

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. 338

By: Paxton and Bergstrom of the
Senate

and

Hill of the House

10 COMMITTEE SUBSTITUTE

11 An Act relating to motor vehicles; amending 47 O.S.
12 2021, Section 2-105, which relates to Highway Patrol
13 personnel; modifying various requirements for
14 appointment to positions in the Oklahoma Highway
15 Patrol; modifying restrictions for certain employees
16 regarding the holding of public office and
17 participating in campaigns; modifying grounds for
18 removal of commissioned officers; updating statutory
19 language; providing an effective date; and declaring
20 an emergency.

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

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

24 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

1 Division with the rank of Lieutenant Colonel, and subordinate
2 officers and employees of the Oklahoma Highway Patrol Division,
3 including Majors, Captains, Lieutenants, and Highway Patrolmen with
4 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol
5 Division of the Department of Public Safety; provided, any officer
6 appointed to a commissioned position prescribed in this paragraph
7 which is unclassified pursuant to Section 840-5.5 of Title 74 of the
8 Oklahoma Statutes shall have a right of return to the highest
9 previously held classified commissioned position within the Oklahoma
10 Highway Patrol Division of the Department of Public Safety without
11 any loss of rights, privileges or benefits immediately upon
12 completion of the duties in the unclassified commissioned position;

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

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

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

23 B. ~~1. The Commissioner, when appointing commissioned officers~~
24 ~~and employees to the positions set out in subsection A of this~~

1 ~~section, shall determine, in consultation with the Director of the~~
2 ~~Office of Management and Enterprise Services, minimum qualifications~~
3 ~~and shall select such officers and employees only after examinations~~
4 ~~to determine their physical and mental qualifications for such~~
5 ~~positions. The content of the examinations shall be prescribed by~~
6 ~~the Commissioner, and all such appointees shall satisfactorily~~
7 ~~complete a course of training in operations and procedures as~~
8 ~~prescribed by the Commissioner.~~

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

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

15 ~~(1) an associate's degree or a minimum of sixty-two~~
16 ~~(62) successfully completed semester hours from~~
17 ~~an accredited college or university as denoted in~~
18 ~~the Database of Accredited Postsecondary~~
19 ~~Institutions and Programs provided by the U.S.~~
20 ~~Department of Education and whose hours are~~
21 ~~transferable between such recognized~~
22 ~~institutions, or~~

23 ~~(2) shall have successfully completed thirty-two (32)~~
24 ~~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.~~

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

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

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

22 1. For commissioned officer positions:

23 a. appointees shall be selected only after examination to
24 determine physical and mental fitness for such

1 positions. The examination criteria shall be
2 prescribed by the Commissioner,

3 b. appointees shall be at least twenty-one (21) years of
4 age but less than forty-six (46) years of age,

5 c. prior to receiving a commission, all such appointees
6 shall satisfactorily complete a course of training in
7 operations and procedures as prescribed by the
8 Commissioner, and

9 d. prior to receiving a commission, all such appointees
10 shall possess an associate's degree or a minimum of
11 sixty-two (62) successfully completed semester hours
12 from an accredited college or university as denoted in
13 the Database of Accredited Postsecondary Institutions
14 and Programs provided by the U.S. Department of
15 Education and whose hours are transferable between
16 such recognized institutions. Prior years of military
17 or law enforcement service shall qualify as a
18 substitute for the educational requirement, up to a
19 maximum of thirty (30) semester hours, for any
20 combination of the following:

21 (1) ten (10) semester hours for each year of
22 honorable service in any active military or
23 reserve military service,

1 (2) ten (10) semester hours for each year the
2 appointee worked as a paid, full-time, CLEET-
3 certified law enforcement officer of a law
4 enforcement agency within the State of Oklahoma,
5 or

6 (3) ten (10) semester hours for each year the
7 appointee worked as a paid, full-time sworn law
8 enforcement officer certified by a state peace
9 officer standards and training agency as a peace
10 officer in another state, or any officer who has
11 been certified as a federal peace officer by a
12 CLEET-recognized law enforcement agency; and

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

17 C. 1. Upon initial appointment to the position of Cadet
18 Highway Patrolman or Probationary Communications Dispatcher, the
19 appointed employee shall be required to serve an initial
20 probationary period of twelve (12) months. The Commissioner may
21 extend the probationary period for up to three (3) additional months
22 provided that the employee and the Office of Management and
23 Enterprise Services are notified in writing as to such action and
24 the reasons thereof. During such probationary period, the employee

1 may be terminated at any time and for any reason at the discretion
2 of the Commissioner. Retention in the service after expiration of
3 the initial probationary period shall entitle such employee to be
4 classified as a permanent employee and the employee shall be so
5 classified. No permanent employee may be discharged or removed
6 except as provided for in this section.

