

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 55th Legislature (2016)

4   HOUSE BILL 2405

                                  By: Faught of the House

5   and

6   David of the Senate

7  
8  
9   AS INTRODUCED

10           An Act relating to law enforcement; amending 70 O.S.  
11           2011, Section 3311, as last amended by Section 1,  
12           Chapter 281, O.S.L. 2015 (70 O.S. Supp. 2015, Section  
13           3311), which relates to the Council on Law  
14           Enforcement Education and Training; deleting certain  
15           employment eligibility requirement; and providing an  
16           effective date.

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

17           SECTION 1.           AMENDATORY           70 O.S. 2011, Section 3311, as  
18           last amended by Section 1, Chapter 281, O.S.L. 2015 (70 O.S. Supp.  
19           2015, Section 3311), is amended to read as follows:

20           Section 3311.   A.   There is hereby created a Council on Law  
21           Enforcement Education and Training which shall be, and is hereby  
22           declared to be, a governmental law enforcement agency of the State  
23           of Oklahoma, body politic and corporate, with powers of government  
24           and with the authority to exercise the rights, privileges and

1 functions necessary to ensure the professional training and  
2 continuing education of law enforcement officers in the State of  
3 Oklahoma. These rights, privileges and functions include, but are  
4 not limited to, those specified in Sections 3311 through 3311.10 of  
5 this title and in the Oklahoma Security Guard and Private  
6 Investigator Act. The Council shall be composed of thirteen (13)  
7 members as follows:

8 1. The Commissioner of the Department of Public Safety, or  
9 designee;

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

12 3. The Director of the Oklahoma State Bureau of Investigation,  
13 or designee;

14 4. One member appointed by the Governor who shall be a law  
15 enforcement administrator representing a tribal law enforcement  
16 agency;

17 5. One member appointed by the Governor who shall be a chief of  
18 police of a municipality with a population over one hundred thousand  
19 (100,000), as determined by the latest Federal Decennial Census;

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

24

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

5           8. One member shall be appointed by the Board of Directors of  
6 the Oklahoma Sheriffs' Association who shall be a sheriff of a  
7 county with a population of one hundred thousand (100,000) or more,  
8 as determined by the latest Federal Decennial Census;

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

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

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

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

22           13. The Speaker of the House of Representatives shall appoint  
23 one member from a list of three or more nominees submitted by an  
24 organization that assists in the establishment of accreditation

1 standards and training programs for law enforcement agencies  
2 throughout the State of Oklahoma.

3 The Executive Director selected by the Council shall be an ex  
4 officio member of the Council and shall act as Secretary. The  
5 Council on Law Enforcement Education and Training shall select a  
6 chair and vice-chair from among its members. Members of the Council  
7 on Law Enforcement Education and Training shall not receive a salary  
8 for duties performed as members of the Council, but shall be  
9 reimbursed for their actual and necessary expenses incurred in the  
10 performance of Council duties pursuant to the provisions of the  
11 State Travel Reimbursement Act.

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

14 1. Appoint a larger Advisory Council to discuss problems and  
15 hear recommendations concerning necessary research, minimum  
16 standards, educational needs, and other matters imperative to  
17 upgrading Oklahoma law enforcement to professional status;

18 2. Promulgate rules with respect to such matters as  
19 certification, revocation, suspension, withdrawal and reinstatement  
20 of certification, minimum courses of study, testing and test scores,  
21 attendance requirements, equipment and facilities, minimum  
22 qualifications for instructors, minimum standards for basic and  
23 advanced in-service courses, and seminars for Oklahoma police and  
24 peace officers;

- 1           3. Authorize research, basic and advanced courses, and seminars  
2 to assist in program planning directly and through subcommittees;
- 3           4. Authorize additional staff and services necessary for  
4 program expansion;
- 5           5. Recommend legislation necessary to upgrade Oklahoma law  
6 enforcement to professional status;
- 7           6. Establish policies and regulations concerning the number,  
8 geographic and police unit distribution, and admission requirements  
9 of those receiving tuition or scholarship aid available through the  
10 Council. Such waiver of costs shall be limited to duly appointed  
11 members of legally constituted local, county, and state law  
12 enforcement agencies on the basis of educational and financial need;
- 13           7. Appoint an Executive Director and an Assistant Director to  
14 direct the staff, inform the Council of compliance with the  
15 provisions of this section and perform such other duties imposed on  
16 the Council by law. An Executive Director appointed by the Council  
17 must qualify for the position with a bachelor or higher degree in  
18 law enforcement from an accredited college or university, or a  
19 bachelor or higher degree in a law-enforcement-related subject area,  
20 and a minimum of five (5) years of active law enforcement experience  
21 including, but not limited to, responsibility for enforcement,  
22 investigation, administration, training, or curriculum  
23 implementation.
- 24

