

1 **SENATE FLOOR VERSION**

2 February 25, 2019

3 SENATE BILL NO. 224

By: McCortney

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6
7 An Act relating to law enforcement training; amending
8 70 O.S. 2011, Section 3311, as last amended by
9 Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.
10 2018, Section 3311), which relates to the Council on
11 Law Enforcement Education and Training; modifying
12 certain authority; amending 70 O.S. 2011, Section
13 3311.4, as last amended by Section 1, Chapter 37,
14 O.S.L. 2017 (70 O.S. Supp. 2018, Section 3311.4),
15 which relates to continuing law enforcement training;
16 modifying required training; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
20 last amended by Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.
21 2017, Section 3311), is amended to read as follows:

22 Section 3311. A. There is hereby created a Council on Law
23 Enforcement Education and Training which shall be, and is hereby
24 declared to be, a governmental law enforcement agency of the State
of Oklahoma, body politic and corporate, with powers of government
and with the authority to exercise the rights, privileges and
functions necessary to ensure the professional training and
continuing education of law enforcement officers in the State of

1 Oklahoma. These rights, privileges and functions include, but are
2 not limited to, those specified in Sections 3311 through 3311.15 of
3 this title and in the Oklahoma Security Guard and Private
4 Investigator Act and the Oklahoma Bail Enforcement and Licensing
5 Act. The Council shall be authorized to require agency employees
6 and the employees of agency contractors in positions to have access
7 to Oklahoma Peace Officer records, Oklahoma Security Guard and
8 Private Investigator records, Oklahoma Bail Enforcement and
9 Licensing Act records, to be subject to a criminal history search by
10 the Oklahoma State Bureau of Investigation, as well as be
11 fingerprinted for submission of the fingerprints through the
12 Oklahoma State Bureau of Investigation to the Federal Bureau of
13 Investigation for a national criminal history check. The Council
14 shall be the recipient of the results of the record check. In
15 accordance with Section 150.9 of Title 74 of the Oklahoma Statutes,
16 this includes a national criminal record with a finger print
17 analysis. The Council shall be composed of thirteen (13) members as
18 follows:

19 1. The Commissioner of the Department of Public Safety, or
20 designee;

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

23 3. The Director of the Oklahoma State Bureau of Investigation,
24 or designee;

1 4. One member appointed by the Governor who shall be a law
2 enforcement administrator representing a tribal law enforcement
3 agency;

4 5. One member appointed by the Governor who shall be a chief of
5 police of a municipality with a population over one hundred thousand
6 (100,000), as determined by the latest Federal Decennial Census;

7 6. One member appointed by the Board of Directors of the
8 Oklahoma Sheriffs' Association who shall be a sheriff of a county
9 with a population under twenty-five thousand (25,000), as determined
10 by the latest Federal Decennial Census;

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

15 8. One member shall be appointed by the Board of Directors of
16 the Oklahoma Sheriffs' Association who shall be a sheriff of a
17 county with a population of twenty-five thousand (25,000) or more,
18 as determined by the latest Federal Decennial Census;

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

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

24

1 11. One member appointed by the Board of Directors of the
2 Oklahoma Sheriffs and Peace Officers Association who shall be a
3 full-time law enforcement officer in good standing with CLEET within
4 a county with a population under fifty thousand (50,000);

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

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

16 The Executive Director selected by the Council shall be an ex
17 officio member of the Council and shall act as Secretary. The
18 Council on Law Enforcement Education and Training shall select a
19 chair and vice-chair from among its members. Members of the Council
20 on Law Enforcement Education and Training shall not receive a salary
21 for duties performed as members of the Council, but shall be
22 reimbursed for their actual and necessary expenses incurred in the
23 performance of Council duties pursuant to the provisions of the
24 State Travel Reimbursement Act.

