

1 **SENATE FLOOR VERSION**

2 March 2, 2022

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 1612

By: David of the Senate

and

Echols of the House

6  
7  
8  
9 [ law enforcement unification - Oklahoma Department  
10 of Public Safety Unification Act of 2022 -  
11 Commissioner of the Oklahoma Department of Public  
12 Safety - Oklahoma Board of Public Safety - Public  
13 Integrity Joint Task Force - Oklahoma Department of  
14 Public Safety Revolving Fund - creation and  
15 maintenance of a Mental Wellness Division -  
16 noncodification - codification - effective date ]

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

18 SECTION 1. NEW LAW A new section of law not to be  
19 codified in the Oklahoma Statutes reads as follows:

20 This act shall be known and may be cited as the "Oklahoma  
21 Department of Public Safety Unification Act of 2022".

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

A. Upon effective date of this act, there is hereby created the  
Oklahoma Department of Public Safety. The Oklahoma Department of

1 Public Safety shall include the following law enforcement  
2 departments and agencies:

- 3 1. The Oklahoma Highway Patrol Division;
- 4 2. The Oklahoma State Bureau of Investigation; and
- 5 3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
6 Control.

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

- 9 1. Administration, to be comprised of the non-law enforcement  
10 division of the current Department of Public Safety;
- 11 2. Training and Recruitment; and
- 12 3. Licensing.

13 C. The Oklahoma Board of Public Safety, established in Section  
14 3 of this act, shall appoint a Commissioner for the Oklahoma  
15 Department of Public Safety. Compensation for the Commissioner  
16 shall be determined by the Board. Qualifications for the  
17 Commissioner shall include:

- 18 1. A bachelor's degree;
- 19 2. A minimum of five (5) years of demonstrated, successful  
20 leadership experience;
- 21 3. Relevant experience in law enforcement, public safety, or  
22 related field; and

23

24

1        4. A person of character, reputation, knowledge, and  
2 understanding of the emerging trends facing front-line public safety  
3 personnel, skills, integrity, ability, and training.

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

7        A. There is hereby created the Oklahoma Board of Public Safety.  
8 The Board shall be comprised of eleven (11) members as follows:

9        1. Two members who shall be lay members, who have a law  
10 enforcement background, appointed by the Governor;

11        2. The Secretary of Public Safety, or designee;

12        3. One member, who shall be a lay member who has a law  
13 enforcement background, appointed by the President Pro Tempore of  
14 the Senate;

15        4. One member, who shall be a lay member who has a law  
16 enforcement background, appointed by the Speaker of the House of  
17 Representatives;

18        5. The Attorney General, or designee;

19        6. One member who shall be a currently elected district  
20 attorney, appointed by the Governor;

21        7. One member, who shall be a sheriff of a county with a  
22 population of twenty-five thousand (25,000) or more, as determined  
23 by the latest Federal Decennial Census, appointed by the Board of  
24 Directors of the Oklahoma Sheriffs' Association;

1        8. One member, who shall be a sheriff of a county with a  
2 population under twenty-five thousand (25,000), as determined by the  
3 latest Federal Decennial Census, appointed by the Board of Directors  
4 of the Oklahoma Sheriffs' Association;

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

10       10. One member, who shall be a chief of police representing a  
11 municipality with a population under one hundred thousand (100,000),  
12 as determined by the latest Federal Decennial Census, appointed by  
13 the Board of Directors of the Oklahoma Association of Chiefs of  
14 Police.

15       B. The Secretary of Public Safety shall serve as chair of the  
16 Board. The Secretary of Public Safety shall call the first meeting  
17 of the Board no later than October 1, 2022. A quorum of members  
18 shall be necessary to conduct any official business.

19       C. Board meetings shall be hosted by the Secretary of Public  
20 Safety.

21       D. The Board shall appoint the Commissioner of the Oklahoma  
22 Department of Public Safety no later than January 1, 2023.

23       E. The Secretary of Public Safety shall preside at all meetings  
24 of the Board and shall have the power to call meetings of the Board.

1 In addition, meetings of the Board may be called by a majority of  
2 the members.

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

6 The Board shall have the following powers and duties:

- 7 1. To appoint or dismiss the Commissioner of the Oklahoma  
8 Department of Public Safety;
- 9 2. To determine the compensation of the Commissioner; and
- 10 3. To hear and investigate any complaint against the  
11 Commissioner.

