

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1612

By: David

AS INTRODUCED

An Act relating to law enforcement unification; creating the Oklahoma Department of Public Safety Unification Act of 2022; creating the Oklahoma Department of Public Safety; stating the divisions of the Department; providing for appointment of a Commissioner of the Oklahoma Department of Public Safety; stating qualifications of the Commissioner; creating the Oklahoma Board of Public Safety; providing for membership; providing for quorum; providing powers and duties of the Board; directing consolidation of agencies; directing affirmation of certain agency positions; providing for authority of the Commissioner; stating powers, duties, and responsibilities of the Commissioner; directing the creation and maintenance of a Public Integrity Division; providing for responsibilities of the Public Integrity Division; requiring certain budget funding; providing for qualifications of investigators; directing establishment of a Public Integrity Joint Task Force; providing for the Oklahoma Department of Public Safety Revolving Fund; providing for the creation and maintenance of a Mental Wellness Division; directing establishment of policies and procedures; allowing certain partnerships; providing for the Mental Wellness Division Revolving Fund; authorizing establishment of certain foundation; providing for noncodification; 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 not to be codified in the Oklahoma Statutes reads as follows:

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9101 of Title 74, unless there 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 Public Safety shall include the following law enforcement departments and agencies:

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

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

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

C. The Oklahoma Board of Public Safety, established in Section 2 of this act, shall appoint a Commissioner for the Oklahoma Department of Safety. Compensation for the Commissioner shall be

1 determined by the Board. Qualifications for the Commissioner shall
2 include:

- 3 1. Bachelor's degree;
- 4 2. A minimum of five (5) years of demonstrated, successful
5 leadership experience;
- 6 3. Relevant experience in law enforcement, public safety, or
7 related field; and
- 8 4. Person of character, reputation, knowledge, and
9 understanding of the emerging trends facing front-line public safety
10 personnel, skills, integrity, ability and training.

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

14 A. There is hereby created the Oklahoma Board of Public Safety.
15 The Board shall be comprised of five (5) members as follows:

- 16 1. The Governor, or designee;
- 17 2. The Secretary of Public Safety, or designee;
- 18 3. The President Pro Tempore of the Senate, or designee;
- 19 4. The Speaker of the House of Representatives, or designee;
- 20 and

- 21 5. The Lieutenant Governor, or designee.

22 B. The Governor shall serve as Chair of the Board. The
23 Governor shall call the first meeting of the Board no later than
24 October 1, 2022. The Secretary of Public Safety shall serve as vice

1 chair of the Board. A quorum of members shall be necessary to
2 conduct any official business.

3 C. Board meetings shall be hosted by the Governor.

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

6 E. The Governor shall preside at all meetings of the Board and
7 shall have the power to call meetings of the Board. In addition,
8 meetings of the Board may be called by a majority of the members.

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

12 The Board shall have the following powers and duties:

13 1. To appoint or dismiss the Commissioner of the Oklahoma
14 Department of Public Safety;

15 2. Determine the compensation of the Commissioner; and

16 3. To hear and investigate any complaint against the
17 Commissioner.

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

21 A. Effective July 1, 2023, the Commissioner of the Oklahoma
22 Department of Public Safety shall merge the following agencies into
23 the Oklahoma Department of Public Safety as divisions of the
24 Department, each maintaining its unique statutory mission:

1 1. The Oklahoma Highway Patrol Division;

2 2. The Oklahoma State Bureau of Investigation Division; and

3 3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
4 Control Division.

5 B. The Commissioner of the Oklahoma Department of Public Safety
6 shall be the chief administrator of the Department. The
7 Commissioner shall have the authority to delegate duties and
8 responsibilities to the respective division chiefs.

9 C. No later than July 1, 2023, the Commissioner of the Oklahoma
10 Department of Public Safety shall have the authority to affirm the
11 current Commissioner of the Department of Public Safety, Chief of
12 the Oklahoma Highway Patrol Division, Director of the Oklahoma State
13 Bureau of Investigations, and the Director of the Oklahoma State
14 Bureau of Narcotics and Dangerous Drugs Control as the Chief of his
15 or her respective division and to appoint a Chief of a respective
16 division if the current position is vacant.

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

20 E. Notwithstanding any other provision of law, the Commissioner
21 of the Oklahoma Department of Public Safety shall have the authority
22 to administer all funds appropriated for the fiscal year ending on
23 June 30, 2023, for the operation of the Oklahoma State Bureau of
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1 Investigations, Oklahoma State Bureau of Narcotics and Dangerous
2 Drugs Control, and the Department of Public Safety.

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

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

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

13 2. Appoint or confirm division chiefs of the respective
14 divisions of the Department who shall serve at the pleasure of the
15 Commissioner;

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

19 4. Administer the activities of the Department and all
20 divisions under control of the Department and act for the Department
21 in all matter including budgetary matters and expenditures of the
22 divisions, except as may be otherwise provided in this act;

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

1 6. Enter into contracts with public agencies, institutions of
2 higher education, and private organizations or individuals for the
3 purpose of conducting research, demonstrations, or special projects
4 which bear directly on the operation of the Department or the
5 reduction of crime;

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

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

13 9. Commission employees as peace officers of the Oklahoma
14 Department of Public Safety;

15 10. Investigate any complaint against the Department or any of
16 its employees;

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

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

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

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

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

7 16. Transfer assets within the Oklahoma Department of Public
8 Safety as may be necessary and proper for the operation of the
9 Department;

10 17. Maintain records of all proceedings and official orders;
11 and

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

16 B. After appointment and before entering upon the discharge of
17 duties, the Commissioner shall take and subscribe to the oath of
18 office required by the Constitution. Bonding of the Commissioner
19 and other employees of the Department shall be provided under the
20 provisions of Section 85.58Q of Title 74 of the Oklahoma Statutes.

