

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3804

By: Roberts (Sean)

4  
5  
6 AS INTRODUCED

7 An Act relating to the Council on Law Enforcement  
8 Education and Training; amending 70 O.S. 2021,  
9 Section 3311, which relates to the Council on Law  
10 Enforcement Education and Training; authorizing  
11 online training course; and providing an effective  
12 date.

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

13 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3311, is  
14 amended to read as follows:

15 Section 3311. A. There is hereby created a Council on Law  
16 Enforcement Education and Training which shall be, and is hereby  
17 declared to be, a governmental law enforcement agency of the State  
18 of Oklahoma, body politic and corporate, with powers of government  
19 and with the authority to exercise the rights, privileges and  
20 functions necessary to ensure the professional training and  
21 continuing education of law enforcement officers in the State of  
22 Oklahoma. These rights, privileges and functions include, but are  
23 not limited to, those specified in Sections 3311 through 3311.15 of  
24 this title and in the Oklahoma Security Guard and Private

1 Investigator Act and the Oklahoma Bail Enforcement and Licensing  
2 Act. The Council shall be authorized to require agency employees  
3 and the employees of agency contractors in positions to have access  
4 to Oklahoma Peace Officer records, Oklahoma Security Guard and  
5 Private Investigator records, Oklahoma Bail Enforcement and  
6 Licensing Act records, to be subject to a criminal history search by  
7 the Oklahoma State Bureau of Investigation, as well as be  
8 fingerprinted for submission of the fingerprints through the  
9 Oklahoma State Bureau of Investigation to the Federal Bureau of  
10 Investigation for a national criminal history check. The Council  
11 shall be the recipient of the results of the record check. In  
12 accordance with Section 150.9 of Title 74 of the Oklahoma Statutes,  
13 this includes a national criminal record with a finger print  
14 analysis. The Council shall be composed of thirteen (13) members as  
15 follows:

16 1. The Commissioner of the Department of Public Safety, or  
17 designee;

18 2. The Director of the Oklahoma State Bureau of Narcotics and  
19 Dangerous Drugs Control, or designee;

20 3. The Director of the Oklahoma State Bureau of Investigation,  
21 or designee;

22 4. One member appointed by the Governor who shall be a law  
23 enforcement administrator representing a tribal law enforcement  
24 agency;

1           5. One member appointed by the Governor who shall be a chief of  
2 police of a municipality with a population over one hundred thousand  
3 (100,000), as determined by the latest Federal Decennial Census;

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

8           7. One member appointed by the Oklahoma Association of Police  
9 Chiefs who shall be a chief of police representing a municipality  
10 with a population over ten thousand (10,000), as determined by the  
11 latest Federal Decennial Census;

12           8. One member shall be appointed by the Board of Directors of  
13 the Oklahoma Sheriffs' Association who shall be a sheriff of a  
14 county with a population of twenty-five thousand (25,000) or more,  
15 as determined by the latest Federal Decennial Census;

16           9. One member appointed by the Board of Directors of the  
17 Fraternal Order of Police who shall have experience as a training  
18 officer;

19           10. One member appointed by the Chancellor of Higher Education  
20 who shall be a representative of East Central University;

21           11. One member appointed by the Board of Directors of the  
22 Oklahoma Sheriffs and Peace Officers Association who shall be a  
23 full-time law enforcement officer in good standing with CLEET within  
24 a county with a population under fifty thousand (50,000);

1           12. The President Pro Tempore of the Senate shall appoint one  
2 member from a list of three or more nominees submitted by a  
3 statewide organization representing cities and towns that is exempt  
4 from taxation under federal law and designated pursuant to the  
5 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);  
6 and

7           13. The Speaker of the House of Representatives shall appoint  
8 one member from a list of three or more nominees submitted by an  
9 organization that assists in the establishment of accreditation  
10 standards and training programs for law enforcement agencies  
11 throughout the State of Oklahoma.

12           The Executive Director selected by the Council shall be an ex  
13 officio member of the Council and shall act as Secretary. The  
14 Council on Law Enforcement Education and Training shall select a  
15 chair and vice-chair from among its members. Members of the Council  
16 on Law Enforcement Education and Training shall not receive a salary  
17 for duties performed as members of the Council, but shall be  
18 reimbursed for their actual and necessary expenses incurred in the  
19 performance of Council duties pursuant to the provisions of the  
20 State Travel Reimbursement Act.

21           B. The Council on Law Enforcement Education and Training is  
22 hereby authorized and directed to:

23           1. Appoint a larger Advisory Council to discuss problems and  
24 hear recommendations concerning necessary research, minimum

1 standards, educational needs, and other matters imperative to  
2 upgrading Oklahoma law enforcement to professional status;

3 2. Promulgate rules with respect to such matters as  
4 certification, revocation, suspension, withdrawal and reinstatement  
5 of certification, minimum courses of study, testing and test scores,  
6 attendance requirements, equipment and facilities, minimum  
7 qualifications for instructors, minimum standards for basic and  
8 advanced in-service courses, and seminars for Oklahoma police and  
9 peace officers;

10 3. Authorize research, basic and advanced courses, and seminars  
11 to assist in program planning directly and through subcommittees;

12 4. Authorize additional staff and services necessary for  
13 program expansion;

14 5. Recommend legislation necessary to upgrade Oklahoma law  
15 enforcement to professional status;

16 6. Establish policies and regulations concerning the number,  
17 geographic and police unit distribution, and admission requirements  
18 of those receiving tuition or scholarship aid available through the  
19 Council. Such waiver of costs shall be limited to duly appointed  
20 members of legally constituted local, county, and state law  
21 enforcement agencies on the basis of educational and financial need;

22 7. Appoint an Executive Director and an Assistant Director to  
23 direct the staff, inform the Council of compliance with the  
24 provisions of this section and perform such other duties imposed on

1 the Council by law. An Executive Director appointed by the Council  
2 must qualify for the position with a bachelor or higher degree in  
3 law enforcement from an accredited college or university, or a  
4 bachelor or higher degree in a law-enforcement-related subject area,  
5 and a minimum of five (5) years of active law enforcement experience  
6 including, but not limited to, responsibility for enforcement,  
7 investigation, administration, training, or curriculum  
8 implementation.

