

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 526

By: Shortey and Matthews of the
Senate

6 and

7 Montgomery of the House

8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to law enforcement training; amending
11 70 O.S. 2011, Section 3311, as last amended by
12 Section 1 of Enrolled Senate Bill No. 64 of the 1st
13 Session of the 55th Oklahoma Legislature, which
14 relates to the Council on Law Enforcement Education
15 and Training; requiring certain training; amending 70
16 O.S. 2011, Section 3311.4, as last amended by Section
17 1, Chapter 315, O.S.L. 2013 (70 O.S. Supp. 2014,
18 Section 3311.4), which relates to continuing
19 education for law enforcement; providing for carry-
20 over of hours; requiring certain continuing education
21 training; and declaring an emergency.

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

23 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
24 last amended by Section 1 of Enrolled Senate Bill No. 64 of the 1st
Session of the 55th Oklahoma Legislature, is amended to read as
follows:

1 Section 3311. A. There is hereby created a Council on Law
2 Enforcement Education and Training which shall be, and is hereby
3 declared to be, a governmental law enforcement agency of the State
4 of Oklahoma, body politic and corporate, with powers of government
5 and with the authority to exercise the rights, privileges and
6 functions necessary to ensure the professional training and
7 continuing education of law enforcement officers in the State of
8 Oklahoma. These rights, privileges and functions include, but are
9 not limited to, those specified in Sections 3311 through 3311.10 of
10 this title and in the Oklahoma Security Guard and Private
11 Investigator Act. The Council shall be composed of thirteen (13)
12 members as follows:

13 1. The Commissioner of the Department of Public Safety, or
14 designee;

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

17 3. The Director of the Oklahoma State Bureau of Investigation,
18 or designee;

19 4. One member appointed by the Governor who shall be a law
20 enforcement administrator representing a tribal law enforcement
21 agency;

22 5. One member appointed by the Governor who shall be a chief of
23 police of a municipality with a population over one hundred thousand
24 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

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

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

20 12. The President Pro Tempore of the Senate shall appoint one
21 member from a list of three or more nominees submitted by a
22 statewide organization representing cities and towns that is exempt
23 from taxation under federal law and designated pursuant to the
24

1 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
2 and

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

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

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

19 1. Appoint a larger Advisory Council to discuss problems and
20 hear recommendations concerning necessary research, minimum
21 standards, educational needs, and other matters imperative to
22 upgrading Oklahoma law enforcement to professional status;

23 2. Promulgate rules with respect to such matters as
24 certification, revocation, suspension, withdrawal and reinstatement

1 of certification, minimum courses of study, testing and test scores,
2 attendance requirements, equipment and facilities, minimum
3 qualifications for instructors, minimum standards for basic and
4 advanced in-service courses, and seminars for Oklahoma police and
5 peace officers;

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

8 4. Authorize additional staff and services necessary for
9 program expansion;

10 5. Recommend legislation necessary to upgrade Oklahoma law
11 enforcement to professional status;

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

18 7. Appoint an Executive Director and an Assistant Director to
19 direct the staff, inform the Council of compliance with the
20 provisions of this section and perform such other duties imposed on
21 the Council by law. An Executive Director appointed by the Council
22 must qualify for the position with a bachelor or higher degree in
23 law enforcement from an accredited college or university, or a
24 bachelor or higher degree in a law-enforcement-related subject area,

1 and a minimum of five (5) years of active law enforcement experience
2 including, but not limited to, responsibility for enforcement,
3 investigation, administration, training, or curriculum
4 implementation.

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

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

1 conducted by the Council rather than paying for the provision of
2 such food and lodging by an outside contracting agency or business
3 establishment;

- 4 9. a. Certify canine teams, consisting of a dog and a
5 handler working together as a team, trained to detect:
6 (1) controlled dangerous substances, or
7 (2) explosives, explosive materials, explosive
8 devices, or materials which could be used to
9 construct an explosive device;

10 provided, the dog of a certified canine team shall not
11 be certified at any time as both a drug dog and a bomb
12 dog, and any dog of a certified canine team who has
13 been previously certified as either a drug dog or a
14 bomb dog shall not be eligible at any time to be
15 certified in the other category.