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

1 A. The Oklahoma Department of Public Safety shall establish and
2 maintain a Public Integrity Division. The Commissioner of the
3 Department of Public Safety shall appoint the Chief of the Public
4 Integrity Division, who shall report directly to the Commissioner.

5 B. The Public Integrity Division is authorized to and shall be
6 responsible for investigating any elected or appointed state,
7 county, or political subdivision officer or employee when there is
8 sufficient basis to suspect bribery, corruption, forgery, or perjury
9 or any other crime related to his or her duties or related to
10 campaign contributions or campaign financing for that or any other
11 office.

12 C. The offices, records, communications, information
13 technology, equipment, evidence, and any other resources of the
14 Public Integrity Division shall be located and maintained separately
15 from that of the other divisions within the Department.

16 D. The investigators assigned to the Public Integrity Division
17 shall maintain the confidentiality of the investigative activities
18 of the Division during and after their service in the Division.

19 E. The Department shall fund the budget of the Public Integrity
20 Division to ensure that the Division has resources to carry out its
21 primary mission.

22 F. The Department shall take all necessary and appropriate
23 steps to ensure the confidentiality and integrity of all
24 investigative activity of the Division. The Department shall timely

1 and thoroughly investigate apparent or suspected information leaks
2 to determine the source and take appropriate disciplinary or
3 corrective action if the source is determined to be an employee or
4 relation to an employee of the Division.

5 G. Investigators assigned to the Division shall possess
6 education, training, and experience suited to the nature of public
7 corruption investigations.

8 H. Upon establishment of the Division and the appointment of a
9 division Chief, he or she shall work with the Federal Bureau of
10 Investigation and the United States attorneys in Oklahoma to
11 establish and maintain a Public Integrity Joint Task Force.

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

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

1 All monies, and other money as provided by law, accruing to the
2 credit of the fund are hereby appropriated and may be budgeted and
3 expended by the Oklahoma Department of Public Safety for general
4 operations of the Department. Expenditures from the fund shall be
5 made upon warrants issued by the State Treasurer against claims filed
6 as prescribed by law with the Director of the Office of Management
7 and Enterprise Services for approval and payment.

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

11 A. The Oklahoma Department of Public Safety shall establish and
12 maintain a Mental Wellness Division to provide mental wellness
13 services and programs to public safety personnel to promote good
14 mental wellness. The Commissioner shall appoint the Chief of the
15 Mental Wellness Division.

16 B. The Chief of the Mental Wellness shall report to the
17 Commissioner. All current and former employees of the Mental
18 Wellness Division shall maintain the privacy of all public safety
19 personnel served by the Division or who participate in its programs.
20 No privileged personal health information shall ever be shared with
21 the Commissioner or made public without the consent of that person.
22 However, aggregate mental health information may be shared with the
23 Commissioner. Aggregate mental health information may be public by
24 the Commissioner if, in the judgment of the Commissioner, doing so

1 could improve public safety mental wellness policies for public
2 safety personnel and is made public for this sole purpose.
3 Provided, no aggregate mental health information may be shared or
4 made public if doing so could reveal otherwise privileged personal
5 mental health information about any specific individual. It shall
6 be the duty of the Chief of the Division to establish the necessary
7 policies and procedures to ensure the privacy and confidentiality
8 requirements of this section and of all other applicable health
9 privacy laws. Any breach of the privacy provisions of this section
10 and of any other applicable health privacy laws must be timely and
11 thoroughly investigated and the appropriate disciplinary and
12 corrective actions taken.

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

15 D. The offices, records, communications, information
16 technology, equipment, and any other resources of the Mental
17 Wellness Division shall be located and maintained separately from
18 that of the other divisions within the Department.

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

22 There is hereby created in the State Treasury a revolving fund
23 for the Oklahoma Department of Public Safety on behalf of the Mental
24 Wellness Division of the Oklahoma Department of Public Safety to be
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1 designated the "Mental Wellness Division Revolving Fund". The fund
2 shall be a continuing fund, not subject to fiscal year limitations,
3 and shall consist of those monies appropriated to the fund by law or
4 deposited in the fund as provided pursuant to the provisions of
5 Section 11 of this act. All monies accruing to the credit of the
6 fund are hereby appropriated and may be budgeted and expended by the
7 Mental Wellness Division for the purpose of providing mental
8 wellness services and programs to public safety personnel.
9 Expenditures from the fund shall be made upon warrants issued by the
10 State Treasurer against claims filed as prescribed by law with the
11 Director of the Office of Management and Enterprise Services for
12 approval and payment.

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

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

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

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

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

9 SECTION 12. This act shall become effective in accordance with
10 the provisions of Section 58 of Article V of the Oklahoma
11 Constitution.

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