9 The Executive Director of the Council on Law Enforcement  
10 Education and Training may commission CLEET staff as peace officers  
11 for purposes consistent with the duties of CLEET as set out in state  
12 law. The powers and duties conferred on the Executive Director or  
13 any staff member appointed by the Executive Director as a peace  
14 officer shall not limit the powers and duties of other peace  
15 officers of this state or any political subdivision thereof. The  
16 Executive Director or any staff member appointed by the Executive  
17 Director as a peace officer may, upon request, assist any federal,  
18 state, county or municipal law enforcement agency;

19 8. Enter into contracts and agreements for the payment of  
20 classroom space, food, and lodging expenses as may be necessary for  
21 law enforcement officers attending any official course of  
22 instruction approved or conducted by the Council. Such expenses may  
23 be paid directly to the contracting agency or business  
24 establishment. The food and lodging expenses for each law

1 enforcement officer shall not exceed the authorized rates as  
2 provided for in the State Travel Reimbursement Act; provided,  
3 however, the Council may provide food and lodging to law enforcement  
4 officials attending any official course of instruction approved or  
5 conducted by the Council rather than paying for the provision of  
6 such food and lodging by an outside contracting agency or business  
7 establishment;

8 9. a. Certify canine teams, consisting of a dog and a  
9 handler working together as a team, trained to detect:

- 10 (1) controlled dangerous substances, or  
11 (2) explosives, explosive materials, explosive  
12 devices, or materials which could be used to  
13 construct an explosive device;

14 provided, the dog of a certified canine team shall not  
15 be certified at any time as both a drug dog and a bomb  
16 dog, and any dog of a certified canine team who has  
17 been previously certified as either a drug dog or a  
18 bomb dog shall not be eligible at any time to be  
19 certified in the other category.

20 b. Upon retiring the dog from the service it was  
21 certified to perform, the law enforcement department  
22 that handled the dog shall retain possession of the  
23 dog. The handler shall have first option of adopting  
24 the dog. If that option is not exercised, the law

1 enforcement department shall provide for its adoption.

2 Once adopted the dog shall not be placed back into

3 active service;

4 10. Enter into a lease, loan or other agreement with the  
5 Oklahoma Development Finance Authority or a local public trust for  
6 the purpose of facilitating the financing of a new facility for its  
7 operations and use and pledge, to the extent authorized by law, all  
8 or a portion of its receipts of the assessment penalty herein  
9 referenced for the payment of its obligations under such lease, loan  
10 or other agreement. It is the intent of the Legislature to increase  
11 the assessment penalty to such a level or appropriate sufficient  
12 monies to the Council on Law Enforcement Education and Training to  
13 make payments on the lease, loan or other agreement for the purpose  
14 of retiring the bonds to be issued by the Oklahoma Development  
15 Finance Authority or local public trust. Such lease, loan or other  
16 agreement and the bonds issued to finance such facilities shall not  
17 constitute an indebtedness of the State of Oklahoma or be backed by  
18 the full faith and credit of the State of Oklahoma, and the lease,  
19 loan or other agreement and the bonds shall contain a statement to  
20 such effect;

21 11. Accept gifts, bequests, devises, contributions and grants,  
22 public or private, of real or personal property;

23 12. Appoint an advisory committee composed of representatives  
24 from security guard and private investigative agencies to advise the

1 Council concerning necessary research, minimum standards for  
2 licensure, education, and other matters related to licensure of  
3 security guards, security guard agencies, private investigators, and  
4 private investigative agencies;

5 13. Enter into agreements with individuals, educational  
6 institutions, agencies, and business and tribal entities for  
7 professional services, the use of facilities and supplies, and staff  
8 overtime costs incurred as a result of the user's requests to  
9 schedule functions after-hours, on weekends, or anytime such  
10 requests extend staff beyond its normal capacity, whereby  
11 contracting individuals, educational institutions, agencies, and  
12 business and tribal entities shall pay a fee to be determined by the  
13 Council by rule. All fees collected pursuant to facilities usage  
14 shall be deposited to the credit of the C.L.E.E.T. Training Center  
15 Revolving Fund created pursuant to Section 3311.6 of this title.  
16 All other fees collected pursuant to these agreements shall be  
17 deposited to the credit of the Peace Officer Revolving Fund created  
18 pursuant to Section 3311.7 of this title. The Council is authorized  
19 to promulgate emergency rules to effectuate the provisions of this  
20 paragraph;

21 14. Promulgate rules to establish a state firearms  
22 requalification standard for active peace officers and meet any  
23 requirements imposed on the Council by the federal Law Enforcement  
24 Officers Safety Act of 2004;

1 15. Set minimal criteria relating to qualifications for chief  
2 of police administrative training pursuant to Section 34-102 of  
3 Title 11 of the Oklahoma Statutes, assist in developing a course of  
4 training for a Police Chief Administrative School, and approve all  
5 police chief administrative training offered in this state;

6 16. Appoint a Curriculum Review Board to be composed of six (6)  
7 members as follows:

- 8 a. one member shall be selected by the Chancellor for  
9 Higher Education, who possesses a background of  
10 creation and review of curriculum and experience  
11 teaching criminal justice or law enforcement courses,  
12 who shall serve an initial term of one (1) year,
- 13 b. one member shall represent a municipal jurisdiction  
14 with a population of fifty thousand (50,000) or more  
15 and who shall be a management-level CLEET-certified  
16 training officer, who shall serve an initial term of  
17 two (2) years,
- 18 c. one member shall represent a county jurisdiction with  
19 a population of fifty thousand (50,000) or more and  
20 who shall be a management-level CLEET-certified  
21 training officer, who shall serve an initial term of  
22 three (3) years,
- 23 d. one member shall represent a municipal jurisdiction  
24 with a population of less than fifty thousand (50,000)

- 1           and who shall be a CLEET-certified training officer,  
2           who shall serve an initial term of two (2) years,  
3       e.     one member shall represent a county jurisdiction with  
4           a population of less than fifty thousand (50,000) and  
5           who shall be a CLEET-certified training officer, who  
6           shall serve an initial term of one (1) year, and  
7       f.     one member selected by the Oklahoma Department of  
8           Career and Technology, who shall have experience in  
9           the creation and review of curriculum as well as  
10          experience in teaching criminal justice or law  
11          enforcement courses, who shall serve an initial term  
12          of three (3) years.