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

3 1. Appoint a larger Advisory Council to discuss problems and
4 hear recommendations concerning necessary research, minimum
5 standards, educational needs, and other matters imperative to
6 upgrading Oklahoma law enforcement to professional status;

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

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

16 4. Authorize additional staff and services necessary for
17 program expansion;

18 5. Recommend legislation necessary to upgrade Oklahoma law
19 enforcement to professional status;

20 6. Establish policies and regulations concerning the number,
21 geographic and police unit distribution, and admission requirements
22 of those receiving tuition or scholarship aid available through the
23 Council. Such waiver of costs shall be limited to duly appointed
24

1 members of legally constituted local, county, and state law
2 enforcement agencies on the basis of educational and financial need;

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

14 The Executive Director of the Council on Law Enforcement
15 Education and Training may commission CLEET staff as peace officers
16 for purposes consistent with the duties of CLEET as set out in state
17 law. The powers and duties conferred on the Executive Director or
18 any staff member appointed by the Executive Director as a peace
19 officer shall not limit the powers and duties of other peace
20 officers of this state or any political subdivision thereof. The
21 Executive Director or any staff member appointed by the Executive
22 Director as a peace officer may, upon request, assist any federal,
23 state, county or municipal law enforcement agency;

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

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

1 bomb dog shall not be eligible at any time to be
2 certified in the other category.

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

11 10. Enter into a lease, loan or other agreement with the
12 Oklahoma Development Finance Authority or a local public trust for
13 the purpose of facilitating the financing of a new facility for its
14 operations and use and pledge, to the extent authorized by law, all
15 or a portion of its receipts of the assessment penalty herein
16 referenced for the payment of its obligations under such lease, loan
17 or other agreement. It is the intent of the Legislature to increase
18 the assessment penalty to such a level or appropriate sufficient
19 monies to the Council on Law Enforcement Education and Training to
20 make payments on the lease, loan or other agreement for the purpose
21 of retiring the bonds to be issued by the Oklahoma Development
22 Finance Authority or local public trust. Such lease, loan or other
23 agreement and the bonds issued to finance such facilities shall not
24 constitute an indebtedness of the State of Oklahoma or be backed by

1 the full faith and credit of the State of Oklahoma, and the lease,
2 loan or other agreement and the bonds shall contain a statement to
3 such effect;

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

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

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

1 created pursuant to Section 3311.7 of this title. The Council is
2 authorized to promulgate emergency rules to effectuate the
3 provisions of this paragraph;

4 14. Promulgate rules to establish a state firearms
5 requalification standard for active peace officers and meet any
6 requirements imposed on the Council by the federal Law Enforcement
7 Officers Safety Act of 2004;

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

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

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

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

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
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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. A
15 certified copy of the information or indictment charging such a
16 crime shall be considered clear and convincing evidence of the
17 charge; and

18 20. Approve law enforcement agencies and police departments in
19 accordance with the following:

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

1 agency or police department and first begins to
2 commission, appoint, or employ officers on or after
3 November 1, 2011,

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

7 (1) the need for the law enforcement agency or police
8 department in the community,

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

14 (3) the physical resources available to officers,

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

20 (5) law enforcement policies of the law enforcement
21 agency or police department, including published
22 policies on:

23 (a) use of force,

24 (b) vehicle pursuit,

- (c) mental health,
- (d) professional conduct of officers,
- (e) domestic abuse,
- (f) response to missing persons,
- (g) supervision of part-time officers, and
- (h) impartial policing,

- (6) the administrative structure of the law enforcement agency or police department,
- (7) liability insurance, and
- (8) any other information CLEET requires by rule,

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

d. in cases of denial, the entity may appeal the decision of the Executive Director to the full CLEET Council. The Executive Director shall ensure that the final report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first meeting of the Council to occur after all members of the Council have

1 received the report. The Council may, by majority
2 vote:

- 3 (1) order additional information be provided,
- 4 (2) order confirmation of the opinion of the
5 Executive Director, or
- 6 (3) order authorization of the entity.