1           The Executive Director of the Council on Law Enforcement  
2 Education and Training may commission CLEET staff as peace officers  
3 for purposes consistent with the duties of CLEET as set out in state  
4 law. The powers and duties conferred on the Executive Director or  
5 any staff member appointed by the Executive Director as a peace  
6 officer shall not limit the powers and duties of other peace  
7 officers of this state or any political subdivision thereof. The  
8 Executive Director or any staff member appointed by the Executive  
9 Director as a peace officer may, upon request, assist any federal,  
10 state, county or municipal law enforcement agency;

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

24

1 9. a. Certify canine teams, consisting of a dog and a  
2 handler working together as a team, trained to detect:  
3 (1) controlled dangerous substances, or  
4 (2) explosives, explosive materials, explosive  
5 devices, or materials which could be used to  
6 construct an explosive device;  
7 provided, the dog of a certified canine team shall not  
8 be certified at any time as both a drug dog and a bomb  
9 dog, and any dog of a certified canine team who has  
10 been previously certified as either a drug dog or a  
11 bomb dog shall not be eligible at any time to be  
12 certified in the other category.

13 b. Upon retiring the dog from the service it was  
14 certified to perform, the law enforcement department  
15 that handled the dog shall retain possession of the  
16 dog. The handler shall have first option of adopting  
17 the dog. If that option is not exercised, the law  
18 enforcement department shall provide for its adoption.  
19 Once adopted the dog shall not be placed back into  
20 active service;

21 10. Enter into a lease, loan or other agreement with the  
22 Oklahoma Development Finance Authority or a local public trust for  
23 the purpose of facilitating the financing of a new facility for its  
24 operations and use and pledge, to the extent authorized by law, all

1 or a portion of its receipts of the assessment penalty herein  
2 referenced for the payment of its obligations under such lease, loan  
3 or other agreement. It is the intent of the Legislature to increase  
4 the assessment penalty to such a level or appropriate sufficient  
5 monies to the Council on Law Enforcement Education and Training to  
6 make payments on the lease, loan or other agreement for the purpose  
7 of retiring the bonds to be issued by the Oklahoma Development  
8 Finance Authority or local public trust. Such lease, loan or other  
9 agreement and the bonds issued to finance such facilities shall not  
10 constitute an indebtedness of the State of Oklahoma or be backed by  
11 the full faith and credit of the State of Oklahoma, and the lease,  
12 loan or other agreement and the bonds shall contain a statement to  
13 such effect;

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

16 12. Appoint an advisory committee composed of representatives  
17 from security guard and private investigative agencies to advise the  
18 Council concerning necessary research, minimum standards for  
19 licensure, education, and other matters related to licensure of  
20 security guards, security guard agencies, private investigators, and  
21 private investigative agencies;

22 13. Enter into agreements with individuals, educational  
23 institutions, agencies, and business and tribal entities for  
24 professional services, the use of facilities and supplies, and staff



1 overtime costs incurred as a result of the user's requests to  
2 schedule functions after-hours, on weekends, or anytime such  
3 requests extend staff beyond its normal capacity, whereby  
4 contracting individuals, educational institutions, agencies, and  
5 business and tribal entities shall pay a fee to be determined by the  
6 Council by rule. All fees collected pursuant to these agreements  
7 shall be deposited to the credit of the C.L.E.E.T. Training Center  
8 Revolving Fund created pursuant to Section 3311.6 of this title.  
9 The Council is authorized to promulgate emergency rules to  
10 effectuate the provisions of this paragraph;

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

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

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

22 a. one member shall be selected by the Chancellor for  
23 Higher Education, who possesses a background of  
24 creation and review of curriculum and experience

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

1 After the initial terms of office, all members shall be  
2 appointed to serve three-year terms. Any member may be reappointed  
3 to serve consecutive terms. Members shall serve without  
4 compensation, but may be reimbursed for travel expenses pursuant to  
5 the State Travel Reimbursement Act. The Board shall review and  
6 establish curriculum for all CLEET academies and training courses  
7 pursuant to procedures established by the Council on Law Enforcement  
8 Education and Training;