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

24

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

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

20 12. Appoint an advisory committee composed of representatives
21 from security guard and private investigative agencies to advise the
22 Council concerning necessary research, minimum standards for
23 licensure, education, and other matters related to licensure of
24

1 security guards, security guard agencies, private investigators, and
2 private investigative agencies;

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

16 14. Promulgate rules to establish a state firearms
17 requalification standard for active peace officers and meet any
18 requirements of the federal Law Enforcement Officers Safety Act of
19 2004 for peace officers to carry concealed weapons nationwide;

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

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

3 a. one member shall be selected by the Chancellor for
4 Higher Education, who possesses a background of
5 creation and review of curriculum and experience
6 teaching criminal justice or law enforcement courses,
7 who shall serve an initial term of one (1) year,

8 b. one member shall represent a municipal jurisdiction
9 with a population of fifty thousand (50,000) or more
10 and who shall be a management-level CLEET-certified
11 training officer, who shall serve an initial term of
12 two (2) years,

13 c. one member shall represent a county jurisdiction with
14 a population of fifty thousand (50,000) or more and
15 who shall be a management-level CLEET-certified
16 training officer, who shall serve an initial term of
17 three (3) years,

18 d. one member shall represent a municipal jurisdiction
19 with a population of less than fifty thousand (50,000)
20 and who shall be a CLEET-certified training officer,
21 who shall serve an initial term of two (2) years,

22 e. one member shall represent a county jurisdiction with
23 a population of less than fifty thousand (50,000) and
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1 who shall be a CLEET-certified training officer, who
2 shall serve an initial term of one (1) year, and
3 f. one member selected by the Oklahoma Department of
4 Career and Technology Education from the Curriculum
5 Material and Instructional Material Center, who shall
6 serve an initial term of three (3) years.

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

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

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

22 19. Summarily suspend a certification of a peace officer,
23 without prior notice but otherwise subject to administrative
24 proceedings, if CLEET finds that the actions of the certified peace

1 officer may present a danger to the peace officer, the public, a
2 family or household member, or involve a crime against a minor; and

3 20. Approve law enforcement agencies and police departments in
4 accordance with the following:

5 a. this section applies only to an entity authorized by
6 statute or by the Constitution to create a law
7 enforcement agency or police department and
8 commission, appoint, or employ officers that first
9 creates or reactivates an inactive law enforcement
10 agency or police department and first begins to
11 commission, appoint, or employ officers on or after
12 November 1, 2011,

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

16 (1) the need for the law enforcement agency or police
17 department in the community,

18 (2) the funding sources for the law enforcement
19 agency or police department, and proof that no
20 more than fifty percent (50%) of the funding of
21 the entity will be derived from ticket revenue or
22 fines,

23 (3) the physical resources available to officers,
24

1 (4) the physical facilities that the law enforcement
2 agency or police department will operate,
3 including descriptions of the evidence room,
4 dispatch area, restroom facilities, and public
5 area,

6 (5) law enforcement policies of the law enforcement
7 agency or police department, including published
8 policies on:

9 (a) use of force,

10 (b) vehicle pursuit,

11 (c) mental health,

12 (d) professional conduct of officers,

13 (e) domestic abuse,

14 (f) response to missing persons,

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

16 (h) impartial policing,

17 (6) the administrative structure of the law
18 enforcement agency or police department,

19 (7) liability insurance, and

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

21 c. within sixty (60) days of receiving an entity's
22 request, CLEET will forward to the entity by certified
23 mail, return receipt requested, a letter of
24 authorization or denial to create a law enforcement

1 agency or police department and commission, appoint,
2 or employ officers, signed by the Executive Director
3 of CLEET, and

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

6 The Executive Director shall ensure that the final
7 report is provided to all members of the Council. The
8 Council shall review and make recommendations
9 concerning the report at the first meeting of the
10 Council to occur after all members of the Council have
11 received the report. The Council may, by majority
12 vote:

- 13 (1) order additional information be provided,
- 14 (2) order confirmation of the opinion of the
15 Executive Director, or
- 16 (3) order authorization of the entity.

17 C. 1. Payment of any fee provided for in this section may be
18 made by a nationally recognized credit or debit card issued to the
19 applicant. The Council may publicly post and collect a fee for the
20 acceptance of the nationally recognized credit or debit card not to
21 exceed five percent (5%) of the amount of the payment. For purposes
22 of this subsection, "nationally recognized credit card" means any
23 instrument or device, whether known as a credit card, credit plate,
24 charge plate, or by any other name, issued with or without fee by an

1 issuer for the use of the cardholder in obtaining goods, services,
2 or anything else of value and which is accepted by over one thousand
3 merchants in this state. "Debit card" means an identification card
4 or device issued to a person by a business organization which
5 permits such person to obtain access to or activate a consumer
6 banking electronic facility. The Council shall determine which
7 nationally recognized credit or debit cards will be accepted as
8 payment for fees.

