22 any specific individual. It shall be the duty of the Director of  
23 the Division to establish the necessary policies and procedures to  
24 ensure the privacy and confidentiality requirements of this section

1 and of all other applicable health privacy laws. Any breach of the  
2 privacy provisions of this section and of any other applicable  
3 health privacy laws must be timely and thoroughly investigated and  
4 the appropriate disciplinary and corrective actions taken.

5 C. The Mental Wellness Division is authorized to enter into  
6 partnerships with public and private entities to fulfill its  
7 mandate.

8 D. The offices, records, communications, information  
9 technology, equipment, and any other resources of the Mental  
10 Wellness Division shall be located and maintained separately from  
11 that of the other divisions within the Department.

12 SECTION 9. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 9108 of Title 74, unless there  
14 is created a duplication in numbering, reads as follows:

15 There is hereby created in the State Treasury a revolving fund  
16 for the Oklahoma Department of Public Safety on behalf of the Mental  
17 Wellness Division of the Oklahoma Department of Public Safety to be  
18 designated the "Mental Wellness Division Revolving Fund". The fund  
19 shall be a continuing fund, not subject to fiscal year limitations,  
20 and shall consist of those monies appropriated to the fund by law or  
21 deposited in the fund as provided pursuant to the provisions of  
22 Section 10 of this act. All monies accruing to the credit of the  
23 fund are hereby appropriated and may be budgeted and expended by the  
24 Mental Wellness Division for the purpose of providing mental

1 wellness services and programs to public safety personnel.  
2 Expenditures from the fund shall be made upon warrants issued by the  
3 State Treasurer against claims filed as prescribed by law with the  
4 Director of the Office of Management and Enterprise Services for  
5 approval and payment.

6 SECTION 10. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 9109 of Title 74, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. There is hereby authorized the establishment of a not-for-  
10 profit foundation to raise funds for the Mental Wellness Division  
11 Revolving Fund, created in Section 9 of this act, and the  
12 achievement of the goals of this act.

13 B. The foundation created pursuant to this section may receive  
14 funds from any public or private source to carry out the purposes of  
15 this act including, but not limited to, gifts or grants from any  
16 department, agency, or instrumentality of the United States or of  
17 this state for any purpose consistent with the provisions of this  
18 act.

19 C. Upon proper incorporation, the foundation shall secure tax-  
20 exempt status under the appropriate provision of Section 501(c) of  
21 the Internal Revenue Code, 26 U.S.C., Section 501(c).

22 D. Any member of the foundation who may have a financial  
23 interest in an action under consideration by the foundation shall  
24 abstain from voting on such matter.

1 SECTION 11. This act shall become effective in accordance with  
2 the provisions of Section 58 of Article V of the Oklahoma  
3 Constitution.  
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5 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/12/2022 -  
6 DO PASS, As Amended.  
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