

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 220

By: Brooks of the Senate

3 and

4 Roberts (Sean) of the House

5
6
7 [law enforcement training - Council on Law
8 Enforcement Education and Training - reserve academy
9 certification requirements and training - effective
10 date]

11 AUTHOR: Add the following Senate Coauthor: Pittman

12 AMENDMENT NO. 1. Page 1, line 10, strike the enacting clause

13 Passed the House of Representatives the 22nd day of April, 2015.

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Presiding Officer of the House of
Representatives

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18 Passed the Senate the ____ day of _____, 2015.

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Presiding Officer of the Senate

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

11 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
12 last amended by Section 1, Chapter 295, O.S.L. 2014 (70 O.S. Supp.
13 2014, Section 3311), is amended to read as follows:

14 Section 3311. A. There is hereby created a Council on Law
15 Enforcement Education and Training which shall be, and is hereby
16 declared to be, a governmental law enforcement agency of the State
17 of Oklahoma, body politic and corporate, with powers of government
18 and with the authority to exercise the rights, privileges and
19 functions necessary to ensure the professional training and
20 continuing education of law enforcement officers in the State of
21 Oklahoma. These rights, privileges and functions include, but are
22 not limited to, those specified in Sections 3311 through 3311.10 of
23 this title and in the Oklahoma Security Guard and Private

24

1 Investigator Act. The Council shall be composed of thirteen (13)
2 members as follows:

3 1. The Commissioner of the Department of Public Safety, or
4 designee;

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

7 3. The Director of the Oklahoma State Bureau of Investigation,
8 or designee;

9 4. One member appointed by the Governor who shall be a law
10 enforcement administrator representing a tribal law enforcement
11 agency;

12 5. One member appointed by the Governor who shall be a chief of
13 police of a municipality with a population over one hundred thousand
14 (100,000), as determined by the latest Federal Decennial Census;

15 6. One member appointed by the Board of Directors of the
16 Oklahoma Sheriffs' and Peace Officers Association who shall be a
17 sheriff of a county with a population under fifty thousand (50,000),
18 as determined by the latest Federal Decennial Census;

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

23 8. One member shall be appointed by the Board of Directors of
24 the Oklahoma Sheriffs' Association who shall be a sheriff of a

1 county with a population of one hundred thousand (100,000) or more,
2 as determined by the latest Federal Decennial Census;

3 9. One member appointed by the Board of Directors of the
4 Fraternal Order of Police who shall have experience as a training
5 officer;

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

8 11. One member who is the immediate past chair of the Council
9 on Law Enforcement Education and Training;

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

16 13. The Speaker of the House of Representatives shall appoint
17 one member from a list of three or more nominees submitted by an
18 organization that assists in the establishment of accreditation
19 standards and training programs for law enforcement agencies
20 throughout the State of Oklahoma.

21 The Executive Director selected by the Council shall be an ex
22 officio member of the Council and shall act as Secretary. The
23 Council on Law Enforcement Education and Training shall select a
24 chair and vice-chair from among its members. Members of the Council

1 on Law Enforcement Education and Training shall not receive a salary
2 for duties performed as members of the Council, but shall be
3 reimbursed for their actual and necessary expenses incurred in the
4 performance of Council duties pursuant to the provisions of the
5 State Travel Reimbursement Act.

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

8 1. Appoint a larger Advisory Council to discuss problems and
9 hear recommendations concerning necessary research, minimum
10 standards, educational needs, and other matters imperative to
11 upgrading Oklahoma law enforcement to professional status;

12 2. Promulgate rules with respect to such matters as
13 certification, revocation, suspension, withdrawal and reinstatement
14 of certification, minimum courses of study, testing and test scores,
15 attendance requirements, equipment and facilities, minimum
16 qualifications for instructors, minimum standards for basic and
17 advanced in-service courses, and seminars for Oklahoma police and
18 peace officers;

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

21 4. Authorize additional staff and services necessary for
22 program expansion;

23 5. Recommend legislation necessary to upgrade Oklahoma law
24 enforcement to professional status;

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

7 7. Appoint an Executive Director and an Assistant Director to
8 direct the staff, inform the Council of compliance with the
9 provisions of this section and perform such other duties imposed on
10 the Council by law. An Executive Director appointed by the Council
11 must qualify for the position with a bachelor or higher degree in
12 law enforcement from an accredited college or university, or a
13 bachelor or higher degree in a law-enforcement-related subject area,
14 and a minimum of five (5) years of active law enforcement experience
15 including, but not limited to, responsibility for enforcement,
16 investigation, administration, training, or curriculum
17 implementation.