13       After the initial terms of office, all members shall be  
14       appointed to serve three-year terms. Any member may be reappointed  
15       to serve consecutive terms. Members shall serve without  
16       compensation, but may be reimbursed for travel expenses pursuant to  
17       the State Travel Reimbursement Act. The Board shall review and  
18       establish curriculum for all CLEET academies and training courses  
19       pursuant to procedures established by the Council on Law Enforcement  
20       Education and Training;

21       17. Conduct review and verification of any records relating to  
22       the statutory duties of CLEET;

23       18. Receive requested reports including investigative reports,  
24       court documents, statements, or other applicable information from

1 local, county and state agencies and other agencies for use in  
2 actions where a certification or license issued by CLEET may be  
3 subject to disciplinary or other actions provided by law;

4 19. Summarily suspend a certification of a peace officer,  
5 without prior notice but otherwise subject to administrative  
6 proceedings, if CLEET finds that the actions of the certified peace  
7 officer may present a danger to the peace officer, the public, a  
8 family or household member, or involve a crime against a minor. A  
9 certified copy of the information or indictment charging such a  
10 crime shall be considered clear and convincing evidence of the  
11 charge; and

12 20. Approve law enforcement agencies and police departments in  
13 accordance with the following:

14 a. this section applies only to an entity authorized by  
15 statute or by the Constitution to create a law  
16 enforcement agency or police department and  
17 commission, appoint, or employ officers that first  
18 creates or reactivates an inactive law enforcement  
19 agency or police department and first begins to  
20 commission, appoint, or employ officers on or after  
21 November 1, 2011,

22 b. the entity shall submit to CLEET, a minimum of sixty  
23 (60) days prior to creation of the law enforcement  
24 agency or police department, information regarding:

- 1 (1) the need for the law enforcement agency or police  
2 department in the community,
- 3 (2) the funding sources for the law enforcement  
4 agency or police department, and proof that no  
5 more than fifty percent (50%) of the funding of  
6 the entity will be derived from ticket revenue or  
7 fines,
- 8 (3) the physical resources available to officers,
- 9 (4) the physical facilities that the law enforcement  
10 agency or police department will operate  
11 including descriptions of the evidence room,  
12 dispatch area, restroom facilities, and public  
13 area,
- 14 (5) law enforcement policies of the law enforcement  
15 agency or police department including published  
16 policies on:
  - 17 (a) use of force,
  - 18 (b) vehicle pursuit,
  - 19 (c) mental health,
  - 20 (d) professional conduct of officers,
  - 21 (e) domestic abuse,
  - 22 (f) response to missing persons,
  - 23 (g) supervision of part-time officers, and
  - 24 (h) impartial policing,

- 1 (6) the administrative structure of the law  
2 enforcement agency or police department,  
3 (7) liability insurance, and  
4 (8) any other information CLEET requires by rule,  
5 c. within sixty (60) days of receiving an entity's  
6 request, CLEET will forward to the entity by certified  
7 mail, return receipt requested, a letter of  
8 authorization or denial to create a law enforcement  
9 agency or police department and commission, appoint,  
10 or employ officers, signed by the Executive Director  
11 of CLEET, and  
12 d. in cases of denial, the entity may appeal the decision  
13 of the Executive Director to the full CLEET Council.  
14 The Executive Director shall ensure that the final  
15 report is provided to all members of the Council. The  
16 Council shall review and make recommendations  
17 concerning the report at the first meeting of the  
18 Council to occur after all members of the Council have  
19 received the report. The Council may, by majority  
20 vote:  
21 (1) order additional information be provided,  
22 (2) order confirmation of the opinion of the  
23 Executive Director, or  
24 (3) order authorization of the entity.

1 C. 1. Payment of any fee provided for in this section may be  
2 made by a nationally recognized credit or debit card issued to the  
3 applicant. The Council may publicly post and collect a fee for the  
4 acceptance of the nationally recognized credit or debit card not to  
5 exceed five percent (5%) of the amount of the payment. For purposes  
6 of this subsection, "nationally recognized credit card" means any  
7 instrument or device, whether known as a credit card, credit plate,  
8 charge plate, or by any other name, issued with or without fee by an  
9 issuer for the use of the cardholder in obtaining goods, services,  
10 or anything else of value and which is accepted by over one thousand  
11 merchants in this state. "Debit card" means an identification card  
12 or device issued to a person by a business organization which  
13 permits such person to obtain access to or activate a consumer  
14 banking electronic facility. The Council shall determine which  
15 nationally recognized credit or debit cards will be accepted as  
16 payment for fees.

17 2. Payment for any fee provided for in this title may be made  
18 by a business check. The Council may:

19 a. add an amount equal to the amount of the service  
20 charge incurred, not to exceed three percent (3%) of  
21 the amount of the check as a service charge for the  
22 acceptance and verification of the check, or

23 b. add an amount of no more than Five Dollars (\$5.00) as  
24 a service charge for the acceptance and verification

1 of a check. For purposes of this subsection,  
2 "business check" shall not mean a money order,  
3 cashier's check, or bank certified check.

