

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 HOUSE BILL 3460

By: Wilk

6 AS INTRODUCED

7 An Act relating to the Capitol Patrol; amending 47  
8 O.S. 2021, Section 2-105, as amended by Section 1,  
9 Chapter 301, O.S.L. 2022 (47 O.S. Supp. 2025, Section  
10 2-105), which relates to the Oklahoma Highway Patrol  
11 Division; removing the Capitol Patrol Section;  
12 amending 73 O.S. 2021, Section 173, as amended by  
13 Section 2, Chapter 429, O.S.L. 2024 (73 O.S. Supp.  
14 2025, Section 173), which relates to Oklahoma Capitol  
15 Improvement Authority grounds; establishing a Capitol  
16 Patrol Division within the Oklahoma National Guard;  
17 granting enforcement powers for the Oklahoma National  
Guard Capitol Patrol Division; repealing 47 O.S.  
18 2021, Section 11-1009, which relates to parking on  
19 certain state property; repealing 47 O.S. 2021,  
20 Section 2-105.7, which relates to the Capitol Patrol  
21 Division; creating the Oklahoma National Guard Patrol  
22 Division; requiring Office of Management and  
23 Enterprise Services to provide office space;  
describing duties; providing for enforcement  
mechanisms; providing for codification; and providing  
an effective date.

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

25 SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-105, as  
26 amended by Section 1, Chapter 301, O.S.L. 2022 (47 O.S. Supp. 2025,  
27 Section 2-105), is amended to read as follows:

1       Section 2-105. A. The Commissioner of Public Safety, subject  
2 to the Oklahoma Personnel Act, shall appoint:

3           1. A Chief of the Oklahoma Highway Patrol Division with the  
4 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol  
5 Division with the rank of Lieutenant Colonel, and subordinate  
6 officers and employees of the Oklahoma Highway Patrol Division,  
7 including Majors, Captains, Lieutenants, and Highway Patrolmen with  
8 the rank of Trooper, who shall comprise the Oklahoma Highway Patrol  
9 Division of the Department of Public Safety; ~~provided~~. Provided,  
10 any officer appointed to a commissioned position prescribed in this  
11 paragraph which is unclassified pursuant to Section 840-5.5 of Title  
12 74 of the Oklahoma Statutes shall have a right of return to the  
13 highest previously held classified commissioned position within the  
14 Oklahoma Highway Patrol Division of the Department of Public Safety  
15 without any loss of rights, privileges or benefits immediately upon  
16 completion of the duties in the unclassified commissioned position;

17           2. A Captain, Lieutenants, and Patrolmen who shall comprise the  
18 Marine Enforcement Section of the Oklahoma Highway Patrol Division  
19 of the Department of Public Safety; and

20           3. ~~A Captain, Lieutenants, and Patrolmen, who shall comprise~~  
21 ~~the Capitol Patrol Section of the Oklahoma Highway Patrol Division~~  
22 ~~of the Department of Public Safety; and~~

23           4. Communications Coordinators, Communications Superintendents,  
24 Communications Supervisors, Communications Dispatchers, Radio

1 Technicians and Tower Maintenance Officers who shall comprise the  
2 Communications Division of the Department of Public Safety.

3       B. No person shall be appointed to any position set out in  
4 subsection A of this section unless the person is a citizen of the  
5 United States and of good moral character. The Commissioner shall  
6 determine minimum qualifications for all positions set out in  
7 subsection A of this section, provided such qualifications shall  
8 include, but are not limited to, the following:

9       1. For commissioned officer positions:

10           a. appointees shall be selected only after examination to  
11           determine physical and mental fitness for such  
12           positions. The examination criteria shall be  
13           prescribed by the Commissioner,

14           b. appointees shall be at least twenty-one (21) years of  
15           age but less than forty-six (46) years of age,

16           c. prior to receiving a commission, all such appointees  
17           shall satisfactorily complete a course of training in  
18           operations and procedures as prescribed by the  
19           Commissioner, and

20           d. prior to receiving a commission, all such appointees  
21           shall possess an associate's degree or a minimum of  
22           sixty-two (62) successfully completed semester hours  
23           from an accredited college or university as denoted in  
24           the Database of Accredited Postsecondary Institutions