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

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

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

21 20. Approve law enforcement agencies and police departments in  
22 accordance with the following:

23 a. this section applies only to an entity authorized by  
24 statute or by the Constitution to create a law

1 enforcement agency or police department and  
2 commission, appoint, or employ officers that first  
3 creates or reactivates an inactive law enforcement  
4 agency or police department and first begins to  
5 commission, appoint, or employ officers on or after  
6 November 1, 2011,

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

10 (1) the need for the law enforcement agency or police  
11 department in the community,

12 (2) the funding sources for the law enforcement  
13 agency or police department, and proof that no  
14 more than fifty percent (50%) of the funding of  
15 the entity will be derived from ticket revenue or  
16 fines,

17 (3) the physical resources available to officers,

18 (4) the physical facilities that the law enforcement  
19 agency or police department will operate,  
20 including descriptions of the evidence room,  
21 dispatch area, restroom facilities, and public  
22 area,

1 (5) law enforcement policies of the law enforcement  
2 agency or police department, including published  
3 policies on:

4 (a) use of force,

5 (b) vehicle pursuit,

6 (c) mental health,

7 (d) professional conduct of officers,

8 (e) domestic abuse,

9 (f) response to missing persons,

10 (g) supervision of part-time officers, and

11 (h) impartial policing,

12 (6) the administrative structure of the law  
13 enforcement agency or police department,

14 (7) liability insurance, and

15 (8) any other information CLEET requires by rule,

16 c. within sixty (60) days of receiving an entity's  
17 request, CLEET will forward to the entity by certified  
18 mail, return receipt requested, a letter of  
19 authorization or denial to create a law enforcement  
20 agency or police department and commission, appoint,  
21 or employ officers, signed by the Executive Director  
22 of CLEET, and

23 d. in cases of denial, the entity may appeal the decision  
24 of the Executive Director to the full CLEET Council.

1           The Executive Director shall ensure that the final  
2           report is provided to all members of the Council. The  
3           Council shall review and make recommendations  
4           concerning the report at the first meeting of the  
5           Council to occur after all members of the Council have  
6           received the report. The Council may, by majority  
7           vote:

- 8           (1) order additional information be provided,
- 9           (2) order confirmation of the opinion of the  
10           Executive Director, or
- 11           (3) order authorization of the entity.

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

1 banking electronic facility. The Council shall determine which  
2 nationally recognized credit or debit cards will be accepted as  
3 payment for fees.

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

6 a. add an amount equal to the amount of the service  
7 charge incurred, not to exceed three percent (3%) of  
8 the amount of the check as a service charge for the  
9 acceptance and verification of the check, or

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

15 D. Failure of the Legislature to appropriate necessary funds to  
16 provide for expenses and operations of the Council on Law  
17 Enforcement Education and Training shall not invalidate other  
18 provisions of this section relating to the creation and duties of  
19 the Council.

20 E. 1. No person shall be eligible for employment as a peace  
21 officer or reserve peace officer until the employing law enforcement  
22 agency has conducted a background investigation of such person  
23 consisting of the following:

24

- 1 a. a fingerprint search submitted to the Oklahoma State  
2 Bureau of Investigation with a return report to the  
3 submitting agency that such person has no felony  
4 record,
- 5 b. a fingerprint search submitted to the Federal Bureau  
6 of Investigation with a return report to the  
7 submitting agency that such person has no felony  
8 record,
- 9 c. such person has undergone psychological evaluation by  
10 a psychologist licensed by the State of Oklahoma and  
11 has been evaluated to be suitable to serve as a peace  
12 officer in the State of Oklahoma,
- 13 d. the employing agency has verified that such person has  
14 a high school diploma or a GED equivalency certificate  
15 as recognized by state law,
- 16 e. such person is not participating in a deferred  
17 sentence agreement for a felony, a crime involving  
18 moral turpitude, or a crime of domestic violence,
- 19 f. such person is not currently subject to an order of  
20 the Council revoking, suspending, or accepting a  
21 voluntary surrender of peace officer certification,
- 22 g. such person is not currently undergoing treatment for  
23 a mental illness, condition or disorder. For purposes  
24 of this subsection, "currently undergoing treatment