18 The Executive Director of the Council on Law Enforcement
19 Education and Training may commission CLEET staff as peace officers
20 for purposes consistent with the duties of CLEET as set out in state
21 law. The powers and duties conferred on the Executive Director or
22 any staff member appointed by the Executive Director as a peace
23 officer shall not limit the powers and duties of other peace
24 officers of this state or any political subdivision thereof. The

1 Executive Director or any staff member appointed by the Executive
2 Director as a peace officer may, upon request, assist any federal,
3 state, county or municipal law enforcement agency;

4 8. Enter into contracts and agreements for the payment of
5 classroom space, food, and lodging expenses as may be necessary for
6 law enforcement officers attending any official course of
7 instruction approved or conducted by the Council. Such expenses may
8 be paid directly to the contracting agency or business
9 establishment. The food and lodging expenses for each law
10 enforcement officer shall not exceed the authorized rates as
11 provided for in the State Travel Reimbursement Act; provided,
12 however, the Council may provide food and lodging to law enforcement
13 officials attending any official course of instruction approved or
14 conducted by the Council rather than paying for the provision of
15 such food and lodging by an outside contracting agency or business
16 establishment;

17 9. a. Certify canine teams, consisting of a dog and a
18 handler working together as a team, trained to detect:
19 (1) controlled dangerous substances, or
20 (2) explosives, explosive materials, explosive
21 devices, or materials which could be used to
22 construct an explosive device;
23 provided, the dog of a certified canine team shall not
24 be certified at any time as both a drug dog and a bomb

1 dog, and any dog of a certified canine team who has
2 been previously certified as either a drug dog or a
3 bomb dog shall not be eligible at any time to be
4 certified in the other category.

5 b. Upon retiring the dog from the service it was
6 certified to perform, the law enforcement department
7 that handled the dog shall retain possession of the
8 dog. The handler shall have first option of adopting
9 the dog. If that option is not exercised, the law
10 enforcement department shall provide for its adoption.
11 Once adopted the dog shall not be placed back into
12 active service;

13 10. Enter into a lease, loan or other agreement with the
14 Oklahoma Development Finance Authority or a local public trust for
15 the purpose of facilitating the financing of a new facility for its
16 operations and use and pledge, to the extent authorized by law, all
17 or a portion of its receipts of the assessment penalty herein
18 referenced for the payment of its obligations under such lease, loan
19 or other agreement. It is the intent of the Legislature to increase
20 the assessment penalty to such a level or appropriate sufficient
21 monies to the Council on Law Enforcement Education and Training to
22 make payments on the lease, loan or other agreement for the purpose
23 of retiring the bonds to be issued by the Oklahoma Development
24 Finance Authority or local public trust. Such lease, loan or other

1 agreement and the bonds issued to finance such facilities shall not
2 constitute an indebtedness of the State of Oklahoma or be backed by
3 the full faith and credit of the State of Oklahoma, and the lease,
4 loan or other agreement and the bonds shall contain a statement to
5 such effect;

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

8 12. Appoint an advisory committee composed of representatives
9 from security guard and private investigative agencies to advise the
10 Council concerning necessary research, minimum standards for
11 licensure, education, and other matters related to licensure of
12 security guards, security guard agencies, private investigators, and
13 private investigative agencies;

14 13. Enter into agreements with individuals, educational
15 institutions, agencies, and business and tribal entities for
16 professional services, the use of facilities and supplies, and staff
17 overtime costs incurred as a result of the user's requests to
18 schedule functions after-hours, on weekends, or anytime such
19 requests extend staff beyond its normal capacity, whereby
20 contracting individuals, educational institutions, agencies, and
21 business and tribal entities shall pay a fee to be determined by the
22 Council by rule. All fees collected pursuant to these agreements
23 shall be deposited to the credit of the C.L.E.E.T. Training Center
24 Revolving Fund created pursuant to Section 3311.6 of this title.