1 and Programs provided by the U.S. Department of  
2 Education and whose hours are transferable between  
3 such recognized institutions. Prior years of military  
4 or law enforcement service shall qualify as a  
5 substitute for the educational requirement, up to a  
6 maximum of thirty (30) semester hours, for any  
7 combination of the following:

8 (1) ten (10) semester hours for each year of  
9 honorable service in any active military or  
10 reserve military service,  
11 (2) ten (10) semester hours for each year the  
12 appointee worked as a paid, full-time, CLEET-  
13 certified law enforcement officer of a law  
14 enforcement agency within the State of Oklahoma,  
15 or  
16 (3) ten (10) semester hours for each year the  
17 appointee worked as a paid, full-time sworn law  
18 enforcement officer certified by a state peace  
19 officer standards and training agency as a peace  
20 officer in another state, or any officer who has  
21 been certified as a federal peace officer by a  
22 CLEET-recognized law enforcement agency; and

23 2. Any person appointed to a position in the Communications

24 Division shall be at least eighteen (18) years of age and shall

1 possess a high school diploma or General Educational Development  
2 equivalency certificate.

3       C. 1. Upon initial appointment to the position of Cadet  
4 Highway Patrolman or Probationary Communications Dispatcher, the  
5 appointed employee shall be required to serve an initial  
6 probationary period of twelve (12) months. The Commissioner may  
7 extend the probationary period for up to three (3) additional months  
8 provided that the employee and the Office of Management and  
9 Enterprise Services are notified in writing as to such action and  
10 the reasons thereof. During such probationary period, the employee  
11 may be terminated at any time and for any reason at the discretion  
12 of the Commissioner. Retention in the service after expiration of  
13 the initial probationary period shall entitle such employee to be  
14 classified as a permanent employee and the employee shall be so  
15 classified. No permanent employee may be discharged or removed  
16 except as provided for in this section.

17       2. A commissioned officer of the Oklahoma Highway Patrol  
18 Division may be promoted during the initial probationary period if  
19 such officer satisfactorily completes all training requirements  
20 prescribed by the Commissioner.

21       D. 1. No commissioned officer of the Department shall be a  
22 candidate for any political office or take part in or contribute any  
23 money or other thing of value, directly or indirectly, to any  
24 political campaign or to any candidate for public office. Anyone

1      convicted of violating the provisions of this paragraph shall be  
2      guilty of a misdemeanor and shall be punished as provided by law.

3            2. No commissioned officer of the Department, while in the  
4      performance of the officer's assigned duty of providing security and  
5      protection, shall be considered as participating in a political  
6      campaign. The provisions of this paragraph shall not be construed  
7      to preclude a commissioned officer of the Oklahoma Highway Patrol  
8      Division of the Department of Public Safety from being a candidate  
9      for a position on a local board of education.

10            3. The Commissioner or any employee of the Department shall not  
11      be a candidate for any political office, or in any way be active or  
12      participate in any political contest of any Primary, General, or  
13      Special Election, except to cast a ballot.

14            E. Drunkenness or being under the influence of intoxicating  
15      substances shall be sufficient grounds for the removal of any  
16      commissioned officer of the Department, as provided for in this  
17      section.

18            F. 1. No permanent employee, as provided for in this section,  
19      who is a commissioned officer of the Department, may be suspended  
20      without pay or dismissed unless the employee has been notified in  
21      writing by the Commissioner of such intended action and the reasons  
22      therefor. No such notice shall be given by the Commissioner unless  
23      sworn charges or statements have been obtained to justify the  
24      action.

1       2. Whenever such charges are preferred, the Commissioner may  
2 suspend the accused pending the hearing and final determination of  
3 such charges. If the charges are not sustained in whole or in part,  
4 the accused shall be entitled to pay during the period of such  
5 suspension. If the charges are sustained in whole or in part, the  
6 accused shall not receive any pay for the period of such suspension.

7       3. Commissioned officers of the Department of Public Safety are  
8 not entitled to appeal intra-agency transfer to the Oklahoma Merit  
9 Protection Commission pursuant to the Oklahoma Personnel Act unless  
10 the transfer is in violation of Section 840-2.5 or 840-2.9 of Title  
11 74 of the Oklahoma Statutes.