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

15 A. Effective July 1, 2023, the Commissioner of the Oklahoma  
16 Department of Public Safety shall merge the following agencies into  
17 the Oklahoma Department of Public Safety as divisions of the  
18 Department, each maintaining its unique statutory mission:

- 19 1. The Oklahoma Highway Patrol Division;
- 20 2. The Oklahoma State Bureau of Investigation Division; and
- 21 3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
22 Control Division.

23 B. The Commissioner of the Oklahoma Department of Public Safety  
24 shall be the chief administrator of the Department. The

1 Commissioner shall have the authority to delegate duties and  
2 responsibilities to the respective division chiefs.

3 C. No later than July 1, 2023, the Commissioner of the Oklahoma  
4 Department of Public Safety shall have the authority to affirm the  
5 current Commissioner of the Department of Public Safety, Chief of  
6 the Oklahoma Highway Patrol Division, Director of the Oklahoma State  
7 Bureau of Investigations, and the Director of the Oklahoma State  
8 Bureau of Narcotics and Dangerous Drugs Control as the chief of his  
9 or her respective division and to appoint a chief of a respective  
10 division if the current position is vacant.

11 D. Notwithstanding any other provision of law, the Commissioner  
12 of the Oklahoma Department of Public Safety shall have authority to  
13 budget and expend the operating funds of the agency.

14 E. Notwithstanding any other provision of law, the Commissioner  
15 of the Oklahoma Department of Public Safety shall have the authority  
16 to administer all funds appropriated for the fiscal year ending on  
17 June 30, 2023, for the operation of the Oklahoma State Bureau of  
18 Investigations, Oklahoma State Bureau of Narcotics and Dangerous  
19 Drugs Control, and the Department of Public Safety.

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

23 A. The Commissioner of the Oklahoma Department of Public Safety  
24 shall have the following powers, duties, and responsibilities:

1        1. Formulate and implement a unified law enforcement and public  
2 safety strategy for activities of the Department with annual and  
3 long-term measurable goals and objectives to achieve greater public  
4 safety, which shall be published on the Oklahoma Department of  
5 Public Safety website;

6        2. Appoint or confirm division chiefs of the respective  
7 divisions of the Department who shall serve at the pleasure of the  
8 Commissioner;

9        3. Appoint any other staff that may be necessary and proper for  
10 the administration of the Department who shall serve at the pleasure  
11 of the Commissioner;

12       4. Administer the activities of the Department and all  
13 divisions under control of the Department and act for the Department  
14 in all matters including budgetary matters and expenditures of the  
15 divisions, except as may be otherwise provided in this act;

16       5. Prepare proposed rules and regulations considered necessary  
17 for the operation of the Oklahoma Department of Public Safety;

18       6. Enter into contracts with public agencies, institutions of  
19 higher education, and private organizations or individuals for the  
20 purpose of conducting research, demonstrations, or special projects  
21 which bear directly on the operation of the Department or the  
22 reduction of crime;

23       7. Enter into contracts for education and research activities  
24 without performance bonds;

1        8. Create, modify, merge, or reorganize any of the divisions or  
2 units within the Oklahoma Department of Public Safety as the  
3 Commissioner may deem appropriate, consistent with this act, to  
4 effectively administer a unified law enforcement system in this  
5 state;

6        9. Commission employees as peace officers of the Oklahoma  
7 Department of Public Safety;

8        10. Investigate any complaint against the Department or any of  
9 its employees;

10       11. Be directly responsible for all monies appropriated for and  
11 deposited to the credit of the Department and each division under  
12 its control and approve all claims and payments, or delegate  
13 responsibility as provided for in Section 34.68 of Title 62 of the  
14 Oklahoma Statutes;

15       12. Accept gifts, bequests, devices, contributions, and grants,  
16 public or private including federal funds or funds from any other  
17 source for use in furthering the purpose of the Department;

18       13. Purchase, lease, and maintain motor vehicles and other  
19 equipment and properties for use by employees of the Department;

20       14. Purchase or lease and equip motor vehicles for the use of  
21 the Governor and Lieutenant Governor;

22       15. Authorize the use of a state-owned motor vehicle as  
23 authorized in Section 156.1 of Title 47 of the Oklahoma Statutes;  
24



1        16. Transfer assets within the Oklahoma Department of Public  
2 Safety as may be necessary and proper for the operation of the  
3 Department;

4        17. Maintain records of all proceedings and official orders;  
5 and

6        18. No later than July 1, 2023, all employees of the Oklahoma  
7 Department of Public Safety shall be under the authority of the  
8 Commissioner and shall be exempt from the Office of Management and  
9 Enterprise Services (OMES) governance.