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

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

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

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

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

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

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

23 b. a fingerprint search submitted to the Federal Bureau
24 of Investigation with a return report to the

1 submitting agency that such person has no felony
2 record,

3 c. such person has undergone psychological evaluation by
4 a psychologist licensed by the State of Oklahoma and
5 has been evaluated to be suitable to serve as a peace
6 officer in the State of Oklahoma,

7 d. the employing agency has verified that such person has
8 a high school diploma or a GED equivalency certificate
9 as recognized by state law,

10 e. such person is not participating in a deferred
11 sentence agreement for a felony, a crime involving
12 moral turpitude or a crime of domestic violence, and
13 does not have any criminal charges pending in any
14 court in this state, another state, in tribal court or
15 pursuant to the United States Code,

16 f. such person is not currently subject to an order of
17 the Council revoking, suspending, or accepting a
18 voluntary surrender of peace officer certification,

19 g. such person is not currently undergoing treatment for
20 a mental illness, condition or disorder. For purposes
21 of this subsection, "currently undergoing treatment
22 for mental illness, condition or disorder" means the
23 person has been diagnosed by a licensed physician,
24 psychologist, or licensed mental health professional

1 as being afflicted with a substantial disorder of
2 thought, mood, perception, psychological orientation
3 or memory that significantly impairs judgment,
4 behavior, capacity to recognize reality, or ability to
5 meet the ordinary demands of life and such condition
6 continues to exist,

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

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

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

15 2. To aid the evaluating psychologist in interpreting the test
16 results, including automated scoring and interpretations, the
17 employing agency shall provide the psychologist a statement
18 confirming the identity of the individual taking the test as the
19 person who is employed or seeking employment as a peace officer of
20 the agency and attesting that it administered the psychological
21 instrument in accordance with standards within the test document.
22 The psychologist shall report to the employing agency the evaluation
23 of the assessment instrument and may include any additional
24 recommendations to assist the employing agency in determining

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

11 a. Any person found not to be suitable for employment or
12 certification by the Council shall not be employed,
13 retained in employment as a peace officer, or
14 certified by the Council for at least one (1) year, at
15 which time the employee or applicant may be
16 reevaluated by a psychologist licensed by the State of
17 Oklahoma. This section shall also be applicable to
18 all reserve peace officers in the State of Oklahoma.

19 b. Any person who is certified by CLEET and has undergone
20 the psychological evaluation required by this
21 subparagraph and has been found to be suitable as a
22 peace officer shall not be required to be reevaluated
23 for any subsequent employment as a peace officer
24 following retirement or any break in service as a

1 peace officer, unless such break in service exceeds
2 five (5) years or the Council determines that a peace
3 officer may present a danger to himself or herself,
4 the public, or a family or household member.

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

19 All basic police courses shall include a minimum of four (4)
20 hours of education and training in recognizing and managing a person
21 appearing to require mental health treatment or services. The
22 training shall include training in crime and drug prevention, crisis
23 intervention, youth and family intervention techniques, recognizing,
24 investigating and preventing abuse and exploitation of elderly

1 persons, mental health issues, and criminal jurisdiction on
2 Sovereign Indian Land.

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

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

8 3. Beginning January 1, 2018, any reserve peace officer who has
9 completed the two-hundred-forty-hour reserve peace officer
10 certification program and who has been in active service in that
11 capacity for the past six (6) months shall be eligible to attend a
12 three-hundred-sixty-hour basic full-time training academy to become
13 certified as a full-time peace or police officer.

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

16 6. For purposes of this section, a police or peace officer is
17 defined as a full-time duly appointed or elected officer who is paid
18 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

- 1 b. administration of the psychological tests provided for
2 herein,
3 c. performance in the course of study or other basis of
4 certification,
5 d. previous certifications issued, and
6 e. any administrative or judicial determination denying
7 certification.