12      4. The Department of Public Safety shall follow the uniform  
13 grievance procedure established and adopted by the Office of  
14 Management and Enterprise Services for permanent classified  
15 employees, except for those employees who are commissioned officers  
16 of the Department. The Department of Public Safety shall establish  
17 and adopt a proprietary grievance procedure for commissioned  
18 officers of the Department which is otherwise in compliance with the  
19 provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

20      G. 1. The Commissioner is hereby authorized to purchase and  
21 issue uniforms and necessary equipment for all commissioned officers  
22 of the Oklahoma Highway Patrol Division of the Department. All  
23 uniforms and equipment shall be used only in the performance of the

1 official duties of such officers and shall remain the property of  
2 the Department, except as provided in Section 2-150 of this title.

3       2. Each commissioned officer of the Highway Patrol Division of  
4 the Department of Public Safety shall be entitled to reimbursement  
5 of expenses pursuant to the State Travel Reimbursement Act while  
6 away from the assigned area of the officer as designated by the  
7 Chief of the Oklahoma Highway Patrol Division, when such expense is  
8 incurred in the service of the state.

9       H. 1. The positions with the rank of Colonel and Lieutenant  
10 Colonel of the Oklahoma Highway Patrol Division shall be filled from  
11 the body of commissioned officers of the Oklahoma Highway Patrol  
12 Division and appointment to said positions shall be based on  
13 qualifications, previous record as a commissioned officer of the  
14 Oklahoma Highway Patrol Division, length of service, years of  
15 experience within the Oklahoma Highway Patrol Division or other  
16 service as prescribed in this subsection, and efficiency of service  
17 performed.

18       2. In addition to the requirements of paragraph 1 of this  
19 subsection, the position of Chief of the Oklahoma Highway Patrol  
20 Division shall be based on one of the following:

21           a. one (1) year of experience in any combination:  
22               (1) as Commissioner of Public Safety,  
23               (2) as Assistant Commissioner of Public Safety, or  
24               (3) as Assistant Chief,

- b. two (2) years of experience in any combination:
  - (1) as Deputy Chief or higher rank, or
  - (2) if the experience was prior to April 21, 2006, as Major or higher rank,
- c. four (4) years of experience in any combination:
  - (1) as Major or higher rank, or
  - (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or
- d. six (6) years of experience in any combination:
  - (1) as Captain or higher rank, or
  - (2) if the experience was prior to April 21, 2006, as First Lieutenant or higher rank.

3. In addition to the requirements of paragraph 1 of this subsection, the position of Deputy Chief of the Oklahoma Highway Patrol Division shall be based on one of the following:

- a. one (1) year of experience in any combination:
  - (1) as Commissioner of Public Safety,
  - (2) as Assistant Commissioner of Public Safety, or
  - (3) as Colonel,
- b. two (2) years of experience in any combination:
  - (1) as Major or higher rank, or
  - (2) if the experience was prior to April 21, 2006, as Captain or higher rank, or
- c. four (4) years of experience in any combination:

- (1) as Captain or higher rank, or
- (2) if the experience was prior to April 21, 2006, as Highway Patrol First Lieutenant or higher rank.

4       I. The Commissioner of Public Safety is hereby authorized to  
5       send employees of the Department of Public Safety to schools such as  
6       Northwestern University Center for Public Safety, Southern Police  
7       Institute, the FBI National Academy, the Institute of Police  
8       Technology and Management, or to any other schools of similar  
9       training which would be conducive to improving the efficiency of the  
10       Oklahoma Highway Patrol Division and the Department of Public  
11       Safety. While an employee is attending a school, the Commissioner  
12       is authorized to permit the employee to use a state-owned vehicle  
13       and to use a fuel-purchasing card for any expenses related to the  
14       operation of the vehicle. In addition, while an employee is  
15       attending the FBI National Academy, a one-time expense allowance of  
16       Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room  
17       and board, and other related expenses shall be paid to the employee  
18       by the Department; provided, the employee shall not be further  
19       compensated through the State Travel Reimbursement Act, and, if any  
20       other agency reimburses the employee for any expenses, the  
21       reimbursement shall be given to the Department. All purchases made  
22       by the employee with the expense allowance shall be considered  
23       property of the employee.

