

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1558

By: Bullard

AS INTRODUCED

An Act relating to law enforcement; creating the Merline Act; amending 70 O.S. 2021, Section 3311.4, which relates to continuing law enforcement training; requiring the Council on Law Enforcement Education and Training establish certain training resources; requiring the establishment of policies, protocols, and continuing education for certain training; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Merline Act".

SECTION 2. AMENDATORY 70 O.S. 2021, Section 3311.4, is amended to read as follows:

Section 3311.4. A. Beginning January 1, 2008, and annually thereafter, every active full-time peace officer, certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to Section 3311 of this title, shall attend and complete a minimum of twenty-five (25) hours of continuing law enforcement training

1 accredited or provided by CLEET which shall include a mandatory two
2 (2) hours on mental health issues. Effective November 1, 2019,
3 CLEET shall establish appropriate training resources which shall
4 include the policies and protocols for responding to sexual assault
5 calls, guidelines for the collection and maintenance of sexual
6 assault kits and continuing education on trauma-informed sexual
7 assault response and intervention, and shall require all CLEET-
8 certified law enforcement officers to complete such training on a
9 regular basis to be determined by CLEET. Effective November 1,
10 2022, CLEET shall establish appropriate training resources which
11 shall include policies, protocols, and continuing education for
12 responding to domestic violence calls, that shall include, but not
13 be limited to, informing victims of domestic violence of the
14 services provided by the Victims Services Unit of the Office of the
15 Attorney General. CLEET shall promulgate rules to enforce the
16 provisions of this section and shall enter into contracts and
17 agreements for the payment of classroom space, training, food, and
18 lodging expenses as may be necessary for law enforcement officers
19 attending such training in accordance with subsection B of Section
20 3311 of this title. Such training and seminars shall be conducted
21 in all areas of this state at technology center schools,
22 institutions of higher education, or other approved sites.

23 B. Beginning January 1, 2017, and annually thereafter, every
24 active reserve peace officer, certified by CLEET pursuant to Section

1 3311 of this title, shall attend and complete a minimum of eight (8)
2 hours of continuing law enforcement training accredited or provided
3 by CLEET which shall include a mandatory one (1) hour on mental
4 health issues.

5 C. Every inactive full-time or reserve peace officer, certified
6 by CLEET, shall be exempt from these requirements during the
7 inactive status. Upon reentry to full-time active status, the peace
8 officer shall be required to comply with subsection A of this
9 section. If a full-time certified peace officer has been inactive
10 for five (5) or more years, the officer must complete refresher
11 training as prescribed by CLEET and which shall include a minimum of
12 four (4) hours of mental health education and training, within one
13 (1) year of employment. Upon reentry to active reserve status, the
14 peace officer shall be required to comply with subsection B of this
15 section. If a certified reserve officer has been inactive for five
16 (5) or more years, the certified reserve officer shall complete a
17 legal update as prescribed by CLEET. The Director of CLEET may
18 waive these requirements based on review of all records of
19 employment and training.

20 D. Every tribal officer who is commissioned by an Oklahoma law
21 enforcement agency pursuant to a cross-deputization agreement with
22 the State of Oklahoma or any political subdivision of the State of
23 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
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1 the Oklahoma Statutes shall comply with the provisions of this
2 section.

3 E. Any active full-time or reserve certified peace officer, or
4 CLEET-certified cross-deputized tribal officer who fails to meet the
5 annual training requirements specified in this section, shall be
6 subject to having the certification of the peace officer suspended,
7 after the peace officer and the employer have been given written
8 notice of noncompliance and a reasonable time, as defined by the
9 Council, to comply with the provisions of this section. A peace
10 officer shall not be employed in the capacity of a peace officer
11 during any period of suspension. The suspension period shall be for
12 a period of time until the officer files a statement attesting to
13 full compliance with the provisions of this section. Suspension of
14 peace officer certification shall be reported to the district
15 attorney for the jurisdiction in which the officer is employed, the
16 liability insurance company of the law enforcement agency that
17 employed the peace officer, the chief elected official of the
18 governing body of the law enforcement agency and the chief law
19 enforcement officer of the law enforcement agency. Any officer
20 whose certification is suspended pursuant to this section may
21 request a hearing with CLEET. Such hearings shall be governed by
22 the Administrative Procedures Act except that the affected officer
23 has the burden to show CLEET why CLEET should not have the
24 certification of the officer suspended.

1 F. All certified, active full-time or reserve peace officers
2 employed, commissioned or appointed for a period of ninety (90) days
3 in a calendar year, who become inactive prior to the end of a
4 calendar year, are responsible for meeting mandatory continuing
5 education requirements as set forth in this section upon return to
6 active full-time or reserve peace officer status within sixty (60)
7 days of the date of return to employment, commission or appointment.
8 Failure to complete the mandatory continuing education within sixty
9 (60) days may result in disciplinary action as set forth in CLEET
10 Rules at OAC 390:2. Full-time or reserve certified peace officers
11 who return to active status within the calendar year they become
12 inactive must complete the annual mandatory continuing education
13 requirements outlined in this section within the remaining portion
14 of the calendar year.

15 G. Peace officers with full-time certification who worked
16 during a calendar year only as a reserve officer are required to
17 complete only the training requirements for reserve certification.
18 For purposes of the requirements outlined in subsection F of this
19 section, full-time peace officers who worked both in the capacity of
20 a full-time peace officer and reserve officer in a calendar year
21 must complete full-time continuing education requirements.

22 SECTION 3. This act shall become effective November 1, 2022.
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