

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 2161

By: Ford

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to law enforcement officers; stating  
10 membership requirements for entities that investigate  
11 law enforcement officers; requiring majority vote  
12 when making findings or recommendations; providing  
13 procedures when membership requirements not met;  
14 providing exemptions; stating findings of the  
15 Legislature; defining term; providing for  
16 codification; and providing an effective date.

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

18                   SECTION 1.           NEW LAW           A new section of law to be codified  
19 in the Oklahoma Statutes as Section 34.6 of Title 22, unless there  
20 is created a duplication in numbering, reads as follows:

21                   A. At least two-thirds (2/3) of the members, staff, employees  
22 or seats of any government committee, board, agency, department,  
23 office, or entity that investigates law enforcement officer  
24 misconduct, influences the conduct of or certifies law enforcement  
officer misconduct investigations, recommends disciplinary actions  
for law enforcement officer misconduct or imposes discipline for law

1 enforcement officer misconduct must be law enforcement officers  
2 certified by the Council of Law Enforcement Education and Training  
3 and who are of any rank and who are from the same department or  
4 agency as the law enforcement officer who is the subject of the  
5 investigation or disciplinary action.

6 B. Any findings or recommendations from any government  
7 committee, board, agency, department, office or entity shall require  
8 a majority vote to do any of the following:

9 1. Investigate law enforcement officer misconduct;

10 2. Influence the conduct of or certify law enforcement officer  
11 misconduct investigations;

12 3. Recommend disciplinary actions for law enforcement officer  
13 misconduct; or

14 4. Impose discipline for law enforcement officer misconduct.

15 C. If the person or government committee, board, agency,  
16 department, office or entity does not meet the two-thirds (2/3)  
17 requirement prescribed in subsection A of this section, a  
18 supervisor, a department or an agency head that supervises a law  
19 enforcement officer may investigate and impose discipline for the  
20 law enforcement officer's misconduct if the supervisor, department  
21 or agency head acts independently of the person, committee, board,  
22 agency, department, office or entity.

23 D. This section does not apply to any of the following:  
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1 1. A person or a government committee, board, agency,  
2 department, office, civil service board or entity that only reviews  
3 the actions described in subsection A of this section and that does  
4 not determine the initial level of discipline or have the authority  
5 to increase the severity of the disciplinary action;

6 2. The Council on Law Enforcement Education and Training  
7 (CLEET);

8 3. A multijurisdictional law enforcement agency or task force  
9 or a similar entity that is charged with investigating the use of  
10 force by law enforcement officers, if at least two-thirds (2/3) of  
11 the membership of the multijurisdictional law enforcement agency or  
12 task force or the similar entity consists of law enforcement  
13 officers who are certified by CLEET;

14 4. An entity that investigates federal employment  
15 discrimination; and

16 5. The Oklahoma State Bureau of Investigation.

17 E. The Legislature finds that setting and maintaining standards  
18 of professionalism and integrity of law enforcement officers in this  
19 state are of statewide concern.

20 F. For the purposes of this section, "members, staff, employees  
21 or seats" includes any person who participates in the following:

22 1. Investigating law enforcement officer misconduct;

23 2. Influencing the conduct or certification of law enforcement  
24 officer misconduct investigations;

1           3. Recommending disciplinary actions for law enforcement  
2 officer misconduct; and

3           4. Imposing discipline for law enforcement officer misconduct.  
4 The term does not include support or administrative staff or any  
5 person who only reviews the actions of the remainder of the  
6 government committee, board, agency, department, office or entity.

7           SECTION 2. This act shall become effective November 1, 2023.

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9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/15/2023 -  
10 DO PASS, As Amended.

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