1       J. 1. Any former commissioned officer of the Department whose  
2 separation from the Department was at such officer's own request and  
3 not a result of such officer's own actions contrary to the policy of  
4 the Department or was not as a result of the retirement of that  
5 officer from the Department may make application for reinstatement  
6 as a commissioned officer of the division or section of the  
7 Department in which such officer was previously employed, provided  
8 such reinstated officer will be able to complete twenty (20) years  
9 of credited service by the time the reinstated officer reaches  
10 sixty-two (62) years of age. The Commissioner may waive the  
11 requirements of possessing the number of semester hours or degree as  
12 required in subsection B of this section for any former commissioned  
13 officer making application for reinstatement as a commissioned  
14 officer of the Department. The Commissioner may require the  
15 applicant for reinstatement to attend selected courses of  
16 instruction, as prescribed by the Commissioner.

17       2. In the event of future hostilities wherein the Congress of  
18 the United States declares this nation in a state of war with a  
19 foreign nation, including military service brought about by the  
20 Vietnam War, any period of military service served by a commissioned  
21 officer of the Department shall be considered as continued service  
22 with such Department, provided such commissioned officer returns to  
23 duty with the Department within sixty (60) days after release from  
24 military service.

1 SECTION 2. AMENDATORY 73 O.S. 2021, Section 173, as  
2 amended by Section 2, Chapter 429, O.S.L. 2024 (73 O.S. Supp. 2025,  
3 Section 173), is amended to read as follows:

4 Section 173. A. The Oklahoma Capitol Improvement Authority may  
5 contract with the Office of Management and Enterprise Services to  
6 maintain grounds and for housekeeping, maintenance and repair of  
7 properties under the jurisdiction of the Authority.

8 B. The Oklahoma Capitol Improvement Authority and the Office of  
9 Management and Enterprise Services shall contract with the  
10 ~~Department of Public Safety Oklahoma National Guard Capitol Patrol~~  
11 Division for security and law enforcement services in all facilities  
12 under the jurisdiction of the Authority or Department within the  
13 State Capitol Park in Oklahoma City.

14 C. The Oklahoma Capitol Improvement Authority shall provide  
15 office and operations space for Office of Management and Enterprise  
16 Services functions.

17 D. The Office of Management and Enterprise Services shall  
18 establish accounts for the Office of Management and Enterprise  
19 Services, by building or other improvement, as the Director of the  
20 Office of Management and Enterprise Services considers necessary to  
21 properly account and identify receipts and expenditures related to  
22 construction, repair, maintenance, insurance and other operating  
23 expenses of buildings and improvements owned, used or occupied by or

24

1 on behalf of the Oklahoma Capitol Improvement Authority, where the  
2 services are carried out by contract with the Authority.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 21.2 of Title 44, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. There is hereby created within the Oklahoma National Guard  
7 an Oklahoma National Guard Capitol Patrol Division which shall  
8 consist of such patrolmen and employees as may be necessary to  
9 provide law enforcement services to all state buildings and  
10 properties, including grounds appurtenant thereto, within Oklahoma  
11 County and Tulsa County. All patrolmen of the Oklahoma National  
12 Guard Capitol Patrol Division shall have the authority to enforce  
13 all parking, traffic, and criminal laws within all state buildings  
14 and properties, including grounds appurtenant thereto, within  
15 Oklahoma County and Tulsa County.

16 B. All patrolmen of the Oklahoma National Guard Capitol Patrol  
17 Division shall have, in addition to their primary duty as prescribed  
18 in subsection A of this section, a secondary duty to enforce all  
19 state statutes, to make arrests for violations, and to perform other  
20 duties as prescribed by the Adjutant General to ensure the safety  
21 and security for all state buildings and property.

22 C. The Office of Management and Enterprise Services and the  
23 Oklahoma Capitol Improvement Authority shall provide office and  
24

1 operations space for the Oklahoma National Guard Capitol Patrol  
2 Division.

3           D. The annual salaries of personnel comprising Oklahoma  
4 National Guard Capitol Patrol Division shall be in accordance and  
5 conformity with the findings for Department of Public Safety law  
6 enforcement personnel of the State of Oklahoma Total Remuneration  
7 Study of 2013.