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

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

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

20 D. Failure of the Legislature to appropriate necessary funds to
21 provide for expenses and operations of the Council on Law
22 Enforcement Education and Training shall not invalidate other
23 provisions of this section relating to the creation and duties of
24 the Council.

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

5 a. a fingerprint search submitted to the Oklahoma State
6 Bureau of Investigation with a return report to the
7 submitting agency that such person has no felony
8 record,

9 b. a fingerprint search submitted to the Federal Bureau
10 of Investigation with a return report to the
11 submitting agency that such person has no felony
12 record,

13 c. such person has undergone psychological evaluation by
14 a psychologist licensed by the State of Oklahoma and
15 has been evaluated to be suitable to serve as a peace
16 officer in the State of Oklahoma,

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

20 e. such person is not participating in a deferred
21 sentence agreement for a felony, a crime involving
22 moral turpitude, or a crime of domestic violence,
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24

- 1 f. such person is not currently subject to an order of
2 the Council revoking, suspending, or accepting a
3 voluntary surrender of peace officer certification,
- 4 g. such person is not currently undergoing treatment for
5 a mental illness, condition or disorder. For purposes
6 of this subsection, "currently undergoing treatment
7 for mental illness, condition or disorder" means the
8 person has been diagnosed by a licensed physician,
9 psychologist, or licensed mental health professional
10 as being afflicted with a substantial disorder of
11 thought, mood, perception, psychological orientation
12 or memory that significantly impairs judgment,
13 behavior, capacity to recognize reality, or ability to
14 meet the ordinary demands of life and such condition
15 continues to exist,
- 16 h. such person is twenty-one (21) years of age.
17 Provided, this requirement shall not affect those
18 persons who are already employed as a police or peace
19 officer prior to November 1, 1985, and
- 20 i. such person has provided proof of United States
21 citizenship or resident alien status, pursuant to an
22 employment eligibility verification form from the
23 United States Citizenship and Immigration Services.
- 24

1 2. To aid the evaluating psychologist in interpreting the test
2 results, including automated scoring and interpretations, the
3 employing agency shall provide the psychologist a statement
4 confirming the identity of the individual taking the test as the
5 person who is employed or seeking employment as a peace officer of
6 the agency and attesting that it administered the psychological
7 instrument in accordance with standards within the test document.
8 The psychologist shall report to the employing agency the evaluation
9 of the assessment instrument and may include any additional
10 recommendations to assist the employing agency in determining
11 whether to certify to the Council on Law Enforcement Education and
12 Training that the person being evaluated is suitable to serve as a
13 peace officer in the State of Oklahoma. No additional procedures or
14 requirements shall be imposed for performance of the psychological
15 evaluation. The psychological instrument utilized shall be
16 evaluated by a psychologist licensed by the State of Oklahoma, and
17 the employing agency shall certify to the Council that the
18 evaluation was conducted in accordance with this provision and that
19 the employee or applicant is suitable to serve as a peace officer in
20 the State of Oklahoma.

21 a. Any person found not to be suitable for employment or
22 certification by the Council shall not be employed,
23 retained in employment as a peace officer, or
24 certified by the Council for at least one (1) year, at

1 which time the employee or applicant may be
2 reevaluated by a psychologist licensed by the State of
3 Oklahoma. This section shall also be applicable to
4 all reserve peace officers in the State of Oklahoma.

5 b. Any person who is certified by CLEET and has undergone
6 the psychological evaluation required by this
7 subparagraph and has been found to be suitable as a
8 peace officer shall not be required to be reevaluated
9 for any subsequent employment as a peace officer
10 following retirement or any break in service as a
11 peace officer, unless such break in service exceeds
12 five (5) years or the Council determines that a peace
13 officer may present a danger to himself or herself,
14 the public, or a family or household member.

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

1 Mental Health and Substance Abuse Services reports to
2 the Council that the applicant has been involuntarily
3 committed, the Council shall immediately inform the
4 employing agency.

5 All basic police courses shall include a minimum of four (4) hours
6 of education and training in recognizing and managing a person
7 appearing to require mental health treatment or services. The
8 training shall include training in crime and drug prevention, crisis
9 intervention, youth and family intervention techniques, recognizing,
10 investigating and preventing abuse and exploitation of elderly
11 persons, mental health issues, and criminal jurisdiction on
12 Sovereign Indian Land.

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

16 For reserve ~~deputies~~ peace officers a basic reserve academy
17 shall consist of a minimum of ~~two hundred forty (240)~~ three hundred
18 (300) hours.

