

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 684

By: Weaver of the Senate

and

Moore of the House

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9 An Act relating to law enforcement interagency
10 transfers; authorizing the Oklahoma State Bureau of
11 Investigation, the Oklahoma Bureau of Narcotics and
12 Dangerous Drugs, the Oklahoma Highway Patrol and the
13 Oklahoma Alcoholic Beverage Laws Enforcement
14 Commission to enter into certain agreements;
15 prescribing minimum and maximum assignment period;
16 granting rule making authority; amending Section 8,
17 Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2020,
18 Section 1-108), which relates to powers and duties of
19 the Commission Director; amending 47 O.S. 2011,
20 Section 2-108, which relates to the powers and duties
21 of the Commissioner; amending 63 O.S. 2011, Section
22 2-106, as amended by Section 1, Chapter 340, O.S.L.
23 2013 (63 O.S. Supp. 2020, Section 2-106), which
24 relates to the powers and duties of the Director;
amending 74 O.S. 2011, Section 150.7, as last amended
by Section 2, Chapter 64, O.S.L. 2019 (74 O.S. Supp.
2020, Section 150.7), which relates to the powers and
duties of the Director; authorizing certain
interagency transfers; providing for codification;
and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 11000 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 The Oklahoma State Bureau of Investigation, the Oklahoma Bureau
5 of Narcotics and Dangerous Drugs, the Oklahoma Highway Patrol and
6 the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission
7 are hereby authorized to enter into interagency transfers among
8 commissioned law enforcement officers. These interagency transfers
9 shall be bilateral agreements between the appointing authorities of
10 each agency. No transfer shall be for a period of two (2) years or
11 less and the temporary assignment period shall not exceed five (5)
12 years in length. Agencies authorized by this act shall have
13 authority to promulgate rules for the interagency transfer process.

14 SECTION 2. AMENDATORY Section 8, Chapter 366, O.S.L.
15 2016 (37A O.S. Supp. 2020, Section 1-108), is amended to read as
16 follows:

17 Section 1-108. A. The ABLE Commission shall appoint a
18 Director, who shall employ an Assistant Director and such other
19 personnel as are necessary to properly enforce and administer the
20 Oklahoma Alcoholic Beverage Control Act. The Director shall require
21 bonds in such instances and amounts as the ABLE Commission may
22 direct, and shall be in direct charge of all records. The Director
23 shall further have the following specific powers and duties:

1 1. To issue licenses provided for in the Oklahoma Alcoholic
2 Beverage Control Act, and to approve or reject any official bond
3 required to be filed with the Director or the ABLE Commission;

4 2. To appoint and employ, supervise and discharge such
5 employees as may be determined necessary for the proper discharge of
6 the duties of the office of Director, upon duties and salary fixed
7 and determined by the ABLE Commission and subject to all the rules
8 that may be promulgated by the ABLE Commission. The Director and
9 the ABLE Commission, in appointing and employing personnel, shall
10 give preference to honorably discharged members of the Armed Forces
11 of the United States;

12 3. To conduct such investigations and make such reports as may
13 be necessary to keep the ABLE Commission advised concerning any
14 violations of the provisions of the Oklahoma Alcoholic Beverage
15 Control Act and make orders for its enforcement;

16 4. To make recommendations to the ABLE Commission concerning
17 the suspension or revocation of any licenses, the levying of fines
18 against licensees for violations of the provisions of the Oklahoma
19 Alcoholic Beverage Control Act or rules of the ABLE Commission or
20 any action that should be filed or commenced against any official
21 bond theretofore approved by the Director or the ABLE Commission;

22 5. To regularly inspect all places of business of licensees,
23 and all other persons, firms or corporations dealing in the
24 manufacture, distribution, transportation, sale or service of

1 alcoholic beverages under the provisions of the Oklahoma Alcoholic
2 Beverage Control Act and report to the ABLE Commission concerning
3 any and all violations with a recommendation to the ABLE Commission
4 for its determination;

5 6. To refer any evidence of a violation of any provision of the
6 Oklahoma Alcoholic Beverage Control Act which carries a criminal
7 penalty to the appropriate law enforcement authority for action;

8 7. To aid the enforcement authorities of this state or any
9 county or municipality of the state, or the federal government, in
10 prosecutions of violations of the Oklahoma Alcoholic Beverage
11 Control Act; ~~and~~