8 2. An employing agency shall not be liable in any action
9 arising out of the release of contents of personnel information
10 relevant to the qualifications or ability of a person to perform the
11 duties of a police or peace officer when such information is
12 released pursuant to written authorization for release of
13 information signed by such person and is provided to another
14 employing agency which has employed or has received an application
15 for employment from such person.

16 3. As used in this subsection, "employing agency" means a
17 political subdivision or law enforcement agency which either has
18 employed or received an employment application from a person who, if
19 employed, would be subject to this section.

20 H. 1. A law enforcement agency employing police or peace
21 officers in this state shall report the hiring, resignation, or
22 termination for any reason of a police or peace officer to the
23 Council within ten (10) days. Failure to comply with the provisions
24 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, in its
21 discretion, certify such person providing that all
22 other statutory requirements have been met,
- 23 c. a verdict of guilt or entry of a plea of guilty or
24 nolo contendere or an "Alford" plea or any plea other

- 1 than a not guilty plea for a felony offense, a crime
2 of moral turpitude, or a crime of 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,
16 psychologist or a licensed mental health professional
17 as a substantial disorder of thought, mood,
18 perception, psychological orientation, or memory that
19 significantly impairs judgment, behavior, capacity to
20 recognize reality, or ability to meet the ordinary
21 demands of life. Provided, the peace officer
22 certification may be reinstated upon the Council
23 receiving notification of a psychological evaluation
24 conducted by a licensed physician, psychologist or

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

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

21 2. Disciplinary proceedings shall be commenced by filing a
22 complaint with the Council on a form approved by the Council. Any
23 employing agency or other person having information may submit such
24

1 information to the Council for consideration as provided in this
2 subsection.

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

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

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

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

23 5. The Council shall revoke the certification of any person
24 upon determining that such person has been convicted of a felony or

1 a crime involving moral turpitude or a domestic violence offense or
2 has entered a plea of guilty, or nolo contendere or an "Alford" plea
3 or any plea other than a not guilty plea for a felony offense, a
4 crime of moral turpitude or a crime of domestic violence or is the
5 respondent in a final Victims Protective Order; provided, that if
6 the conviction has been reversed, vacated or otherwise invalidated
7 by an appellate court, such conviction shall not be the basis for
8 revocation of certification; provided further, that any person who
9 has been trained and certified by the Council on Law Enforcement
10 Education and Training and is actively employed as a full-time peace
11 officer as of November 1, 1985, shall not be subject to the
12 provisions of this subsection for convictions occurring prior to
13 November 1, 1985. The sole issue to be determined at the hearing
14 shall be whether the person has been convicted of a felony, a crime
15 involving moral turpitude or a domestic violence offense or is the
16 named respondent/defendant in a final Victims Protective Order.

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

21 7. The Council may suspend the certification of any person upon
22 a determination that such person has been involuntarily committed to
23 a mental institution or mental health facility for a mental illness,
24

1 condition or disorder as provided in subparagraph f of paragraph 1
2 of this subsection.

3 8. Every law enforcement agency in this state shall, within
4 thirty (30) days of a final order of termination or resignation
5 while under investigation of a CLEET-certified peace officer, report
6 such order or resignation in writing to the Executive Director of
7 the Council. Any report, upon receipt by the Council, shall be
8 considered as personnel records and shall be afforded confidential
9 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
10 Oklahoma Statutes. Any medical or other confidential records
11 obtained by subpoena pursuant to this subsection shall not be made a
12 part of such report. The Executive Director shall ensure that the
13 report is provided to all members of the Council. The Council shall
14 review and make recommendations concerning the report at the first
15 meeting of the Council to occur after all members of the Council
16 have received the report. The Council may, by a majority vote,
17 order the suspension, for a given period of time, or revocation of
18 the CLEET certification of the peace officer in question if there
19 are grounds for such actions pursuant to this section and the peace
20 officer in question has been provided with notice and an opportunity
21 for a hearing pursuant to the Administrative Procedures Act.
22 Suspension or revocation of CLEET certification pursuant to this
23 paragraph shall be reported to the district attorney for the
24 jurisdiction in which the peace officer was employed, to the

1 liability insurance company of the law enforcement agency that
2 employed the peace officer, the chief elected official of the
3 governing body of the law enforcement agency and the chief law
4 enforcement officer of the law enforcement agency.