1 The Council is authorized to promulgate emergency rules to
2 effectuate the provisions of this paragraph;

3 14. Promulgate rules to establish a state firearms
4 requalification standard for active peace officers and meet any
5 requirements of the federal Law Enforcement Officers Safety Act of
6 2004 for peace officers to carry concealed weapons nationwide;

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

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

14 a. one member shall be selected by the Chancellor for
15 Higher Education, who possesses a background of
16 creation and review of curriculum and experience
17 teaching criminal justice or law enforcement courses,
18 who shall serve an initial term of one (1) year,

19 b. one member shall represent a municipal jurisdiction
20 with a population of fifty thousand (50,000) or more
21 and who shall be a management-level CLEET-certified
22 training officer, who shall serve an initial term of
23 two (2) years,

24

- 1 c. one member shall represent a county jurisdiction with
2 a population of fifty thousand (50,000) or more and
3 who shall be a management-level CLEET-certified
4 training officer, who shall serve an initial term of
5 three (3) years,
- 6 d. one member shall represent a municipal jurisdiction
7 with a population of less than fifty thousand (50,000)
8 and who shall be a CLEET-certified training officer,
9 who shall serve an initial term of two (2) years,
- 10 e. one member shall represent a county jurisdiction with
11 a population of less than fifty thousand (50,000) and
12 who shall be a CLEET-certified training officer, who
13 shall serve an initial term of one (1) year, and
- 14 f. one member selected by the Oklahoma Department of
15 Career and Technology Education from the Curriculum
16 Material and Instructional Material Center, who shall
17 serve an initial term of three (3) years.

18 After the initial terms of office, all members shall be
19 appointed to serve three-year terms. Any member may be reappointed
20 to serve consecutive terms. Members shall serve without
21 compensation, but may be reimbursed for travel expenses pursuant to
22 the State Travel Reimbursement Act. The Board shall review and
23 establish curriculum for all CLEET academies and training courses
24

1 pursuant to procedures established by the Council on Law Enforcement
2 Education and Training;

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

5 18. Receive requested reports including investigative reports,
6 court documents, statements, or other applicable information from
7 local, county and state agencies and other agencies for use in
8 actions where a certification or license issued by CLEET may be
9 subject to disciplinary or other actions provided by law;

10 19. Summarily suspend a certification of a peace officer,
11 without prior notice but otherwise subject to administrative
12 proceedings, if CLEET finds that the actions of the certified peace
13 officer may present a danger to the peace officer, the public, a
14 family or household member, or involve a crime against a minor; and

15 20. Approve law enforcement agencies and police departments in
16 accordance with the following:

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

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

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

- 1 (2) order confirmation of the opinion of the
- 2 Executive Director, or
- 3 (3) order authorization of the entity.

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

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

- 22 a. add an amount equal to the amount of the service
- 23 charge incurred, not to exceed three percent (3%) of
- 24

1 the amount of the check as a service charge for the
2 acceptance and verification of the check, or

- 3 b. add an amount of no more than Five Dollars (\$5.00) as
4 a service charge for the acceptance and verification
5 of a check. For purposes of this subsection,
6 "business check" shall not mean a money order,
7 cashier's check, or bank certified check.

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

13 E. 1. No person shall be eligible for employment as a peace
14 officer or reserve peace officer until the employing law enforcement
15 agency has conducted a background investigation of such person
16 consisting of the following:

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

- 1 c. such person has undergone psychological evaluation by
2 a psychologist licensed by the State of Oklahoma and
3 has been evaluated to be suitable to serve as a peace
4 officer in the State of Oklahoma,
- 5 d. the employing agency has verified that such person has
6 a high school diploma or a GED equivalency certificate
7 as recognized by state law,
- 8 e. such person is not participating in a deferred
9 sentence agreement for a felony, a crime involving
10 moral turpitude, or a crime of domestic violence,
- 11 f. such person is not currently subject to an order of
12 the Council revoking, suspending, or accepting a
13 voluntary surrender of peace officer certification,
- 14 g. such person is not currently undergoing treatment for
15 a mental illness, condition or disorder. For purposes
16 of this subsection, "currently undergoing treatment
17 for mental illness, condition or disorder" means the
18 person has been diagnosed by a licensed physician or
19 psychologist as being afflicted with a substantial
20 disorder of thought, mood, perception, psychological
21 orientation or memory that significantly impairs
22 judgment, behavior, capacity to recognize reality, or
23 ability to meet the ordinary demands of life and such
24 condition 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 Beginning January 1, 2014, 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 in the past two (2) years, shall be eligible to attend a
7 three-hundred-sixty-hour basic full-time training academy to become
8 certified as a full-time police or peace officer.

