

1 **SENATE FLOOR VERSION**

2 February 8, 2021

3 **AS AMENDED**

4 SENATE BILL NO. 684

5 By: Weaver

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

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

The Oklahoma State Bureau of Investigation, the Oklahoma Bureau
of Narcotics and Dangerous Drugs, the Oklahoma Highway Patrol and

1 the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission
2 are hereby authorized to enter into interagency transfers among
3 commissioned law enforcement officers. These interagency transfers
4 shall be bilateral agreements between the appointing authorities of
5 each agency. No transfer shall be for a period of two (2) years or
6 less and the temporary assignment period shall not exceed five (5)
7 years in length. Agencies authorized by this act shall have
8 authority to promulgate rules for the interagency transfer process.

9 SECTION 2. AMENDATORY Section 8, Chapter 366, O.S.L.
10 2016 (37A O.S. Supp. 2020, Section 1-108), is amended to read as
11 follows:

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

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

22 2. To appoint and employ, supervise and discharge such
23 employees as may be determined necessary for the proper discharge of
24 the duties of the office of Director, upon duties and salary fixed

1 and determined by the ABLE Commission and subject to all the rules
2 that may be promulgated by the ABLE Commission. The Director and
3 the ABLE Commission, in appointing and employing personnel, shall
4 give preference to honorably discharged members of the Armed Forces
5 of the United States;

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

10 4. To make recommendations to the ABLE Commission concerning
11 the suspension or revocation of any licenses, the levying of fines
12 against licensees for violations of the provisions of the Oklahoma
13 Alcoholic Beverage Control Act or rules of the ABLE Commission or
14 any action that should be filed or commenced against any official
15 bond theretofore approved by the Director or the ABLE Commission;

16 5. To regularly inspect all places of business of licensees,
17 and all other persons, firms or corporations dealing in the
18 manufacture, distribution, transportation, sale or service of
19 alcoholic beverages under the provisions of the Oklahoma Alcoholic
20 Beverage Control Act and report to the ABLE Commission concerning
21 any and all violations with a recommendation to the ABLE Commission
22 for its determination;

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

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

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

16 9. To enter into interagency transfers with the Oklahoma State
17 Bureau of Investigation, the Oklahoma Bureau of Narcotics and
18 Dangerous Drugs and the Oklahoma Highway Patrol as provided for in
19 Section 1 of this act.

20 B. The Director may employ or contract with attorneys, as
21 needed, to advise the Director and the ABLE Commission on all legal
22 matters and shall appear for and represent the Director and the ABLE
23 Commission in all administrative hearings and all litigation or
24 other proceedings which may arise in the discharge of their duties.

1 At the request of the ABLE Commission, such attorneys shall assist
2 district attorneys in prosecuting charges of violators of the
3 Oklahoma Alcoholic Beverage Control Act.

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

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

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

19 C. The Commissioner may adopt an official seal for the use of
20 the Department.

21 D. The Commissioner may adopt an authorized facsimile signature
22 of the Commissioner, and may appoint any employee of the Department
23 to serve as the personal representative of the Commissioner for the
24 purpose of affixing the authorized facsimile signature of the

1 Commissioner to administrative letters, notices, and orders to
2 enforce the provisions of the law. Provided, however, it shall be
3 unlawful and shall constitute the crime of forgery to affix or
4 endorse the facsimile signature of the Commissioner, as herein
5 provided, to any instrument, voucher, check, claim, or draft for the
6 payment of money due and owing to the State of Oklahoma. In lieu of
7 the signature of the Commissioner or the authorized facsimile
8 signature of the Commissioner, the Commissioner may direct and
9 authorize any employee of the Department to affix the signature of
10 the employee to administrative letters, notices, and orders to
11 enforce the provisions of the law.

12 E. The Commissioner have the authority to enter into
13 interagency transfers with the Oklahoma State Bureau of
14 Investigation, the Oklahoma Bureau of Narcotics and Dangerous Drugs
15 and the Oklahoma Alcoholic Beverages Laws Enforcement Commission as
16 provided for in Section 1 of this act.