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

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

19 b. No person who has had a police or peace officer
20 certification from another state revoked or
21 voluntarily surrendered and has not been reinstated by
22 that state shall be considered for certification by
23 CLEET.

24

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

14 11. A duty is hereby imposed upon the district attorney who, on
15 behalf of the State of Oklahoma, prosecutes a person holding police
16 or peace officer or reserve peace officer certification for a
17 felony, a crime involving moral turpitude, or a crime of domestic
18 violence in which a plea of guilty, nolo contendere, or an "Alford"
19 plea or any other plea other than a not guilty plea or other finding
20 of guilt is entered by, against or on behalf of a certified police
21 or peace officer to report such plea, agreement, or other finding of
22 guilt to the Council on Law Enforcement Education and Training
23 within ten (10) days of such plea agreement or the finding of guilt.
24

1 12. Any person or agency required or authorized to submit
2 information pursuant to this section to the Council shall be immune
3 from liability arising from the submission of the information as
4 long as the information was submitted in good faith and without
5 malice.

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

13 14. All criminal proceedings initiated against a CLEET-
14 certified peace officer or reserve peace officer shall be reported
15 by the officer to CLEET immediately after arrest or discovery of the
16 filing of such criminal proceeding. All CLEET-certified peace
17 officers and reserve peace officers shall be required to report when
18 a Victim Protective Order has been issued against the officer,
19 including orders issued on an emergency basis and all final orders
20 of protection. Failure to give notice pursuant to the provisions of
21 this paragraph may be cause to initiate an action against the
22 officer by CLEET.

23 15. As used in this subsection:
24

1 a. "law enforcement agency" means any department or
2 agency of the state, a county, a municipality, or
3 political subdivision thereof, with the duties to
4 maintain public order, make arrests, and enforce the
5 criminal laws of this state or municipal ordinances,
6 which employs CLEET-certified personnel,

7 b. "final order of termination" means a final notice of
8 dismissal from employment provided after all
9 grievance, arbitration, and court actions have been
10 completed, and

11 c. "resignation while under investigation" means the
12 resignation from employment of a peace officer who is
13 under investigation for any felony violation of law, a
14 crime of moral turpitude, a crime of domestic
15 violence, or the resignation from employment of a
16 peace officer as part of an arbitration or plea
17 agreement.

18 K. 1. Every canine team in the state trained to detect
19 controlled dangerous substances shall be certified, by test, in the
20 detection of such controlled dangerous substances and shall be
21 recertified annually so long as the canine is used for such
22 detection purposes. The certification test and annual
23 recertification test provisions of this subsection shall not be
24 applicable to canines that are owned by a law enforcement agency and

1 that are certified and annually recertified in the detection of
2 controlled dangerous substances by the United States Customs
3 Service. No employee of CLEET may be involved in the training or
4 testing of a canine team.

5 2. The Council shall appoint a Drug Dog Advisory Council to
6 make recommendations concerning minimum standards, educational
7 needs, and other matters imperative to the certification of canines
8 and canine teams trained to detect controlled dangerous substances.
9 The Council shall promulgate rules based upon the recommendations of
10 the Advisory Council. Members of the Advisory Council shall
11 include, but need not be limited to, a commissioned officer with
12 practical knowledge of such canines and canine teams from each of
13 the following:

- 14 a. the Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control,
- 16 b. the Department of Public Safety,
- 17 c. a police department,
- 18 d. a sheriff's office, and
- 19 e. a university or college campus police department.