19 Beginning January 1, ~~2014~~ 2016, any reserve peace officer who
20 has completed the ~~two hundred forty-hour~~ three hundred (300) hours
21 reserve peace officer certification program, and who has been in
22 active service in that capacity in the past two (2) years, shall be
23 eligible to attend a ~~three hundred sixty-hour~~ three hundred (300)
24

1 hours basic full-time training academy to become certified as a
2 full-time police or peace officer.

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

11 a. The Council may extend the time requirement specified
12 in this paragraph for good cause as determined by the
13 Council.

14 b. A duty is hereby imposed upon the employing agency to
15 withhold payment of the compensation or wage of such
16 unqualified officer.

17 c. If the police or peace officer fails to forfeit the
18 position or the employing agency fails to require the
19 officer to forfeit the position, the district attorney
20 shall file the proper action to cause the forfeiting
21 of such position. The district court of the county
22 where the officer is employed shall have jurisdiction
23 to hear the case.

24

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

6 5. For purposes of this section, a police or peace officer is
7 defined as a full-time duly appointed or elected officer who is paid
8 for working more than twenty-five (25) hours per week and whose
9 duties are to preserve the public peace, protect life and property,
10 prevent crime, serve warrants, transport prisoners, and enforce laws
11 and ordinances of this state, or any political subdivision thereof;
12 provided, elected sheriffs and their deputies and elected,
13 appointed, or acting chiefs of police shall meet the requirements of
14 this subsection within the first six (6) months after assuming the
15 duties of the office to which they are elected or appointed or for
16 which they are an acting chief; provided further, that this section
17 shall not apply to persons designated by the Director of the
18 Department of Corrections as peace officers pursuant to Section 510
19 of Title 57 of the Oklahoma Statutes.

20 F. No person shall be certified as a police or peace officer by
21 the Council or be employed by the state, a county, a city, or any
22 political subdivision thereof, who is currently subject to an order
23 of the Council revoking, suspending, or accepting a voluntary
24 surrender of peace officer certification or who has been convicted

1 of a felony, a crime involving moral turpitude, or a crime of
2 domestic violence, unless a full pardon has been granted by the
3 proper agency; however, any person who has been trained and
4 certified by the Council on Law Enforcement Education and Training
5 and is actively employed as a full-time peace officer as of November
6 1, 1985, shall not be subject to the provisions of this subsection
7 for convictions occurring prior to November 1, 1985.

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

- 12 a. Oklahoma State Bureau of Investigation and Federal
13 Bureau of Investigation reports,
- 14 b. administration of the psychological tests provided for
15 herein,
- 16 c. performance in the course of study or other basis of
17 certification,
- 18 d. previous certifications issued, and
- 19 e. any administrative or judicial determination denying
20 certification.

21 2. An employing agency shall not be liable in any action
22 arising out of the release of contents of personnel information
23 relevant to the qualifications or ability of a person to perform the
24 duties of a police or peace officer when such information is

1 released pursuant to written authorization for release of
2 information signed by such person and is provided to another
3 employing agency which has employed or has received an application
4 for employment from such person.

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

9 H. 1. A law enforcement agency employing police or peace
10 officers in this state shall report the hiring, resignation, or
11 termination for any reason of a police or peace officer to the
12 Council within ten (10) days. Failure to comply with the provisions
13 of this subsection may disqualify a law enforcement agency from
14 participating in training programs sponsored by the Council. Every
15 law enforcement agency employing police or peace officers in this
16 state shall submit to CLEET on or before October 1 of each calendar
17 year a complete list of all commissioned employees with a current
18 mailing address and phone number for each such employee. In
19 addition to the above, CLEET may impose an administrative fine for
20 violations of this section.

21 2. A tribal law enforcement agency that has peace officers
22 commissioned by an Oklahoma law enforcement agency pursuant to a
23 cross-deputization agreement with the State of Oklahoma or any
24 political subdivision of the State of Oklahoma pursuant to the

1 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
2 shall report the commissioning, resignation, or termination of
3 commission for any reason of a cross-deputized tribal police or
4 peace officer to CLEET within ten (10) days of the commissioning,
5 resignation, or termination. Failure to comply with the provisions
6 of this subsection may disqualify a tribal law enforcement agency
7 from participating in training programs sponsored by the Council.

8 I. It is unlawful for any person to willfully make any
9 statement in an application to CLEET knowing the statement is false
10 or intentionally commit fraud in any application to the Council for
11 attendance in any CLEET-conducted or CLEET-approved peace officer
12 academy or Collegiate Officer Program or for the purpose of
13 obtaining peace officer certification or reinstatement. It is
14 unlawful for any person to willfully submit false or fraudulent
15 documents relating to continuing education rosters, transcripts or
16 certificates, or any canine license application. Any person
17 convicted of a violation of this subsection shall be guilty of a
18 felony punishable by imprisonment in the Department of Corrections
19 for a term of not less than two (2) years nor more than five (5)
20 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
21 or by both such fine and imprisonment. In addition to the above,
22 CLEET may impose an administrative fine.

