

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2161

By: Ford

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5
6 AS INTRODUCED

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

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

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

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

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

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

8 1. Investigate law enforcement officer misconduct;

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

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

13 4. Impose discipline for law enforcement officer misconduct.

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

22 D. This section does not apply to any of the following:

23 1. A person or a government committee, board, agency,
24 department, office, civil service board or entity that only reviews

1 the actions described in subsection A of this section and that does
2 not determine the initial level of discipline or have the authority
3 to increase the severity of the disciplinary action;

4 2. The Council on Law Enforcement Education and Training
5 (CLEET);

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

12 4. An entity that investigates federal employment
13 discrimination.

14 E. The Legislature finds that setting and maintaining standards
15 of professionalism and integrity of law enforcement officers in this
16 state are of statewide concern.

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

19 1. Investigating law enforcement officer misconduct;

20 2. Influencing the conduct or certification of law enforcement
21 officer misconduct investigations;

22 3. Recommending disciplinary actions for law enforcement
23 officer misconduct; and

24 4. Imposing discipline for law enforcement officer misconduct.

1 The term does not include support or administrative staff or any
2 person who only reviews the actions of the remainder of the
3 government committee, board, agency, department, office or entity.

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

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