4 D. Failure of the Legislature to appropriate necessary funds to  
5 provide for expenses and operations of the Council on Law  
6 Enforcement Education and Training shall not invalidate other  
7 provisions of this section relating to the creation and duties of  
8 the Council.

9 E. 1. No person shall be eligible for employment as a peace  
10 officer or reserve peace officer until the employing law enforcement  
11 agency has conducted a background investigation of such person  
12 consisting of the following:

13 a. a fingerprint search submitted to the Oklahoma State  
14 Bureau of Investigation with a return report to the  
15 submitting agency that such person has no felony  
16 record,

17 b. a fingerprint search submitted to the Federal Bureau  
18 of Investigation with a return report to the  
19 submitting agency that such person has no felony  
20 record,

21 c. such person has undergone psychological evaluation by  
22 a psychologist licensed by the State of Oklahoma and  
23 has been evaluated to be suitable to serve as a peace  
24 officer in the State of Oklahoma,

- 1           d.    the employing agency has verified that such person has  
2                    a high school diploma or a GED equivalency certificate  
3                    as recognized by state law,
- 4           e.    such person is not participating in a deferred  
5                    sentence agreement for a felony, a crime involving  
6                    moral turpitude or a crime of domestic violence, and  
7                    does not have any criminal charges pending in any  
8                    court in this state, another state, in tribal court or  
9                    pursuant to the United States Code,
- 10          f.    such person is not currently subject to an order of  
11                    the Council revoking, suspending, or accepting a  
12                    voluntary surrender of peace officer certification,
- 13          g.    such person is not currently undergoing treatment for  
14                    a mental illness, condition or disorder. For purposes  
15                    of this subsection, "currently undergoing treatment  
16                    for mental illness, condition or disorder" means the  
17                    person has been diagnosed by a licensed physician,  
18                    psychologist, or licensed mental health professional  
19                    as being afflicted with a substantial disorder of  
20                    thought, mood, perception, psychological orientation  
21                    or memory that significantly impairs judgment,  
22                    behavior, capacity to recognize reality, or ability to  
23                    meet the ordinary demands of life and such condition  
24                    continues to exist,

1           h.    such person is twenty-one (21) years of age.

2                    Provided, this requirement shall not affect those  
3                    persons who are already employed as a police or peace  
4                    officer prior to November 1, 1985, and

5           i.    such person has provided proof of United States  
6                    citizenship or resident alien status, pursuant to an  
7                    employment eligibility verification form from the  
8                    United States Citizenship and Immigration Services.

9           2.    To aid the evaluating psychologist in interpreting the test  
10            results including automated scoring and interpretations, the  
11            employing agency shall provide the psychologist a statement  
12            confirming the identity of the individual taking the test as the  
13            person who is employed or seeking employment as a peace officer of  
14            the agency and attesting that it administered the psychological  
15            instrument in accordance with standards within the test document.  
16            The psychologist shall report to the employing agency the evaluation  
17            of the assessment instrument and may include any additional  
18            recommendations to assist the employing agency in determining  
19            whether to certify to the Council on Law Enforcement Education and  
20            Training that the person being evaluated is suitable to serve as a  
21            peace officer in the State of Oklahoma. No additional procedures or  
22            requirements shall be imposed for performance of the psychological  
23            evaluation. The psychological instrument utilized shall be  
24            evaluated by a psychologist licensed by the State of Oklahoma, and

1 the employing agency shall certify to the Council that the  
2 evaluation was conducted in accordance with this provision and that  
3 the employee or applicant is suitable to serve as a peace officer in  
4 the State of Oklahoma.

5 a. Any person found not to be suitable for employment or  
6 certification by the Council shall not be employed,  
7 retained in employment as a peace officer, or  
8 certified by the Council for at least one (1) year, at  
9 which time the employee or applicant may be  
10 reevaluated by a psychologist licensed by the State of  
11 Oklahoma. This section shall also be applicable to  
12 all reserve peace officers in the State of Oklahoma.

13 b. Any person who is certified by CLEET and has undergone  
14 the psychological evaluation required by this  
15 subparagraph and has been found to be suitable as a  
16 peace officer shall not be required to be reevaluated  
17 for any subsequent employment as a peace officer  
18 following retirement or any break in service as a  
19 peace officer, unless such break in service exceeds  
20 five (5) years or the Council determines that a peace  
21 officer may present a danger to himself or herself,  
22 the public, or a family or household member.

23 c. All persons seeking certification shall have their  
24 name, gender, date of birth, and address of such

1 person submitted to the Department of Mental Health  
2 and Substance Abuse Services by the Council. The  
3 Department of Mental Health and Substance Abuse  
4 Services shall respond to the Council within ten (10)  
5 days whether the computerized records of the  
6 Department indicate the applicant has ever been  
7 involuntarily committed to an Oklahoma state mental  
8 institution. In the event that the Department of  
9 Mental Health and Substance Abuse Services reports to  
10 the Council that the applicant has been involuntarily  
11 committed, the Council shall immediately inform the  
12 employing agency.

13 All basic police courses shall include a minimum of four (4)  
14 hours of education and training in recognizing and managing a person  
15 appearing to require mental health treatment or services. The  
16 training shall include training in crime and drug prevention, crisis  
17 intervention, youth and family intervention techniques, recognizing,  
18 investigating and preventing abuse and exploitation of elderly  
19 persons, mental health issues, and criminal jurisdiction on  
20 Sovereign Indian Land.

21 Subject to the availability of funding, for full-time salaried  
22 police or peace officers a basic police course academy shall consist  
23 of a minimum of six hundred (600) hours.  
24

1 For reserve deputies a basic reserve academy shall consist of a  
2 minimum of two hundred forty (240) hours.

3 3. Beginning January 1, 2018, any reserve peace officer who has  
4 completed the two-hundred-forty-hour reserve peace officer  
5 certification program and who has been in active service in that  
6 capacity for the past six (6) months shall be eligible to attend a  
7 three-hundred-sixty-hour basic full-time training academy to become  
8 certified as a full-time peace or police officer.