1 for mental illness, condition or disorder" means the  
2 person has been diagnosed by a licensed physician,  
3 psychologist, or licensed mental health professional  
4 as being afflicted with a substantial disorder of  
5 thought, mood, perception, psychological orientation  
6 or memory that significantly impairs judgment,  
7 behavior, capacity to recognize reality, or ability to  
8 meet the ordinary demands of life and such condition  
9 continues to exist,

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

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

14 i. such person has provided proof of United States  
15 citizenship ~~or resident alien status, pursuant to an~~  
16 ~~employment eligibility verification form from the~~  
17 ~~United States Citizenship and Immigration Services.~~

18 2. To aid the evaluating psychologist in interpreting the test  
19 results, including automated scoring and interpretations, the  
20 employing agency shall provide the psychologist a statement  
21 confirming the identity of the individual taking the test as the  
22 person who is employed or seeking employment as a peace officer of  
23 the agency and attesting that it administered the psychological  
24 instrument in accordance with standards within the test document.

1 The psychologist shall report to the employing agency the evaluation  
2 of the assessment instrument and may include any additional  
3 recommendations to assist the employing agency in determining  
4 whether to certify to the Council on Law Enforcement Education and  
5 Training that the person being evaluated is suitable to serve as a  
6 peace officer in the State of Oklahoma. No additional procedures or  
7 requirements shall be imposed for performance of the psychological  
8 evaluation. The psychological instrument utilized shall be  
9 evaluated by a psychologist licensed by the State of Oklahoma, and  
10 the employing agency shall certify to the Council that the  
11 evaluation was conducted in accordance with this provision and that  
12 the employee or applicant is suitable to serve as a peace officer in  
13 the State of Oklahoma.

- 14 a. Any person found not to be suitable for employment or  
15 certification by the Council shall not be employed,  
16 retained in employment as a peace officer, or  
17 certified by the Council for at least one (1) year, at  
18 which time the employee or applicant may be  
19 reevaluated by a psychologist licensed by the State of  
20 Oklahoma. This section shall also be applicable to  
21 all reserve peace officers in the State of Oklahoma.
- 22 b. Any person who is certified by CLEET and has undergone  
23 the psychological evaluation required by this  
24 subparagraph and has been found to be suitable as a

1 peace officer shall not be required to be reevaluated  
2 for any subsequent employment as a peace officer  
3 following retirement or any break in service as a  
4 peace officer, unless such break in service exceeds  
5 five (5) years or the Council determines that a peace  
6 officer may present a danger to himself or herself,  
7 the public, or a family or household member.

8 c. All persons seeking certification shall have their  
9 name, gender, date of birth, and address of such  
10 person submitted to the Department of Mental Health  
11 and Substance Abuse Services by the Council. The  
12 Department of Mental Health and Substance Abuse  
13 Services shall respond to the Council within ten (10)  
14 days whether the computerized records of the  
15 Department indicate the applicant has ever been  
16 involuntarily committed to an Oklahoma state mental  
17 institution. In the event that the Department of  
18 Mental Health and Substance Abuse Services reports to  
19 the Council that the applicant has been involuntarily  
20 committed, the Council shall immediately inform the  
21 employing agency.

22 All basic police courses shall include a minimum of four (4) hours  
23 of education and training in recognizing and managing a person  
24 appearing to require mental health treatment or services. The

1 training shall include training in crime and drug prevention, crisis  
2 intervention, youth and family intervention techniques, recognizing,  
3 investigating and preventing abuse and exploitation of elderly  
4 persons, mental health issues, and criminal jurisdiction on  
5 Sovereign Indian Land.

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

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

11 Beginning January 1, 2014, any reserve peace officer who has  
12 completed the two-hundred-forty-hour reserve peace officer  
13 certification program, and who has been in active service in that  
14 capacity in the past two (2) years, shall be eligible to attend a  
15 three-hundred-sixty-hour basic full-time training academy to become  
16 certified as a full-time police or peace officer.

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

- 1 a. The Council may extend the time requirement specified  
2 in this paragraph for good cause as determined by the  
3 Council.
- 4 b. A duty is hereby imposed upon the employing agency to  
5 withhold payment of the compensation or wage of such  
6 unqualified officer.
- 7 c. If the police or peace officer fails to forfeit the  
8 position or the employing agency fails to require the  
9 officer to forfeit the position, the district attorney  
10 shall file the proper action to cause the forfeiting  
11 of such position. The district court of the county  
12 where the officer is employed shall have jurisdiction  
13 to hear the case.