9 3. A reserve peace officer may be eligible to transition from
10 reserve status to full time status for the officer's current
11 employing agency if the following criteria have been satisfied:

12 a. the officer has been in active service as a reserve
13 peace officer for the agency for five (5) years,

14 b. the officer has maintained firearm qualification and
15 has re-qualified on time for four (4) of those five
16 (5) years, or has proper documentation of a valid
17 reason for non-compliance for timely requalification,
18 and

19 c. the officer has a signed letter of endorsement to the
20 Council from his or her current Sheriff or Chief of
21 Police.

22 Any reserve peace officers transitioning to full time peace officers
23 for the current employing agency shall complete an eight (8) hour
24 block of refresher legal coursework, a full block of full time law

1 enforcement officer driver training, sixteen (16) hours of
2 supplemental training in defensive tactics and four (4) hours of
3 ethics. All training will be provided by the Council. A reserve
4 peace officer is only eligible to transition to full-time peace
5 officer status by this transition method when the officer continues
6 employment as a full-time peace officer for the same employing
7 agency for which the officer is a reserve peace officer, and the
8 officer's full-time peace officer status acquired under this
9 transition method is only valid for as long as the officer is
10 employed by that agency. Officers trained in this qualification
11 method will be subject to full-reserve to full-time training
12 requirements as provided in this subsection upon a change in
13 employing agency.

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

22 a. The Council may extend the time requirement specified
23 in this paragraph for good cause as determined by the
24 Council.

1 b. A duty is hereby imposed upon the employing agency to
2 withhold payment of the compensation or wage of such
3 unqualified officer.

4 c. If the police or peace officer fails to forfeit the
5 position or the employing agency fails to require the
6 officer to forfeit the position, the district attorney
7 shall file the proper action to cause the forfeiting
8 of such position. The district court of the county
9 where the officer is employed shall have jurisdiction
10 to hear the case.

11 ~~4.~~ 5. The Council may certify officers who have completed a
12 course of study in another state deemed by the Council to meet
13 standards for Oklahoma peace officers providing the officer's
14 certification in the other state has not been revoked or voluntarily
15 surrendered and is not currently under suspension.

16 ~~5.~~ 6. For purposes of this section, a police or peace officer
17 is defined as a full-time duly appointed or elected officer who is
18 paid for working more than twenty-five (25) hours per week and whose
19 duties are to preserve the public peace, protect life and property,
20 prevent crime, serve warrants, transport prisoners, and enforce laws
21 and ordinances of this state, or any political subdivision thereof;
22 provided, elected sheriffs and their deputies and elected,
23 appointed, or acting chiefs of police shall meet the requirements of
24 this subsection within the first six (6) months after assuming the

1 duties of the office to which they are elected or appointed or for
2 which they are an acting chief; provided further, that this section
3 shall not apply to persons designated by the Director of the
4 Department of Corrections as peace officers pursuant to Section 510
5 of Title 57 of the Oklahoma Statutes.

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

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

22 a. Oklahoma State Bureau of Investigation and Federal
23 Bureau of Investigation reports,
24

- b. administration of the psychological tests provided for 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

1 participating in training programs sponsored by the Council. Every
2 law enforcement agency employing police or peace officers in this
3 state shall submit to CLEET on or before October 1 of each calendar
4 year a complete list of all commissioned employees with a current
5 mailing address and phone number for each such employee. In
6 addition to the above, CLEET may impose an administrative fine for
7 violations of this section.