9 4. Every person who has not been certified as a police or peace  
10 officer and is duly appointed or elected as a police or peace  
11 officer shall hold such position on a temporary basis only, and  
12 shall, within six (6) months from the date of appointment or taking  
13 office, qualify as required in this subsection or forfeit such  
14 position. In computing the time for qualification, all service  
15 shall be cumulative from date of first appointment or taking office  
16 as a police or peace officer with any department in this state.

17 a. The Council may extend the time requirement specified  
18 in this paragraph for good cause as determined by the  
19 Council.

20 b. A duty is hereby imposed upon the employing agency to  
21 withhold payment of the compensation or wage of such  
22 unqualified officer.

23 c. If the police or peace officer fails to forfeit the  
24 position or the employing agency fails to require the

1 officer to forfeit the position, the district attorney  
2 shall file the proper action to cause the forfeiting  
3 of such position. The district court of the county  
4 where the officer is employed shall have jurisdiction  
5 to hear the case.

6 5. The Council may certify officers who have completed a course  
7 of study in another state deemed by the Council to meet standards  
8 for Oklahoma peace officers providing the officer's certification in  
9 the other state has not been revoked or voluntarily surrendered and  
10 is not currently under suspension.

11 6. For purposes of this section, a police or peace officer is  
12 defined as a full-time duly appointed or elected officer who is paid  
13 for working more than twenty-five (25) hours per week and whose  
14 duties are to preserve the public peace, protect life and property,  
15 prevent crime, serve warrants, transport prisoners, and enforce laws  
16 and ordinances of this state, or any political subdivision thereof;  
17 provided, elected sheriffs and their deputies and elected,  
18 appointed, or acting chiefs of police shall meet the requirements of  
19 this subsection within the first six (6) months after assuming the  
20 duties of the office to which they are elected or appointed or for  
21 which they are an acting chief; provided further, that this section  
22 shall not apply to persons designated by the Director of the  
23 Department of Corrections as peace officers pursuant to Section 510  
24 of Title 57 of the Oklahoma Statutes.

1        7. Beginning November 1, 2022, the Council shall provide law  
2 enforcement officers the option to complete all in-person classroom  
3 coursework for basic peace officer certification through an online  
4 training course conducted by the Council.

5        F. No person shall be certified as a police or peace officer by  
6 the Council or be employed by the state, a county, a city, or any  
7 political subdivision thereof, who is currently subject to an order  
8 of the Council revoking, suspending, or accepting a voluntary  
9 surrender of peace officer certification or who has been convicted  
10 of a felony, a crime involving moral turpitude, or a crime of  
11 domestic violence, unless a full pardon has been granted by the  
12 proper agency; however, any person who has been trained and  
13 certified by the Council on Law Enforcement Education and Training  
14 and is actively employed as a full-time peace officer as of November  
15 1, 1985, shall not be subject to the provisions of this subsection  
16 for convictions occurring prior to November 1, 1985.

17        G. 1. The Council is hereby authorized to provide to any  
18 employing agency the following information regarding a person who is  
19 or has applied for employment as a police or peace officer of such  
20 employing agency:

- 21            a. Oklahoma State Bureau of Investigation and Federal  
22            Bureau of Investigation reports,
- 23            b. administration of the psychological tests provided for  
24            herein,

- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

2. An employing agency shall not be liable in any action arising out of the release of contents of personnel information relevant to the qualifications or ability of a person to perform the duties of a police or peace officer when such information is released pursuant to written authorization for release of information signed by such person and is provided to another employing agency which has employed or has received an application for employment from such person.

3. As used in this subsection, "employing agency" means a political subdivision or law enforcement agency which either has employed or received an employment application from a person who, if employed, would be subject to this section.

H. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the Council within ten (10) days. Failure to comply with the provisions of this subsection may disqualify a law enforcement agency from participating in training programs sponsored by the Council. Every law enforcement agency employing police or peace officers in this

1 state shall submit to CLEET on or before October 1 of each calendar  
2 year a complete list of all commissioned employees with a current  
3 mailing address and phone number for each such employee. In  
4 addition to the above, CLEET may impose an administrative fine for  
5 violations of this section.

6 2. A tribal law enforcement agency that has peace officers  
7 commissioned by an Oklahoma law enforcement agency pursuant to a  
8 cross-deputization agreement with the State of Oklahoma or any  
9 political subdivision of the State of Oklahoma pursuant to the  
10 provisions of Section 1221 of Title 74 of the Oklahoma Statutes  
11 shall report the commissioning, resignation, or termination of  
12 commission for any reason of a cross-deputized tribal police or  
13 peace officer to CLEET within ten (10) days of the commissioning,  
14 resignation, or termination. Failure to comply with the provisions  
15 of this subsection may disqualify a tribal law enforcement agency  
16 from participating in training programs sponsored by the Council.

17 I. It is unlawful for any person to willfully make any  
18 statement in an application to CLEET knowing the statement is false  
19 or intentionally commit fraud in any application to the Council for  
20 attendance in any CLEET-conducted or CLEET-approved peace officer  
21 academy or Collegiate Officer Program or for the purpose of  
22 obtaining peace officer certification or reinstatement. It is  
23 unlawful for any person to willfully submit false or fraudulent  
24 documents relating to continuing education rosters, transcripts or

1 certificates, or any canine license application. Any person  
2 convicted of a violation of this subsection shall be guilty of a  
3 felony punishable by imprisonment in the Department of Corrections  
4 for a term of not less than two (2) years nor more than five (5)  
5 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
6 or by both such fine and imprisonment. In addition to the above,  
7 CLEET may impose an administrative fine.