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

19 5. For purposes of this section, a police or peace officer is  
20 defined as a full-time duly appointed or elected officer who is paid  
21 for working more than twenty-five (25) hours per week and whose  
22 duties are to preserve the public peace, protect life and property,  
23 prevent crime, serve warrants, transport prisoners, and enforce laws  
24 and ordinances of this state, or any political subdivision thereof;

1 provided, elected sheriffs and their deputies and elected,  
2 appointed, or acting chiefs of police shall meet the requirements of  
3 this subsection within the first six (6) months after assuming the  
4 duties of the office to which they are elected or appointed or for  
5 which they are an acting chief; provided further, that this section  
6 shall not apply to persons designated by the Director of the  
7 Department of Corrections as peace officers pursuant to Section 510  
8 of Title 57 of the Oklahoma Statutes.

9 F. No person shall be certified as a police or peace officer by  
10 the Council or be employed by the state, a county, a city, or any  
11 political subdivision thereof, who is currently subject to an order  
12 of the Council revoking, suspending, or accepting a voluntary  
13 surrender of peace officer certification or who has been convicted  
14 of a felony, a crime involving moral turpitude, or a crime of  
15 domestic violence, unless a full pardon has been granted by the  
16 proper agency; however, any person who has been trained and  
17 certified by the Council on Law Enforcement Education and Training  
18 and is actively employed as a full-time peace officer as of November  
19 1, 1985, shall not be subject to the provisions of this subsection  
20 for convictions occurring prior to November 1, 1985.

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

- a. Oklahoma State Bureau of Investigation and Federal Bureau of Investigation reports,
- 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

1 Council within ten (10) days. Failure to comply with the provisions  
2 of this subsection may disqualify a law enforcement agency from  
3 participating in training programs sponsored by the Council. Every  
4 law enforcement agency employing police or peace officers in this  
5 state shall submit to CLEET on or before October 1 of each calendar  
6 year a complete list of all commissioned employees with a current  
7 mailing address and phone number for each such employee. In  
8 addition to the above, CLEET may impose an administrative fine for  
9 violations of this section.

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

21 I. It is unlawful for any person to willfully make any  
22 statement in an application to CLEET knowing the statement is false  
23 or intentionally commit fraud in any application to the Council for  
24 attendance in any CLEET-conducted or CLEET-approved peace officer



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

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

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

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

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

- 18 g. abuse of office,
- 19 h. entry of a final order of protection against applicant  
20 or officer, or
- 21 i. any violation of the Oklahoma Private Security  
22 Licensing Act.

23 2. Disciplinary proceedings shall be commenced by filing a  
24 complaint with the Council on a form approved by the Council. Any

1 employing agency or other person having information may submit such  
2 information to the Council for consideration as provided in this  
3 subsection.

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

6 a. there is reason to believe the person has violated any  
7 provision of this subsection or any other provision of  
8 law or rule, or

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

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

24

1           5. The Council shall revoke the certification of any person  
2 upon determining that such person has been convicted of a felony or  
3 a crime involving moral turpitude or a domestic violence offense;  
4 provided, that if the conviction has been reversed, vacated or  
5 otherwise invalidated by an appellate court, such conviction shall  
6 not be the basis for revocation of certification; provided further,  
7 that any person who has been trained and certified by the Council on  
8 Law Enforcement Education and Training and is actively employed as a  
9 full-time peace officer as of November 1, 1985, shall not be subject  
10 to the provisions of this subsection for convictions occurring prior  
11 to 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.

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

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

23           8. Every law enforcement agency in this state shall, within  
24 thirty (30) days of a final order of termination or resignation

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

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

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

15           b. No person who has had a police or peace officer  
16 certification from another state revoked or  
17 voluntarily surrendered shall be considered for  
18 certification by CLEET within five (5) years of the  
19 effective date of any such revocation or voluntary  
20 surrender of certification.

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

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

10 11. A duty is hereby imposed upon the district attorney who, on  
11 behalf of the State of Oklahoma, prosecutes a person holding police  
12 or peace officer certification for a felony, a crime involving moral  
13 turpitude, or a crime of domestic violence in which a plea of  
14 guilty, nolo contendere, or other finding of guilt is entered by,  
15 against or on behalf of a certified police or peace officer to  
16 report such plea, agreement, or other finding of guilt to the  
17 Council on Law Enforcement Education and Training within ten (10)  
18 days of such plea agreement or the finding of guilt.