17 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2-106, as
18 amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2020,
19 Section 2-106), is amended to read as follows:

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

23 1. Cooperate with federal and other state agencies in
24 discharging the responsibilities concerning traffic in narcotics and

1 dangerous substances and in suppressing the abuse of dangerous
2 substances;

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

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

7 4. Cooperate with the Oklahoma State Bureau of Narcotics and
8 Dangerous Drugs Control by establishing a centralized unit which
9 will accept, catalog, file and collect statistics, including records
10 of drug-dependent persons and other dangerous substance law
11 offenders within the state, and make such information available for
12 federal, state and local law enforcement purposes; and may collect
13 and furnish statistics for other appropriate purposes; and

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

17 B. Results, information and evidence received from the Oklahoma
18 State Bureau of Narcotics and Dangerous Drugs Control relating to
19 the regulatory functions of ~~this act~~, Section 2-101 et seq. of this
20 title including results of inspections conducted by that agency, may
21 be relied upon and acted upon by the Director in conformance with
22 the regulatory functions under ~~this act~~ Section 2-101 et seq. of
23 this title.

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

- 1 1. Coordinate and cooperate in educational programs designed to
2 prevent and deter misuse and abuse of controlled dangerous
3 substances;
- 4 2. Promote better recognition of the problems of misuse and
5 abuse of controlled dangerous substances within the regulated
6 industry and among interested groups and organizations;
- 7 3. Assist the regulated industry, interested groups and
8 organizations in contributing to the reduction of misuse and abuse
9 of controlled dangerous substances;
- 10 4. Consult with interested groups and organizations to aid them
11 in solving administrative and organizational problems;
- 12 5. Assist in evaluating procedures, projects, techniques and
13 controls conducted or proposed as part of educational programs on
14 misuse and abuse of controlled dangerous substances;
- 15 6. Disseminate the results of research on misuse and abuse of
16 controlled dangerous substances to promote a better public
17 understanding of what problems exist and what can be done to combat
18 them;
- 19 7. Assist in the education and training of state and local law
20 enforcement officials in their efforts to control misuse and abuse
21 of controlled dangerous substances;
- 22 8. Conduct an annual seminar to be attended by selected law
23 enforcement officers in order to teach new techniques and advances
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1 in the investigation of violations of the Uniform Controlled
2 Dangerous Substances Act; and

3 9. Supervise and direct agents appointed in the performance of
4 their function of enforcement of the provisions of ~~this act~~ Section
5 2-101 et seq. of this title.

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

7 1. Encourage research on misuse and abuse of controlled
8 dangerous substances;

9 2. Cooperate in establishing methods to assess accurately the
10 effects of controlled dangerous substances and to identify and
11 characterize controlled dangerous substances with potential for
12 abuse; and

13 3. Cooperate in making studies and in undertaking programs of
14 research to:

15 a. develop new or improved approaches, techniques,
16 systems, equipment and devices to strengthen the
17 enforcement of ~~this act~~ Section 2-101 et seq. of this
18 title,

19 b. determine patterns of misuse and abuse of controlled
20 dangerous substances and the social effects thereof,
21 and

22 c. improve methods for preventing, predicting,
23 understanding and dealing with the misuse and abuse of
24 controlled dangerous substances.

1 E. The Director shall prepare a yearly report on all deaths and
2 nonfatal overdoses which were the result or probable result of abuse
3 of a controlled dangerous substance. The yearly report shall be
4 limited to statistical information including, but not limited to,
5 the county where the death or nonfatal overdose occurred, age, race,
6 gender, type of controlled dangerous substances involved in the
7 death or nonfatal overdose, and the method in which the controlled
8 dangerous substance was obtained by the person, when available.

9 F. The Director may enter into contracts with public agencies,
10 institutions of higher education and private organizations or
11 individuals for the purpose of conducting research, demonstrations
12 or special projects which bear directly on misuse and abuse of
13 controlled dangerous substances.

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

16 H. The Director may authorize persons engaged in research or
17 scientific activities on the use and effects of dangerous substances
18 to withhold the names and other identifying characteristics of
19 persons who are the subjects of such research. Persons who obtain
20 this authorization may not be compelled in any state civil,
21 criminal, administrative, legislative or other proceeding to
22 identify the subjects of research for which such authorization was
23 obtained.

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1 I. The Director may authorize the lawful possession,
2 distribution and use of controlled dangerous substances by persons
3 engaged in research or scientific activities; authorization for
4 possession of controlled dangerous substances may be extended to
5 persons engaged in a program of drug education or persons in the
6 performance of an official duty. Persons who obtain this
7 authorization shall be exempt from state prosecution for possession,
8 distribution or use of dangerous substances to the extent authorized
9 by the Director.