8           SECTION 4.        NEW LAW        A new section of law to be codified  
9 in the Oklahoma Statutes as Section 21.3 of Title 44, unless there  
10 is created a duplication in numbering, reads as follows:

11           A. No person shall place, stop, park, or stand any vehicle,  
12 including trailers or implements of husbandry, contrary to any  
13 official sign reserving, restricting, or regulating the placing,  
14 stopping, standing, or parking of a vehicle at any state building or  
15 property, including grounds appurtenant thereto, within Oklahoma  
16 County and Tulsa County.

17           B. The Oklahoma National Guard Capitol Patrol Division shall be  
18 responsible for the enforcement of subsection A of this section.

19           C. A violation of subsection A of this section shall be  
20 indicated by the placing of a notice of such violation on the  
21 windshield of the vehicle improperly placed, stopped, parked, or  
22 standing. The notice shall be on a form prescribed by the Adjutant  
23 General.

1       D. Any person violating the provisions of subsection A of this  
2 section shall be subject to a civil fine in the amount of Five  
3 Dollars (\$5.00) if paid within ten (10) days from the date of the  
4 violation and Twenty Dollars (\$20.00) if paid after ten (10) days  
5 from the date of the violation. The civil fine shall be paid by  
6 mailing or personally delivering the notice and a personal check or  
7 money order in the amount of the civil fine to the Oklahoma National  
8 Guard Capitol Patrol Division office.

9       E. Should the person elect to object to the imposition of the  
10 civil fine and have a hearing on the violation, the person shall so  
11 indicate on the notice and mail or present it to the Oklahoma State  
12 Guard Capitol Patrol Division office within ten (10) days from the  
13 date of the notice of the violation, with a bond by cash or money  
14 order equal to the amount of the civil fine pending the outcome of  
15 the hearing. The bond may be used to pay the civil fine in the  
16 event the determination of the hearing examiner upholds the  
17 imposition of the civil fine.

18       If no bond accompanies the request for hearing, no hearing shall  
19 be granted. If the request for a hearing is not made within ten  
20 (10) days from the date of the notice of the violation, the person  
21 shall not be entitled to a hearing and shall be subject to the civil  
22 fine prescribed in subsection D of this section.

23       F. The request for a hearing shall be submitted to the Oklahoma  
24 National Guard Capitol Patrol Division within ten (10) days from the

1 date of the notice of the violation, and the violation shall be set  
2 for hearing before a hearing examiner appointed by the Adjutant  
3 General. The person requesting the hearing shall be notified of the  
4 time and place of the hearing by the Oklahoma National Guard Capitol  
5 Patrol Division by mailing a copy of the notice by regular mail to  
6 the address indicated on the request for hearing. The hearing  
7 examiner may take evidence of the violation and shall determine if  
8 there was a violation of the provisions of subsection A of this  
9 section. If it is determined that there was a violation, the  
10 hearing examiner shall enforce the civil fine indicated on the  
11 notice.

12 G. Any vehicle having outstanding civil fines against it may be  
13 immobilized by use of a tire boot or may be impounded by the  
14 Oklahoma National Guard Capitol Patrol Division. The vehicle may  
15 remain immobilized or be retained by the Department of Public Safety  
16 pending the payment of all civil fines, towing and storage charges,  
17 and until the owner furnishes to the Division proof of security or  
18 an affidavit that the vehicle is insured by a policy of liability  
19 insurance or will not be used on public highways or public streets,  
20 as required pursuant to Section 7-600 et seq. of Title 47 of the  
21 Oklahoma Statutes. The State of Oklahoma shall have a possessory  
22 lien against any vehicle which is found to have outstanding civil  
23 fines against it until such civil fines are paid. The lien may be  
24

1 foreclosed pursuant to the procedures provided for in Sections 91  
2 through 96 of Title 42 of the Oklahoma Statutes.

3 H. All the monies generated from such civil fines shall be  
4 remitted to the State Treasurer to be credited to the General  
5 Revenue Fund of the State Treasury.

6 SECTION 5. REPEALER 47 O.S. 2021, Section 11-1009, is  
7 hereby repealed.

8 SECTION 6. REPEALER 47 O.S. 2021, Section 2-105.7, is  
9 hereby repealed.

10 SECTION 7. This act shall become effective November 1, 2026.

11  
12 60-2-13890 TKR 01/12/26  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24