19 12. Any person or agency required or authorized to submit  
20 information pursuant to this section to the Council shall be immune  
21 from liability arising from the submission of the information as  
22 long as the information was submitted in good faith and without  
23 malice.  
24



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

8 14. As used in this subsection:

- 9 a. "law enforcement agency" means any department or  
10 agency of the state, a county, a municipality, or  
11 political subdivision thereof, with the duties to  
12 maintain public order, make arrests, and enforce the  
13 criminal laws of this state or municipal ordinances,  
14 which employs CLEET-certified personnel,
- 15 b. "final order of termination" means a final notice of  
16 dismissal from employment provided after all  
17 grievance, arbitration, and court actions have been  
18 completed, and
- 19 c. "resignation while under investigation" means the  
20 resignation from employment of a peace officer who is  
21 under investigation for any felony violation of law, a  
22 crime of moral turpitude, a crime of domestic  
23 violence, or the resignation from employment of a  
24

1                   peace officer as part of an arbitration or plea  
2                   agreement.

3           K. 1. Every canine team in the state trained to detect  
4 controlled dangerous substances shall be certified, by test, in the  
5 detection of such controlled dangerous substances and shall be  
6 recertified annually so long as the canine is used for such  
7 detection purposes. The certification test and annual  
8 recertification test provisions of this subsection shall not be  
9 applicable to canines that are owned by a law enforcement agency and  
10 that are certified and annually recertified in the detection of  
11 controlled dangerous substances by the United States Customs  
12 Service.

13           2. The Council shall appoint a Drug 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 controlled dangerous substances.  
17 The Council shall promulgate rules based upon the recommendations of  
18 the Advisory Council. Members of the Advisory Council shall  
19 include, but need not be limited to, a commissioned officer with  
20 practical knowledge of such canines and canine teams from each of  
21 the following:

- 22           a. the Oklahoma State Bureau of Narcotics and Dangerous  
23                Drugs Control,
- 24           b. the Department of Public Safety,

- c. a police department,
- d. a sheriff's office, and
- e. a university or college campus police department.

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

L. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense.

2. The Council shall appoint a Bomb Dog Advisory Council to make recommendations concerning minimum standards, educational

1 needs, and other matters imperative to the certification of canines  
2 and canine teams trained to detect explosives, explosive materials,  
3 explosive devices and materials which could be used to construct an  
4 explosive device. The Council shall promulgate rules based upon the  
5 recommendations of the Advisory Council. Members of the Advisory  
6 Council shall include, but need not be limited to, a commissioned  
7 officer with practical knowledge of such canines and canine teams  
8 from each of the following:

- 9 a. the Department of Public Safety,
- 10 b. a police department,
- 11 c. a sheriff's office, and
- 12 d. a university or college campus police department.

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

21 M. All tribal police officers of any Indian tribe or nation who  
22 have been commissioned by an Oklahoma law enforcement agency  
23 pursuant to a cross-deputization agreement with the State of  
24 Oklahoma or any political subdivision of the State of Oklahoma

1 pursuant to the provisions of Section 1221 of Title 74 of the  
2 Oklahoma Statutes shall be eligible for peace officer certification  
3 under the same terms and conditions required of members of the law  
4 enforcement agencies of the State of Oklahoma and its political  
5 subdivisions. CLEET shall issue peace officer certification to  
6 tribal police officers who, as of July 1, 2003, are commissioned by  
7 an Oklahoma law enforcement agency pursuant to a cross-deputization  
8 agreement with the State of Oklahoma or any political subdivision of  
9 the State of Oklahoma pursuant to the provisions of Section 1221 of  
10 Title 74 of the Oklahoma Statutes and have met the training and  
11 qualification requirements of this section.

12 N. If an employing law enforcement agency in this state has  
13 paid the salary of a person while that person is completing in this  
14 state a basic police course approved by the Council and if within  
15 one (1) year after certification that person resigns and is hired by  
16 another law enforcement agency in this state, the second agency or  
17 the person receiving the training shall reimburse the original  
18 employing agency for the salary paid to the person while completing  
19 the basic police course by the original employing agency.

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

17 SECTION 2. This act shall become effective November 1, 2016.

18  
19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02/04/2016 -  
20 DO PASS, As Coauthored.  
21  
22  
23  
24