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

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

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

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

- 14 a. conviction of a felony or a crime of domestic
15 violence,
- 16 b. conviction of a misdemeanor involving moral turpitude;
17 provided, if the conviction is a single isolated
18 incident that occurred more than five (5) years ago
19 and the Council is satisfied that the person has been
20 sufficiently rehabilitated, the Council may certify
21 such person providing that all other statutory
22 requirements have been met,
- 23 c. a verdict of guilt or entry of a plea of guilty or
24 nolo contendere for a deferred sentence for a felony

1 offense, a crime of moral turpitude, or a crime of
2 domestic violence,

3 d. falsification or a willful misrepresentation of
4 information in an employment application or
5 application to the Council on Law Enforcement
6 Education and Training, records of evidence, or in
7 testimony under oath,

8 e. revocation or voluntary surrender of police or peace
9 officer certification in another state for a violation
10 of any law or rule or in settlement of any
11 disciplinary action in such state,

12 f. involuntary commitment of a reserve or peace officer
13 in a mental institution or licensed private mental
14 health facility for any mental illness, condition or
15 disorder that is diagnosed by a licensed physician or
16 psychologist as a substantial disorder of thought,
17 mood, perception, psychological orientation, or memory
18 that significantly impairs judgment, behavior,
19 capacity to recognize reality, or ability to meet the
20 ordinary demands of life. Provided, the peace officer
21 certification may be reinstated upon the Council
22 receiving notification of a psychological evaluation
23 conducted by a licensed physician or psychologist
24 which attests and states by affidavit that the officer

1 and the evaluation test data of the officer have been
2 examined and that, in the professional opinion of the
3 physician or psychologist, the officer is
4 psychologically suitable to return to duty as a peace
5 officer,

6 g. abuse of office,

7 h. entry of a final order of protection against applicant
8 or officer, or

9 i. any violation of the Oklahoma Private Security
10 Licensing Act.

11 2. Disciplinary proceedings shall be commenced by filing a
12 complaint with the Council on a form approved by the Council. Any
13 employing agency or other person having information may submit such
14 information to the Council for consideration as provided in this
15 subsection.

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

18 a. there is reason to believe the person has violated any
19 provision of this subsection or any other provision of
20 law or rule, or

21 b. there is reason to believe the person has been
22 convicted of a felony, a crime involving moral
23 turpitude or a domestic violence offense or is
24

1 currently participating in a deferred sentence for
2 such offenses.

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

13 5. The Council shall revoke the certification of any person
14 upon determining that such person has been convicted of a felony or
15 a crime involving moral turpitude or a domestic violence offense;
16 provided, that if the conviction has been reversed, vacated or
17 otherwise invalidated by an appellate court, such conviction shall
18 not be the basis for revocation of certification; provided further,
19 that any person who has been trained and certified by the Council on
20 Law Enforcement Education and Training and is actively employed as a
21 full-time peace officer as of November 1, 1985, shall not be subject
22 to the provisions of this subsection for convictions occurring prior
23 to November 1, 1985. The sole issue to be determined at the hearing
24

1 shall be whether the person has been convicted of a felony, a crime
2 involving moral turpitude or a domestic violence offense.

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

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

12 8. Every law enforcement agency in this state shall, within
13 thirty (30) days of a final order of termination or resignation
14 while under investigation of a CLEET-certified peace officer, report
15 such order or resignation in writing to the Executive Director of
16 the Council. Any report, upon receipt by the Council, shall be
17 considered as personnel records and shall be afforded confidential
18 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
19 Oklahoma Statutes. The Executive Director shall ensure that the
20 report is provided to all members of the Council. The Council shall
21 review and make recommendations concerning the report at the first
22 meeting of the Council to occur after all members of the Council
23 have received the report. The Council may, by a majority vote,
24 order the suspension, for a given period of time, or revocation of

1 the CLEET certification of the peace officer in question if there
2 are grounds for such actions pursuant to this section and the peace
3 officer in question has been provided with notice and an opportunity
4 for a hearing pursuant to the Administrative Procedures Act.
5 Suspension or revocation of CLEET certification pursuant to this
6 paragraph shall be reported to the district attorney for the
7 jurisdiction in which the peace officer was employed, to the
8 liability insurance company of the law enforcement agency that
9 employed the peace officer, the chief elected official of the
10 governing body of the law enforcement agency and the chief law
11 enforcement officer of the law enforcement agency.