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

14 K. The Director is authorized to purchase or sell real
15 property, together with appurtenances, in the name of the Oklahoma
16 State Bureau of Narcotics and Dangerous Drugs Control upon approval
17 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
18 Control Commission.

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

21 M. The Director shall be in charge of all monies appropriated
22 for or deposited to the credit of the office of the Director and is
23 authorized to approve claims and payrolls as provided in Section
24 41.26 of Title 62 of the Oklahoma Statutes.

1 N. The Director shall have the authority of a peace officer and
2 is authorized to commission assistants of the office as peace
3 officers.

4 O. The Director shall have the authority to enter into
5 interagency transfers with the Oklahoma State Bureau of
6 Investigation, the Oklahoma Highway Patrol and the Oklahoma
7 Alcoholic Beverages Laws Enforcement Commission as provided for in
8 Section 1 of this act.

9 P. Upon determining that a practitioner is prescribing a
10 controlled dangerous substance to a person engaged in fraudulent or
11 deceptive efforts to fill or refill multiple prescriptions for
12 controlled dangerous substances, the Director shall provide written
13 or electronic notification alerting the practitioner to the
14 possibility that the person may be unlawfully obtaining prescription
15 drugs in violation of the Uniform Controlled Dangerous Substances
16 Act.

17 SECTION 5. AMENDATORY 74 O.S. 2011, Section 150.7, as
18 last amended by Section 2, Chapter 64, O.S.L. 2019 (74 O.S. Supp.
19 2020, Section 150.7), is amended to read as follows:

20 Section 150.7. The Director of the Oklahoma State Bureau of
21 Investigation shall have the following powers, duties and
22 responsibilities:

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

1 2. To supervise the maintaining of all reports and records of
2 the Bureau and to promulgate administrative rules concerning the
3 destruction and retention of such records. Such records shall not
4 be transferred to the custody or control of the Archives and Records
5 Commission or be subject to the provisions of Section 590 of Title
6 21 of the Oklahoma Statutes. The Director may, pursuant to adopted
7 and promulgated administrative rule, order destruction of records
8 deemed to be no longer of value to the Bureau, excluding
9 criminalistic and investigative records which shall forever be kept
10 and maintained;

11 3. To report to the Commission at each regular meeting, or as
12 directed by the Commission, the current workload of the Bureau.
13 Such reports shall be submitted by category of the persons or
14 entities authorized to initiate investigations as provided for in
15 subsection A of Section 150.5 of this title, and any other category
16 the Commission may request which does not violate the
17 confidentiality restrictions imposed in Sections 150.1 through 152.9
18 of this title. Such reports shall contain the following
19 information:

- 20 a. what types of investigations are pending,
- 21 b. what new types of investigations have been opened,
- 22 c. what types of investigations have been closed, and
- 23 d. what criminal charges have been filed as a result of
24 Bureau investigations.

1 The reports shall not contain any information on the individual
2 subjects of the investigation or persons questioned in connection
3 with an investigation. These reports shall be open for public
4 inspection;

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

9 5. To authorize the purchase and issuance of uniforms for all
10 law enforcement officers, criminalists, and other personnel of the
11 Bureau as designated by the Director and to purchase and issue
12 necessary equipment for all employees of the Bureau. All uniforms
13 and equipment shall be used only in the performance of the official
14 duties of the officers, criminalists or other personnel and shall
15 remain the property of the Bureau except as otherwise provided by
16 law; ~~and~~

17 6. To enter into local cooperative agreements with local law
18 enforcement agencies for the purpose of appointing affiliate task
19 force agents to assist the Bureau in the investigation of major
20 crimes under the jurisdiction of the Bureau. Affiliate task force
21 agents shall be employees and commissioned law enforcement officers
22 of the local law enforcement agency entering into agreement with the
23 Bureau and shall not be employees of the Bureau. Affiliate task
24 force agents shall have general peace officer powers and the

1 authority to arrest persons throughout the state while serving as an
2 affiliate task force agent. Affiliate task force agents serve
3 solely at the discretion and will of the Director. The Director may
4 renew, suspend, or revoke any agreement appointing an affiliate task
5 force agent at any time; and

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

10 SECTION 6. This act shall become effective November 1, 2021.

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
12 February 8, 2021 - DO PASS AS AMENDED
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