10       B. After appointment and before entering upon the discharge of  
11 duties, the Commissioner shall take and subscribe to the oath of  
12 office required by the Constitution. Bonding of the Commissioner  
13 and other employees of the Department shall be provided under the  
14 provisions of Section 85.58Q of Title 74 of the Oklahoma Statutes.

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

18       A. The Oklahoma Department of Public Safety shall establish and  
19 maintain a Public Integrity Division. The Commissioner of the  
20 Oklahoma Department of Public Safety shall appoint the Chief of the  
21 Public Integrity Division, who shall report directly to the  
22 Commissioner.

23       B. The Public Integrity Division is authorized to and shall be  
24 responsible for investigating any elected or appointed state,

1 county, or political subdivision officer or employee when there is  
2 sufficient basis to suspect bribery, corruption, forgery, or perjury  
3 or any other crime related to his or her duties or related to  
4 campaign contributions or campaign financing for that or any other  
5 office.

6 C. The offices, records, communications, information  
7 technology, equipment, evidence, and any other resources of the  
8 Public Integrity Division shall be located and maintained separately  
9 from that of the other divisions within the Department.

10 D. The investigators assigned to the Public Integrity Division  
11 shall maintain the confidentiality of the investigative activities  
12 of the Division during and after their service in the Division.

13 E. The Department shall fund the budget of the Public Integrity  
14 Division to ensure that the Division has resources to carry out its  
15 primary mission.

16 F. The Department shall take all necessary and appropriate  
17 steps to ensure the confidentiality and integrity of all  
18 investigative activity of the Division. The Department shall timely  
19 and thoroughly investigate apparent or suspected information leaks  
20 to determine the source and take appropriate disciplinary or  
21 corrective action if the source is determined to be an employee or  
22 relation to an employee of the Division.

1 G. Investigators assigned to the Division shall possess  
2 education, training, and experience suited to the nature of public  
3 corruption investigations.

4 H. Upon establishment of the Division and the appointment of a  
5 division chief, he or she shall work with the Federal Bureau of  
6 Investigation and the United States attorneys in Oklahoma to  
7 establish and maintain a Public Integrity Joint Task Force.

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

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

1 made upon warrants issued by the State Treasurer against claims filed  
2 as prescribed by law with the Director of the Office of Management  
3 and Enterprise Services for approval and payment.

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

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

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

1 mental health information about any specific individual. It shall  
2 be the duty of the Director of the Division to establish the  
3 necessary policies and procedures to ensure the privacy and  
4 confidentiality requirements of this section and of all other  
5 applicable health privacy laws. Any breach of the privacy  
6 provisions of this section and of any other applicable health  
7 privacy laws must be timely and thoroughly investigated and the  
8 appropriate disciplinary and corrective actions taken.

9 C. The Mental Wellness Division is authorized to enter into  
10 partnerships with private entities to fulfill its mandate.

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

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

18 There is hereby created in the State Treasury a revolving fund  
19 for the Oklahoma Department of Public Safety on behalf of the Mental  
20 Wellness Division of the Oklahoma Department of Public Safety to be  
21 designated the "Mental Wellness Division Revolving Fund". The fund  
22 shall be a continuing fund, not subject to fiscal year limitations,  
23 and shall consist of those monies appropriated to the fund by law or  
24 deposited in the fund as provided pursuant to the provisions of

1 Section 11 of this act. All monies accruing to the credit of the  
2 fund are hereby appropriated and may be budgeted and expended by the  
3 Mental Wellness Division for the purpose of providing mental  
4 wellness services and programs to public safety personnel.  
5 Expenditures from the fund shall be made upon warrants issued by the  
6 State Treasurer against claims filed as prescribed by law with the  
7 Director of the Office of Management and Enterprise Services for  
8 approval and payment.

9 SECTION 11. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 9110 of Title 74, unless there  
11 is created a duplication in numbering, reads as follows:

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

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

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

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

4 SECTION 12. This act shall become effective in accordance with  
5 the provisions of Section 58 of Article V of the Oklahoma  
6 Constitution.

7 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS  
8 March 2, 2022 - DO PASS AS AMENDED  
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