8 J. 1. A police or peace officer shall be subject to  
9 disciplinary action to include a denial, suspension, revocation or  
10 acceptance of voluntary surrender of peace officer certification  
11 upon a showing of clear and convincing evidence for the following:

- 12 a. conviction of a felony or a crime of domestic  
13 violence,
- 14 b. conviction of a misdemeanor involving moral turpitude;  
15 provided, if the conviction is a single isolated  
16 incident that occurred more than five (5) years ago  
17 and the Council is satisfied that the person has been  
18 sufficiently rehabilitated, the Council may, in its  
19 discretion, certify such person providing that all  
20 other statutory requirements have been met,
- 21 c. a verdict of guilt or entry of a plea of guilty or  
22 nolo contendere or an "Alford" plea or any plea other  
23 than a not guilty plea for a felony offense, a crime  
24 of moral turpitude, or a crime of domestic violence,

- 1           d.    falsification or a willful misrepresentation of  
2                   information in an employment application or  
3                   application to the Council on Law Enforcement  
4                   Education and Training, records of evidence, or in  
5                   testimony under oath,
- 6           e.    revocation or voluntary surrender of police or peace  
7                   officer certification in another state for a violation  
8                   of any law or rule or in settlement of any  
9                   disciplinary action in such state,
- 10          f.    involuntary commitment of a reserve or peace officer  
11                   in a mental institution or licensed private mental  
12                   health facility for any mental illness, condition or  
13                   disorder that is diagnosed by a licensed physician,  
14                   psychologist or a licensed mental health professional  
15                   as a substantial disorder of thought, mood,  
16                   perception, psychological orientation, or memory that  
17                   significantly impairs judgment, behavior, capacity to  
18                   recognize reality, or ability to meet the ordinary  
19                   demands of life.  Provided, the peace officer  
20                   certification may be reinstated upon the Council  
21                   receiving notification of a psychological evaluation  
22                   conducted by a licensed physician, psychologist or  
23                   licensed mental health professional which attests and  
24                   states by affidavit that the officer and the

1 evaluation test data of the officer have been examined  
2 and that, in the professional opinion of the  
3 physician, psychologist or licensed mental health  
4 professional, the officer is psychologically suitable  
5 to return to duty as a peace officer. Notwithstanding  
6 any other provision of state law pertaining to  
7 confidentiality of hospital or other medical records,  
8 and as allowable under federal law, CLEET may subpoena  
9 or request a court to subpoena records necessary to  
10 assure compliance with these provisions. Any  
11 confidential information received by CLEET for such  
12 purpose shall retain its confidential character while  
13 in the possession of CLEET,

- 14 g. abuse of office,
- 15 h. entry of a final order of protection against applicant  
16 or officer, or
- 17 i. any violation of the Oklahoma Private Security  
18 Licensing Act.

19 2. Disciplinary proceedings shall be commenced by filing a  
20 complaint with the Council on a form approved by the Council. Any  
21 employing agency or other person having information may submit such  
22 information to the Council for consideration as provided in this  
23 subsection.

1           3. Upon the filing of the complaint, a preliminary  
2 investigation shall be conducted to determine whether:

3           a. there is reason to believe the person has violated any  
4 provision of this subsection or any other provision of  
5 law or rule, or

6           b. there is reason to believe the person has been  
7 convicted of a felony, a crime involving moral  
8 turpitude or a domestic violence offense or is  
9 currently participating in a deferred sentence for  
10 such offenses.

11           4. When the investigation of a complaint does not find the  
12 person has violated any of the provisions of this subsection, or  
13 finds that the person is sufficiently rehabilitated as provided in  
14 subparagraph b or f of paragraph 1 of this subsection, no  
15 disciplinary action shall be required and the person shall remain  
16 certified as a police or peace officer. When the investigation of a  
17 complaint finds that the person has violated any of the provisions  
18 of this subsection, the matter shall be referred for disciplinary  
19 proceedings. The disciplinary proceedings shall be in accordance  
20 with Articles I and II of the Administrative Procedures Act.

21           5. The Council shall revoke the certification of any person  
22 upon determining that such person has been convicted of a felony or  
23 a crime involving moral turpitude or a domestic violence offense or  
24 has entered a plea of guilty, or nolo contendere or an "Alford" plea

1 or any plea other than a not guilty plea for a felony offense, a  
2 crime of moral turpitude or a crime of domestic violence or is the  
3 respondent in a final Victims Protective Order; provided, that if  
4 the conviction has been reversed, vacated or otherwise invalidated  
5 by an appellate court, such conviction shall not be the basis for  
6 revocation of certification; provided further, that any person who  
7 has been trained and certified by the Council on Law Enforcement  
8 Education and Training and is actively employed as a full-time peace  
9 officer as of November 1, 1985, shall not be subject to the  
10 provisions of this subsection for convictions occurring prior to  
11 November 1, 1985. The sole issue to be determined at the hearing  
12 shall be whether the person has been convicted of a felony, a crime  
13 involving moral turpitude or a domestic violence offense or is the  
14 named respondent/defendant in a final Victims Protective Order.

15 6. The Council shall revoke the certification of any person  
16 upon determining that such person has received a deferred sentence  
17 for a felony, a crime involving moral turpitude or a domestic  
18 violence offense.

19 7. The Council may suspend the certification of any person upon  
20 a determination that such person has been involuntarily committed to  
21 a mental institution or mental health facility for a mental illness,  
22 condition or disorder as provided in subparagraph f of paragraph 1  
23 of this subsection.