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

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

17 2. No commissioned officer of the Department, while in the
18 performance of the officer's assigned duty of providing security and
19 protection, shall be considered as participating in a political
20 campaign. The provisions of this paragraph shall not be construed
21 to preclude a commissioned officer of the Oklahoma Highway Patrol
22 Division of the Department of Public Safety from being a candidate
23 for a position on a local board of education.
24

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

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

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

16 2. Whenever such charges are preferred, the Commissioner may
17 suspend the accused pending the hearing and final determination of
18 such charges. If the charges are not sustained in whole or in part,
19 the accused shall be entitled to pay during the period of such
20 suspension. If the charges are sustained in whole or in part, the
21 accused shall not receive any pay for the period of such suspension.

22 3. Commissioned officers of the Department of Public Safety are
23 not entitled to appeal intra-agency transfer to the Oklahoma Merit
24 Protection Commission pursuant to the Oklahoma Personnel Act unless

1 the transfer is in violation of Section 840-2.5 or 840-2.9 of Title
2 74 of the Oklahoma Statutes.

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

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

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

23 ~~F.~~ H. 1. The positions with the rank of Colonel and Lieutenant
24 Colonel of the Oklahoma Highway Patrol Division shall be filled from

1 the body of commissioned officers of the Oklahoma Highway Patrol
2 Division and appointment to said ~~position~~ positions shall be based
3 on qualifications, previous record as a commissioned officer of the
4 Oklahoma Highway Patrol Division, length of service, years of
5 experience within the Oklahoma Highway Patrol Division or other
6 service as prescribed in this subsection, and efficiency of service
7 performed.

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

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

- 12 (1) as Commissioner of Public Safety,
- 13 (2) as Assistant Commissioner of Public Safety, or
- 14 (3) as Assistant Chief,

15 b. two (2) years of experience in any combination:

- 16 (1) as Deputy Chief or higher rank, or
- 17 (2) if the experience was prior to April 21, 2006, as
18 Major or higher rank,

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

- 20 (1) as Major or higher rank, or
- 21 (2) if the experience was prior to April 21, 2006, as
22 Captain or higher rank, or

23 d. six (6) years of experience in any combination:

- 24 (1) as Captain or higher rank, or

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

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

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

7 (1) as Commissioner of Public Safety,

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

9 (3) as Colonel,

10 b. two (2) years of experience in any combination:

11 (1) as Major or higher rank, or

12 (2) if the experience was prior to April 21, 2006, as
13 Captain or higher rank, or

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

15 (1) as Captain or higher rank, or

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

18 ~~G.~~ I. The Commissioner of Public Safety is hereby authorized to
19 send employees of the Department of Public Safety to schools such as
20 Northwestern University Center for Public Safety, Southern Police
21 Institute, the FBI National Academy, the Institute of Police
22 Technology and Management, or to any other schools of similar
23 training which would be conducive to improving the efficiency of the
24 Oklahoma Highway Patrol Division and the Department of Public

1 Safety. While an employee is attending a school, the Commissioner
2 is authorized to permit the employee to use a state-owned vehicle
3 and to use a fuel-purchasing card for any expenses related to the
4 operation of the vehicle. In addition, while an employee is
5 attending the FBI National Academy, a one-time expense allowance of
6 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room
7 and board, and other related expenses shall be paid to the employee
8 by the Department; provided, the employee shall not be further
9 compensated through the State Travel Reimbursement Act, and, if any
10 other agency reimburses the employee for any expenses, the
11 reimbursement shall be given to the Department. All purchases made
12 by the employee with the expense allowance shall be considered
13 property of the employee.

14 ~~H.~~ J. 1. Any former commissioned officer of the Department
15 whose separation from the Department was at such officer's own
16 request and not a result of such officer's own actions contrary to
17 the policy of the Department or was not as a result of the
18 retirement of that officer from the Department may make application
19 for reinstatement as a commissioned officer of the division or
20 section of the Department in which such officer was previously
21 employed, provided such reinstated officer will be able to complete
22 twenty (20) years of credited service by the time the reinstated
23 officer reaches sixty-two (62) years of age. The Commissioner may
24 waive the requirements of possessing the number of semester hours or

1 degree as required in subsection B of this section for any former
2 commissioned officer making application for reinstatement as a
3 commissioned officer of the Department. The Commissioner may
4 require the applicant for reinstatement to attend selected courses
5 of instruction, as prescribed by the Commissioner.

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

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

15 SECTION 3. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

19
20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 04/12/2022 -
21 DO PASS, As Amended.
22
23
24