12 9. For all other violations of this subsection, the hearing
13 examiner shall take into consideration the severity of the
14 violation, any mitigating circumstances offered by the person
15 subject to disciplinary action, and any other evidence relevant to
16 the person's character to determine the appropriate disciplinary
17 action.

18 10. a. A police or peace officer may voluntarily surrender
19 and relinquish the peace officer certification to
20 CLEET. Pursuant to such surrender or relinquishment,
21 the person surrendering the certification shall be
22 prohibited from applying to CLEET for reinstatement
23 within five (5) years of the date of the surrender or
24

1 relinquishment, unless otherwise provided by law for
2 reinstatement.

3 b. No person who has had a police or peace officer
4 certification from another state revoked or
5 voluntarily surrendered shall be considered for
6 certification by CLEET within five (5) years of the
7 effective date of any such revocation or voluntary
8 surrender of certification.

9 c. Any person seeking reinstatement of police or peace
10 officer certification which has been suspended,
11 revoked, or voluntarily surrendered may apply for
12 reinstatement pursuant to promulgated CLEET rules
13 governing reinstatement. Except as provided in this
14 subsection, any person whose certification has been
15 revoked, suspended or voluntarily surrendered for any
16 reason, including failure to comply with mandatory
17 education and training requirements, shall pay a
18 reinstatement fee of One Hundred Fifty Dollars
19 (\$150.00) to be deposited to the credit of the Peace
20 Officer Revolving Fund created pursuant to Section
21 3311.7 of this title.

22 11. A duty is hereby imposed upon the district attorney who, on
23 behalf of the State of Oklahoma, prosecutes a person holding police
24 or peace officer certification for a felony, a crime involving moral

1 turpitude, or a crime of domestic violence in which a plea of
2 guilty, nolo contendere, or other finding of guilt is entered by,
3 against or on behalf of a certified police or peace officer to
4 report such plea, agreement, or other finding of guilt to the
5 Council on Law Enforcement Education and Training within ten (10)
6 days of such plea agreement or the finding of guilt.

7 12. Any person or agency required or authorized to submit
8 information pursuant to this section to the Council shall be immune
9 from liability arising from the submission of the information as
10 long as the information was submitted in good faith and without
11 malice.

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

19 14. As used in this subsection:

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

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.
24

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.

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

- 22 a. the Department of Public Safety,
- 23 b. a police department,
- 24 c. a sheriff's office, and

1 d. a university or college campus police department.

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

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

1 N. If an employing law enforcement agency in this state has
2 paid the salary of a person while that person is completing in this
3 state a basic police course approved by the Council and if within
4 one (1) year after certification that person resigns and is hired by
5 another law enforcement agency in this state, the second agency or
6 the person receiving the training shall reimburse the original
7 employing agency for the salary paid to the person while completing
8 the basic police course by the original employing agency.

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

12 P. Peace officers, reserve peace officers, tribal peace
13 officers, agencies, bail enforcers, security guards, and private
14 investigators shall maintain with the Council current residential
15 addresses and shall notify the Council, in writing, of any change of
16 name. Notification of change of name shall require certified copies
17 of any marriage license or other court document which reflects the
18 change of name. Notice of change of address or telephone number
19 must be made within ten (10) days of the effected change. Notices
20 shall not be accepted over the phone. In any proceeding in which
21 the Council is required to serve notice or an order on an individual
22 or an agency, the Council may send a letter to the address on file
23 with the Council. If the letter is returned and a notation of the
24 U.S. Postal Service indicates "unclaimed", or "moved", or "refused"

1 or any other nondelivery markings and the records of the Council
2 indicate that no change of address as required by this subsection
3 has been received by the Council, the notice and any subsequent
4 notices or orders shall be deemed by the Court as having been
5 legally served for all purposes.

6 SECTION 2. This act shall become effective November 1, 2015.

7 Passed the Senate the 2nd day of March, 2015.

8

9

Presiding Officer of the Senate

10

11 Passed the House of Representatives the ____ day of _____,

12 2015.

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Presiding Officer of the House
of Representatives

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