24

1       8. Every law enforcement agency in this state shall, within  
2 thirty (30) days of a final order of termination or resignation  
3 while under investigation of a CLEET-certified peace officer, report  
4 such order or resignation in writing to the Executive Director of  
5 the Council. Any report, upon receipt by the Council, shall be  
6 considered as personnel records and shall be afforded confidential  
7 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the  
8 Oklahoma Statutes. Any medical or other confidential records  
9 obtained by subpoena pursuant to this subsection shall not be made a  
10 part of such report. The Executive Director shall ensure that the  
11 report is provided to all members of the Council. The Council shall  
12 review and make recommendations concerning the report at the first  
13 meeting of the Council to occur after all members of the Council  
14 have received the report. The Council may, by a majority vote,  
15 order the suspension, for a given period of time, or revocation of  
16 the CLEET certification of the peace officer in question if there  
17 are grounds for such actions pursuant to this section and the peace  
18 officer in question has been provided with notice and an opportunity  
19 for a hearing pursuant to the Administrative Procedures Act.  
20 Suspension or revocation of CLEET certification pursuant to this  
21 paragraph shall be reported to the district attorney for the  
22 jurisdiction in which the peace officer was employed, to the  
23 liability insurance company of the law enforcement agency that  
24 employed the peace officer, the chief elected official of the

1 governing body of the law enforcement agency and the chief law  
2 enforcement officer of the law enforcement agency.

3 9. For all other violations of this subsection, the hearing  
4 examiner shall take into consideration the severity of the  
5 violation, any mitigating circumstances offered by the person  
6 subject to disciplinary action, and any other evidence relevant to  
7 the person's character to determine the appropriate disciplinary  
8 action.

9 10. a. A police or peace officer may voluntarily surrender  
10 and relinquish the peace officer certification to  
11 CLEET. Pursuant to such surrender or relinquishment,  
12 the person surrendering the certification shall be  
13 prohibited from applying to CLEET for reinstatement  
14 within five (5) years of the date of the surrender or  
15 relinquishment, unless otherwise provided by law for  
16 reinstatement.

17 b. No person who has had a police or peace officer  
18 certification from another state revoked or  
19 voluntarily surrendered and has not been reinstated by  
20 that state shall be considered for certification by  
21 CLEET.

22 c. Any person seeking reinstatement of police or peace  
23 officer certification which has been suspended,  
24 revoked, or voluntarily surrendered may apply for

1 reinstatement pursuant to promulgated CLEET rules  
2 governing reinstatement. Except as provided in this  
3 subsection, any person whose certification has been  
4 revoked, suspended or voluntarily surrendered for any  
5 reason including failure to comply with mandatory  
6 education and training requirements, shall pay a  
7 reinstatement fee of One Hundred Fifty Dollars  
8 (\$150.00) to be deposited to the credit of the Peace  
9 Officer Revolving Fund created pursuant to Section  
10 3311.7 of this title.

11 11. A duty is hereby imposed upon the district attorney who, on  
12 behalf of the State of Oklahoma, prosecutes a person holding police  
13 or peace officer or reserve peace officer certification for a  
14 felony, a crime involving moral turpitude, or a crime of domestic  
15 violence in which a plea of guilty, nolo contendere, or an "Alford"  
16 plea or any other plea other than a not guilty plea or other finding  
17 of guilt is entered by, against or on behalf of a certified police  
18 or peace officer to report such plea, agreement, or other finding of  
19 guilt to the Council on Law Enforcement Education and Training  
20 within ten (10) days of such plea agreement or the finding of guilt.

21 12. Any person or agency required or authorized to submit  
22 information pursuant to this section to the Council shall be immune  
23 from liability arising from the submission of the information as  
24

1 long as the information was submitted in good faith and without  
2 malice.

3 13. Any peace officer employed by a law enforcement agency in  
4 this state which has internal discipline policies and procedures on  
5 file with CLEET shall be exempt from the disciplinary proceedings  
6 and actions provided for in this subsection; provided, however, such  
7 exemption shall not apply if the peace officer has been convicted of  
8 a felony crime, a crime of moral turpitude, or a crime of domestic  
9 violence.

10 14. All criminal proceedings initiated against a CLEET-  
11 certified peace officer or reserve peace officer shall be reported  
12 by the officer to CLEET immediately after arrest or discovery of the  
13 filing of such criminal proceeding. All CLEET-certified peace  
14 officers and reserve peace officers shall be required to report when  
15 a Victim Protective Order has been issued against the officer  
16 including orders issued on an emergency basis and all final orders  
17 of protection. Failure to give notice pursuant to the provisions of  
18 this paragraph may be cause to initiate an action against the  
19 officer by CLEET.

20 15. As used in this subsection:

21 a. "law enforcement agency" means any department or  
22 agency of the state, a county, a municipality, or  
23 political subdivision thereof, with the duties to  
24 maintain public order, make arrests, and enforce the

1 criminal laws of this state or municipal ordinances,  
2 which employs CLEET-certified personnel,

3 b. "final order of termination" means a final notice of  
4 dismissal from employment provided after all  
5 grievance, arbitration, and court actions have been  
6 completed, and

7 c. "resignation while under investigation" means the  
8 resignation from employment of a peace officer who is  
9 under investigation for any felony violation of law, a  
10 crime of moral turpitude, a crime of domestic  
11 violence, or the resignation from employment of a  
12 peace officer as part of an arbitration or plea  
13 agreement.

14 K. 1. Every canine team in the state trained to detect  
15 controlled dangerous substances shall be certified, by test, in the  
16 detection of such controlled dangerous substances and shall be  
17 recertified annually so long as the canine is used for such  
18 detection purposes. The certification test and annual  
19 recertification test provisions of this subsection shall not be  
20 applicable to canines that are owned by a law enforcement agency and  
21 that are certified and annually recertified in the detection of  
22 controlled dangerous substances by the United States Customs  
23 Service. No employee of CLEET may be involved in the training or  
24 testing of a canine team.

1           2. The Council shall appoint a Drug Dog Advisory Council to  
2 make recommendations concerning minimum standards, educational  
3 needs, and other matters imperative to the certification of canines  
4 and canine teams trained to detect controlled dangerous substances.  
5 The Council shall promulgate rules based upon the recommendations of  
6 the Advisory Council. Members of the Advisory Council shall  
7 include, but need not be limited to, a commissioned officer with  
8 practical knowledge of such canines and canine teams from each of  
9 the following:

- 10           a. the Oklahoma State Bureau of Narcotics and Dangerous  
11                Drugs Control,
- 12           b. the Department of Public Safety,
- 13           c. a police department,
- 14           d. a sheriff's office, and
- 15           e. a university or college campus police department.