20 3. The fee for the certification test shall be Two Hundred
21 Dollars (\$200.00) and the annual recertification test fee shall be
22 One Hundred Dollars (\$100.00) per canine team. A retest fee of
23 Fifty Dollars (\$50.00) will be charged if the team fails the test.
24 No such fee shall be charged to any local, state or federal

1 government agency. The fees provided for in this paragraph shall be
2 deposited to the credit of the CLEET Fund created pursuant to
3 Section 1313.2 of Title 20 of the Oklahoma Statutes.

4 L. 1. Every canine team in the state trained to detect
5 explosives, explosive materials, explosive devices, and materials
6 which could be used to construct an explosive device shall be
7 certified, by test, in the detection of such explosives and
8 materials and shall be recertified annually so long as the canine is
9 used for such detection purposes. The certification test and annual
10 recertification test provisions of this subsection shall not be
11 applicable to canines that are owned by a law enforcement agency if
12 such canines are certified and annually recertified in the detection
13 of explosives and materials by the United States Department of
14 Defense. No employee of CLEET may be involved in the training or
15 testing of a canine team.

16 2. The Council shall appoint a Bomb Dog Advisory Council to
17 make recommendations concerning minimum standards, educational
18 needs, and other matters imperative to the certification of canines
19 and canine teams trained to detect explosives, explosive materials,
20 explosive devices and materials which could be used to construct an
21 explosive device. The Council shall promulgate rules based upon the
22 recommendations of the Advisory Council. Members of the Advisory
23 Council shall include, but need not be limited to, a commissioned
24

1 officer with practical knowledge of such canines and canine teams
2 from each of the following:

- 3 a. the Department of Public Safety,
- 4 b. a police department,
- 5 c. a sheriff's office, and
- 6 d. a university or college campus police department.

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

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

1 an Oklahoma law enforcement agency pursuant to a cross-deputization
2 agreement with the State of Oklahoma or any political subdivision of
3 the State of Oklahoma pursuant to the provisions of Section 1221 of
4 Title 74 of the Oklahoma Statutes and have met the training and
5 qualification requirements of this section.

6 N. If an employing law enforcement agency in this state has
7 paid the salary of a person while that person is completing in this
8 state a basic police course approved by the Council and if within
9 one (1) year after certification that person resigns and is hired by
10 another law enforcement agency in this state, the second agency or
11 the person receiving the training shall reimburse the original
12 employing agency for the salary paid to the person while completing
13 the basic police course by the original employing agency. CLEET
14 shall not be a party to any court action based on this provision.

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

18 P. Peace officers, reserve peace officers, tribal peace
19 officers, agencies, bail enforcers, security guards and private
20 investigators shall maintain with the Council current mailing
21 addresses and shall notify the Council, in writing, of any change of
22 address or name. Notification of change of name shall require
23 certified copies of any marriage license or other court document
24 which reflects the change of name. Notice of change of address or

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

12 Q. All CLEET records of Bail Enforcers may be released only in
13 compliance with this section and the Oklahoma Bail Enforcement and
14 Licensing Act. All records in CLEET possession concerning other
15 persons or entities shall be released only in compliance with this
16 section and the Oklahoma Open Records Act.

17 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.4, as
18 last amended by Section 1, Chapter 37, O.S.L. 2017 (70 O.S. Supp.
19 2017, Section 3311.4), is amended to read as follows:

20 Section 3311.4. A. Beginning January 1, 2008, and annually
21 thereafter, every active full-time peace officer, certified by the
22 Council on Law Enforcement Education and Training (CLEET) pursuant
23 to Section 3311 of this title, shall attend and complete a minimum
24 of twenty-five (25) hours of continuing law enforcement training

1 accredited or provided by CLEET which shall include a mandatory two
2 (2) hours on mental health issues. CLEET shall promulgate rules to
3 enforce the provisions of this section and shall enter into
4 contracts and agreements for the payment of classroom space,
5 training, food, and lodging expenses as may be necessary for law
6 enforcement officers attending such training in accordance with
7 subsection B of Section 3311 of this title. Such training and
8 seminars shall be conducted in all areas of this state at technology
9 center schools, institutions of higher education, or other approved
10 sites.