12 8. To enforce the provisions of the Prevention of Youth Access
13 to Tobacco Act including but not limited to the levying of
14 administrative fines against persons violating the provisions of the
15 Prevention of Youth Access to Tobacco Act, and to at least annually
16 conduct random unannounced inspections at locations where tobacco
17 products are sold or distributed and conduct targeted inspections at
18 those locations which have been in violation of the provisions of
19 the Prevention of Youth Access to Tobacco Act; and

20 9. To enter into interagency transfers with the Oklahoma State
21 Bureau of Investigation, the Oklahoma Bureau of Narcotics and
22 Dangerous Drugs and the Oklahoma Highway Patrol as provided for in
23 Section 1 of this act.
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1 B. The Director may employ or contract with attorneys, as
2 needed, to advise the Director and the ABLE Commission on all legal
3 matters and shall appear for and represent the Director and the ABLE
4 Commission in all administrative hearings and all litigation or
5 other proceedings which may arise in the discharge of their duties.
6 At the request of the ABLE Commission, such attorneys shall assist
7 district attorneys in prosecuting charges of violators of the
8 Oklahoma Alcoholic Beverage Control Act.

9 SECTION 3. AMENDATORY 47 O.S. 2011, Section 2-108, is
10 amended to read as follows:

11 Section 2-108. A. The Commissioner is hereby vested with the
12 power and is charged with the duty of observing, administering, and
13 enforcing the provisions of this title and of all laws regulating
14 the operation of vehicles or the use of the highways, the
15 enforcement and administration of which are now or hereafter vested
16 in the Department. The Commissioner may appoint any employee of the
17 Department to serve as the personal representative of the
18 Commissioner for the purpose of fulfilling any such duty or
19 combination of duties.

20 B. The Commissioner is hereby authorized to adopt and enforce
21 such rules as may be necessary to carry out the provisions of ~~this~~
22 ~~act~~ the Highway Safety Code and any other laws the enforcement and
23 administration of which are vested in the Department.
24

1 C. The Commissioner may adopt an official seal for the use of
2 the Department.

3 D. The Commissioner may adopt an authorized facsimile signature
4 of the Commissioner, and may appoint any employee of the Department
5 to serve as the personal representative of the Commissioner for the
6 purpose of affixing the authorized facsimile signature of the
7 Commissioner to administrative letters, notices, and orders to
8 enforce the provisions of the law. Provided, however, it shall be
9 unlawful and shall constitute the crime of forgery to affix or
10 endorse the facsimile signature of the Commissioner, as herein
11 provided, to any instrument, voucher, check, claim, or draft for the
12 payment of money due and owing to the State of Oklahoma. In lieu of
13 the signature of the Commissioner or the authorized facsimile
14 signature of the Commissioner, the Commissioner may direct and
15 authorize any employee of the Department to affix the signature of
16 the employee to administrative letters, notices, and orders to
17 enforce the provisions of the law.

18 E. The Commissioner have the authority to enter into
19 interagency transfers with the Oklahoma State Bureau of
20 Investigation, the Oklahoma Bureau of Narcotics and Dangerous Drugs
21 and the Oklahoma Alcoholic Beverages Laws Enforcement Commission as
22 provided for in Section 1 of this act.
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1 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2-106, as
2 amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2020,
3 Section 2-106), is amended to read as follows:

4 Section 2-106. A. The Director of the Oklahoma State Bureau of
5 Narcotics and Dangerous Drugs Control shall, in addition to other
6 powers and duties vested in the Director:

7 1. Cooperate with federal and other state agencies in
8 discharging the responsibilities concerning traffic in narcotics and
9 dangerous substances and in suppressing the abuse of dangerous
10 substances;

11 2. Arrange for the exchange of information between governmental
12 officials concerning the use and abuse of dangerous substances;

13 3. Coordinate and cooperate in training programs on dangerous
14 substances law enforcement at the local and state levels;

15 4. Cooperate with the Oklahoma State Bureau of Narcotics and
16 Dangerous Drugs Control by establishing a centralized unit which
17 will accept, catalog, file and collect statistics, including records
18 of drug-dependent persons and other dangerous substance law
19 offenders within the state, and make such information available for
20 federal, state and local law enforcement purposes; and may collect
21 and furnish statistics for other appropriate purposes; and

22 5. Coordinate and cooperate in programs of eradication aimed at
23 destroying wild or illicit growth of plant species from which
24 controlled dangerous substances may be extracted.

1 B. Results, information and evidence received from the Oklahoma
2 State Bureau of Narcotics and Dangerous Drugs Control relating to
3 the regulatory functions of ~~this act~~, Section 2-101 et seq. of this
4 title including results of inspections conducted by that agency, may
5 be relied upon and acted upon by the Director in conformance with
6 the regulatory functions under ~~this act~~ Section 2-101 et seq. of
7 this title.