16           3. The fee for the certification test shall be Two Hundred  
17 Dollars (\$200.00) and the annual recertification test fee shall be  
18 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
19 Fifty Dollars (\$50.00) will be charged if the team fails the test.  
20 No such fee shall be charged to any local, state or federal  
21 government agency. The fees provided for in this paragraph shall be  
22 deposited to the credit of the CLEET Fund created pursuant to  
23 Section 1313.2 of Title 20 of the Oklahoma Statutes.

1 L. 1. Every canine team in the state trained to detect  
2 explosives, explosive materials, explosive devices, and materials  
3 which could be used to construct an explosive device shall be  
4 certified, by test, in the detection of such explosives and  
5 materials and shall be recertified annually so long as the canine is  
6 used for such detection purposes. The certification test and annual  
7 recertification test provisions of this subsection shall not be  
8 applicable to canines that are owned by a law enforcement agency if  
9 such canines are certified and annually recertified in the detection  
10 of explosives and materials by the United States Department of  
11 Defense. No employee of CLEET may be involved in the training or  
12 testing of a canine team.

13 2. The Council shall appoint a Bomb Dog Advisory Council to  
14 make recommendations concerning minimum standards, educational  
15 needs, and other matters imperative to the certification of canines  
16 and canine teams trained to detect explosives, explosive materials,  
17 explosive devices and materials which could be used to construct an  
18 explosive device. The Council shall promulgate rules based upon the  
19 recommendations of the Advisory Council. Members of the Advisory  
20 Council shall include, but need not be limited to, a commissioned  
21 officer with practical knowledge of such canines and canine teams  
22 from each of the following:

- 23 a. the Department of Public Safety,
- 24 b. a police department,

1 c. a sheriff's office, and

2 d. a university or college campus police department.

3 3. The fee for the certification test shall be Two Hundred  
4 Dollars (\$200.00) and the annual recertification test fee shall be  
5 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
6 Fifty Dollars (\$50.00) will be charged if the team fails the test.  
7 No such fee shall be charged to any local, state or federal  
8 government agency. The fees provided for in this paragraph shall be  
9 deposited to the credit of the CLEET Fund created pursuant to  
10 Section 1313.2 of Title 20 of the Oklahoma Statutes.

11 M. All tribal police officers of any Indian tribe or nation who  
12 have been commissioned by an Oklahoma law enforcement agency  
13 pursuant to a cross-deputization agreement with the State of  
14 Oklahoma or any political subdivision of the State of Oklahoma  
15 pursuant to the provisions of Section 1221 of Title 74 of the  
16 Oklahoma Statutes shall be eligible for peace officer certification  
17 under the same terms and conditions required of members of the law  
18 enforcement agencies of the State of Oklahoma and its political  
19 subdivisions. CLEET shall issue peace officer certification to  
20 tribal police officers who, as of July 1, 2003, are commissioned by  
21 an Oklahoma law enforcement agency pursuant to a cross-deputization  
22 agreement with the State of Oklahoma or any political subdivision of  
23 the State of Oklahoma pursuant to the provisions of Section 1221 of

1 Title 74 of the Oklahoma Statutes and have met the training and  
2 qualification requirements of this section.

3 N. If an employing law enforcement agency in this state has  
4 paid for CLEET training and the salary of a person while that person  
5 is completing in this state a basic police course approved by the  
6 Council and if within one (1) year after initial employment with the  
7 original employing agency that person resigns and is hired by  
8 another law enforcement agency in this state, the second agency or  
9 the person receiving the training shall reimburse the original  
10 employing agency for the cost of CLEET training and salary paid to  
11 the person while completing the basic police course by the original  
12 employing agency. If the person leaves the original employing  
13 agency later than one (1) year, but less than two (2) years, after  
14 the initial employment, the second agency or the person receiving  
15 the training shall reimburse the original employing agency fifty  
16 percent (50%) of the cost of CLEET training and salary paid to the  
17 person while completing the basic police course by the original  
18 employing agency. CLEET shall not be a party to any court action  
19 based on this provision.

20 O. The Council on Law Enforcement Education and Training, in  
21 its discretion, may waive all or part of any moneys due to the  
22 Council, if deemed uncollectable by the Council.

23 P. Peace officers, reserve peace officers, tribal peace  
24 officers, agencies, bail enforcers, security guards and private

1 investigators shall maintain with the Council current mailing  
2 addresses and shall notify the Council, in writing, of any change of  
3 address or name. Notification of change of name shall require  
4 certified copies of any marriage license or other court document  
5 which reflects the change of name. Notice of change of address or  
6 telephone number must be made within ten (10) days of the effected  
7 change. Notices shall not be accepted over the phone. In any  
8 proceeding in which the Council is required to serve notice or an  
9 order on an individual or an agency, the Council may send a letter  
10 to the mailing address on file with the Council. If the letter is  
11 returned and a notation of the U.S. Postal Service indicates  
12 "unclaimed", or "moved", or "refused" or any other nondelivery  
13 markings and the records of the Council indicate that no change of  
14 address as required by this subsection has been received by the  
15 Council, the notice and any subsequent notices or orders shall be  
16 deemed by the Court as having been legally served for all purposes.

17 Q. All CLEET records of Bail Enforcers may be released only in  
18 compliance with this section and the Oklahoma Bail Enforcement and  
19 Licensing Act. All records in CLEET possession concerning other  
20 persons or entities shall be released only in compliance with this  
21 section and the Oklahoma Open Records Act.

22 SECTION 2. This act shall become effective November 1, 2022.  
23

24 58-2-10006 GRS 01/09/22