11 B. Beginning January 1, 2017, and annually thereafter, every
12 active reserve peace officer, certified by CLEET pursuant to Section
13 3311 of this title, shall attend and complete a minimum of eight (8)
14 hours of continuing law enforcement training accredited or provided
15 by CLEET which shall include a mandatory one (1) hour on mental
16 health issues.

17 C. Every inactive full-time or reserve peace officer, certified
18 by CLEET, shall be exempt from these requirements during the
19 inactive status. Upon reentry to full-time active status, the peace
20 officer shall be required to comply with subsection A of this
21 section. If a full-time certified peace officer has been inactive
22 for five (5) or more years, the officer must complete refresher
23 training as prescribed by CLEET and which shall include a minimum of
24 four (4) hours of mental health education and training, within one

1 (1) year of employment. Upon reentry to active reserve status, the
2 peace officer shall be required to comply with subsection B of this
3 section. If a certified reserve officer has been inactive for five
4 (5) or more years, the certified reserve officer shall complete a
5 legal update as prescribed by CLEET. The Director of CLEET may
6 waive these requirements based on review of all records of
7 employment and training.

8 D. Every tribal officer who is commissioned by an Oklahoma law
9 enforcement agency pursuant to a cross-deputization agreement with
10 the State of Oklahoma or any political subdivision of the State of
11 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
12 the Oklahoma Statutes shall comply with the provisions of this
13 section.

14 E. Any active full-time or reserve certified peace officer, or
15 CLEET-certified cross-deputized tribal officer who fails to meet the
16 annual training requirements specified in this section, shall be
17 subject to having the certification of the peace officer suspended,
18 after the peace officer and the employer have been given written
19 notice of noncompliance and a reasonable time, as defined by the
20 Council, to comply with the provisions of this section. A peace
21 officer shall not be employed in the capacity of a peace officer
22 during any period of suspension. The suspension period shall be for
23 a period of time until the officer files a statement attesting to
24 full compliance with the provisions of this section. Suspension of

1 peace officer certification shall be reported to the District
2 Attorney for the jurisdiction in which the officer is employed, the
3 liability insurance company of the law enforcement agency that
4 employed the peace officer, the chief elected official of the
5 governing body of the law enforcement agency and the chief law
6 enforcement officer of the law enforcement agency. Any officer
7 whose certification is suspended pursuant to this section may
8 request a hearing with CLEET. Such hearings shall be governed by
9 the Administrative Procedures Act except that the affected officer
10 has the burden to show CLEET why CLEET should not have the
11 certification of the officer suspended.

12 F. All certified, active full-time or reserve peace officers
13 employed, commissioned or appointed for a period of ninety (90) days
14 in a calendar year, who become inactive prior to the end of a
15 calendar year, are responsible for meeting mandatory continuing
16 education requirements as set forth in this section upon return to
17 active full-time or reserve peace officer status within sixty (60)
18 days of the date of return to employment, commission or appointment.
19 Failure to complete the mandatory continuing education within sixty
20 (60) days may result in disciplinary action as set forth in CLEET
21 Rules at OAC 390:2. Full-time or reserve certified peace officers
22 who return to active status within the calendar year they become
23 inactive must complete the annual mandatory continuing education

24

1 requirements outlined in this section within the remaining portion
2 of the calendar year.

3 G. Peace officers with full-time certification who worked
4 during a calendar year only as a reserve officer are required to
5 complete only the training requirements for reserve certification.
6 For purposes of the requirements outlined in subsection F of this
7 section, full-time peace officers who worked both in the capacity of
8 a full-time peace officer and reserve officer in a calendar year
9 must complete full-time continuing education requirements.

10 SECTION 3. This act shall become effective November 1, 2019.

11 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
12 February 25, 2019 - DO PASS
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