8 C. The Director is further authorized and directed to:

9 1. Coordinate and cooperate in educational programs designed to
10 prevent and deter misuse and abuse of controlled dangerous
11 substances;

12 2. Promote better recognition of the problems of misuse and
13 abuse of controlled dangerous substances within the regulated
14 industry and among interested groups and organizations;

15 3. Assist the regulated industry, interested groups and
16 organizations in contributing to the reduction of misuse and abuse
17 of controlled dangerous substances;

18 4. Consult with interested groups and organizations to aid them
19 in solving administrative and organizational problems;

20 5. Assist in evaluating procedures, projects, techniques and
21 controls conducted or proposed as part of educational programs on
22 misuse and abuse of controlled dangerous substances;

23 6. Disseminate the results of research on misuse and abuse of
24 controlled dangerous substances to promote a better public

1 understanding of what problems exist and what can be done to combat
2 them;

3 7. Assist in the education and training of state and local law
4 enforcement officials in their efforts to control misuse and abuse
5 of controlled dangerous substances;

6 8. Conduct an annual seminar to be attended by selected law
7 enforcement officers in order to teach new techniques and advances
8 in the investigation of violations of the Uniform Controlled
9 Dangerous Substances Act; and

10 9. Supervise and direct agents appointed in the performance of
11 their function of enforcement of the provisions of ~~this act~~ Section
12 2-101 et seq. of this title.

13 D. The Director is further authorized and directed to:

14 1. Encourage research on misuse and abuse of controlled
15 dangerous substances;

16 2. Cooperate in establishing methods to assess accurately the
17 effects of controlled dangerous substances and to identify and
18 characterize controlled dangerous substances with potential for
19 abuse; and

20 3. Cooperate in making studies and in undertaking programs of
21 research to:

22 a. develop new or improved approaches, techniques,
23 systems, equipment and devices to strengthen the
24

1 enforcement of ~~this act~~ Section 2-101 et seq. of this
2 title,

3 b. determine patterns of misuse and abuse of controlled
4 dangerous substances and the social effects thereof,
5 and

6 c. improve methods for preventing, predicting,
7 understanding and dealing with the misuse and abuse of
8 controlled dangerous substances.

9 E. The Director shall prepare a yearly report on all deaths and
10 nonfatal overdoses which were the result or probable result of abuse
11 of a controlled dangerous substance. The yearly report shall be
12 limited to statistical information including, but not limited to,
13 the county where the death or nonfatal overdose occurred, age, race,
14 gender, type of controlled dangerous substances involved in the
15 death or nonfatal overdose, and the method in which the controlled
16 dangerous substance was obtained by the person, when available.

17 F. The Director may enter into contracts with public agencies,
18 institutions of higher education and private organizations or
19 individuals for the purpose of conducting research, demonstrations
20 or special projects which bear directly on misuse and abuse of
21 controlled dangerous substances.

22 G. The Director may enter into contracts for educational and
23 research activities without performance bonds.

1 H. The Director may authorize persons engaged in research or
2 scientific activities on the use and effects of dangerous substances
3 to withhold the names and other identifying characteristics of
4 persons who are the subjects of such research. Persons who obtain
5 this authorization may not be compelled in any state civil,
6 criminal, administrative, legislative or other proceeding to
7 identify the subjects of research for which such authorization was
8 obtained.

9 I. The Director may authorize the lawful possession,
10 distribution and use of controlled dangerous substances by persons
11 engaged in research or scientific activities; authorization for
12 possession of controlled dangerous substances may be extended to
13 persons engaged in a program of drug education or persons in the
14 performance of an official duty. Persons who obtain this
15 authorization shall be exempt from state prosecution for possession,
16 distribution or use of dangerous substances to the extent authorized
17 by the Director.

18 J. The Director is authorized to accept gifts, bequests,
19 devises, contributions and grants, public or private, including
20 federal funds or funds from any other source for use in furthering
21 the purpose of the office of the Director.

22 K. The Director is authorized to purchase or sell real
23 property, together with appurtenances, in the name of the Oklahoma
24 State Bureau of Narcotics and Dangerous Drugs Control upon approval

1 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
2 Control Commission.

3 L. The Director is authorized to purchase and maintain motor
4 vehicles and other equipment for use by the employees of the Bureau.

5 M. The Director shall be in charge of all monies appropriated
6 for or deposited to the credit of the office of the Director and is
7 authorized to approve claims and payrolls as provided in Section
8 41.26 of Title 62 of the Oklahoma Statutes.

9 N. The Director shall have the authority of a peace officer and
10 is authorized to commission assistants of the office as peace
11 officers.

12 O. The Director shall have the authority to enter into
13 interagency transfers with the Oklahoma State Bureau of
14 Investigation, the Oklahoma Highway Patrol and the Oklahoma
15 Alcoholic Beverages Laws Enforcement Commission as provided for in
16 Section 1 of this act.

17 P. Upon determining that a practitioner is prescribing a
18 controlled dangerous substance to a person engaged in fraudulent or
19 deceptive efforts to fill or refill multiple prescriptions for
20 controlled dangerous substances, the Director shall provide written
21 or electronic notification alerting the practitioner to the
22 possibility that the person may be unlawfully obtaining prescription
23 drugs in violation of the Uniform Controlled Dangerous Substances
24 Act.

1 SECTION 5. AMENDATORY 74 O.S. 2011, Section 150.7, as
2 last amended by Section 2, Chapter 64, O.S.L. 2019 (74 O.S. Supp.
3 2020, Section 150.7), is amended to read as follows:

4 Section 150.7. The Director of the Oklahoma State Bureau of
5 Investigation shall have the following powers, duties and
6 responsibilities:

7 1. To appoint or dismiss a Deputy Director to assist in the
8 administration of the Bureau;

9 2. To supervise the maintaining of all reports and records of
10 the Bureau and to promulgate administrative rules concerning the
11 destruction and retention of such records. Such records shall not
12 be transferred to the custody or control of the Archives and Records
13 Commission or be subject to the provisions of Section 590 of Title
14 21 of the Oklahoma Statutes. The Director may, pursuant to adopted
15 and promulgated administrative rule, order destruction of records
16 deemed to be no longer of value to the Bureau, excluding
17 criminalistic and investigative records which shall forever be kept
18 and maintained;

19 3. To report to the Commission at each regular meeting, or as
20 directed by the Commission, the current workload of the Bureau.
21 Such reports shall be submitted by category of the persons or
22 entities authorized to initiate investigations as provided for in
23 subsection A of Section 150.5 of this title, and any other category
24 the Commission may request which does not violate the

1 confidentiality restrictions imposed in Sections 150.1 through 152.9
2 of this title. Such reports shall contain the following
3 information:

- 4 a. what types of investigations are pending,
- 5 b. what new types of investigations have been opened,
- 6 c. what types of investigations have been closed, and
- 7 d. what criminal charges have been filed as a result of
8 Bureau investigations.

9 The reports shall not contain any information on the individual
10 subjects of the investigation or persons questioned in connection
11 with an investigation. These reports shall be open for public
12 inspection;

13 4. To designate positions, appoint employees and fix salaries
14 of the Bureau, other than the salaries established by subsection A
15 of Section 150.6a of this title, and to authorize the payment of
16 necessary certification expenses for the employees;

17 5. To authorize the purchase and issuance of uniforms for all
18 law enforcement officers, criminalists, and other personnel of the
19 Bureau as designated by the Director and to purchase and issue
20 necessary equipment for all employees of the Bureau. All uniforms
21 and equipment shall be used only in the performance of the official
22 duties of the officers, criminalists or other personnel and shall
23 remain the property of the Bureau except as otherwise provided by
24 law; ~~and~~

1 6. To enter into local cooperative agreements with local law
2 enforcement agencies for the purpose of appointing affiliate task
3 force agents to assist the Bureau in the investigation of major
4 crimes under the jurisdiction of the Bureau. Affiliate task force
5 agents shall be employees and commissioned law enforcement officers
6 of the local law enforcement agency entering into agreement with the
7 Bureau and shall not be employees of the Bureau. Affiliate task
8 force agents shall have general peace officer powers and the
9 authority to arrest persons throughout the state while serving as an
10 affiliate task force agent. Affiliate task force agents serve
11 solely at the discretion and will of the Director. The Director may
12 renew, suspend, or revoke any agreement appointing an affiliate task
13 force agent at any time; and

14 7. To enter into interagency transfers with the Oklahoma
15 Highway Patrol, the Oklahoma Bureau of Narcotics and Dangerous Drugs
16 and the Oklahoma Alcoholic Beverages Laws Enforcement Commission as
17 provided for in Section 1 of this act.

18 SECTION 6. This act shall become effective November 1, 2021.
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20 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated
21 03/24/2021 - DO PASS.
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