23 J. 1. A police or peace officer shall be subject to
24 disciplinary action to include a denial, suspension, revocation or

1 acceptance of voluntary surrender of peace officer certification
2 upon a showing of clear and convincing evidence for the following:

- 3 a. conviction of a felony or a crime of domestic
4 violence,
- 5 b. conviction of a misdemeanor involving moral turpitude;
6 provided, if the conviction is a single isolated
7 incident that occurred more than five (5) years ago
8 and the Council is satisfied that the person has been
9 sufficiently rehabilitated, the Council may certify
10 such person providing that all other statutory
11 requirements have been met,
- 12 c. a verdict of guilt or entry of a plea of guilty or
13 nolo contendere for a deferred sentence for a felony
14 offense, a crime of moral turpitude, or a crime of
15 domestic violence,
- 16 d. falsification or a willful misrepresentation of
17 information in an employment application or
18 application to the Council on Law Enforcement
19 Education and Training, records of evidence, or in
20 testimony under oath,
- 21 e. revocation or voluntary surrender of police or peace
22 officer certification in another state for a violation
23 of any law or rule or in settlement of any
24 disciplinary action in such state,

1 f. involuntary commitment of a reserve or peace officer
2 in a mental institution or licensed private mental
3 health facility for any mental illness, condition or
4 disorder that is diagnosed by a licensed physician,
5 psychologist or a licensed mental health professional
6 as a substantial disorder of thought, mood,
7 perception, psychological orientation, or memory that
8 significantly impairs judgment, behavior, capacity to
9 recognize reality, or ability to meet the ordinary
10 demands of life. Provided, the peace officer
11 certification may be reinstated upon the Council
12 receiving notification of a psychological evaluation
13 conducted by a licensed physician, psychologist or
14 licensed mental health professional which attests and
15 states by affidavit that the officer and the
16 evaluation test data of the officer have been examined
17 and that, in the professional opinion of the
18 physician, psychologist or licensed mental health
19 professional, the officer is psychologically suitable
20 to return to duty as a peace officer. Notwithstanding
21 any other provision of state law pertaining to
22 confidentiality of hospital or other medical records,
23 and as allowable under federal law, CLEET may subpoena
24 or request a court to subpoena records necessary to

1 assure compliance with these provisions. Any
2 confidential information received by CLEET for such
3 purpose shall retain its confidential character while
4 in the possession of CLEET,

- 5 g. abuse of office,
- 6 h. entry of a final order of protection against applicant
7 or officer, or
- 8 i. any violation of the Oklahoma Private Security
9 Licensing Act.

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

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

- 17 a. there is reason to believe the person has violated any
18 provision of this subsection or any other provision of
19 law or rule, or
- 20 b. there is reason to believe the person has been
21 convicted of a felony, a crime involving moral
22 turpitude or a domestic violence offense or is
23 currently participating in a deferred sentence for
24 such offenses.

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

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

24

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

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

10 8. Every law enforcement agency in this state shall, within
11 thirty (30) days of a final order of termination or resignation
12 while under investigation of a CLEET-certified peace officer, report
13 such order or resignation in writing to the Executive Director of
14 the Council. Any report, upon receipt by the Council, shall be
15 considered as personnel records and shall be afforded confidential
16 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
17 Oklahoma Statutes. Any medical or other confidential records
18 obtained by subpoena pursuant to this subsection shall not be made a
19 part of such report. The Executive Director shall ensure that the
20 report is provided to all members of the Council. The Council shall
21 review and make recommendations concerning the report at the first
22 meeting of the Council to occur after all members of the Council
23 have received the report. The Council may, by a majority vote,
24 order the suspension, for a given period of time, or revocation of

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

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

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

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

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

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

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

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

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

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

19 14. As used in this subsection:

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

1 criminal laws of this state or municipal ordinances,
2 which employs CLEET-certified personnel,

3 b. "final order of termination" means a final notice of
4 dismissal from employment provided after all
5 grievance, arbitration, and court actions have been
6 completed, and

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

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

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

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

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

24

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

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

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

1 d. a university or college campus police department.

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

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

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

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

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

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

6 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.4, as
7 last amended by Section 1, Chapter 315, O.S.L. 2013 (70 O.S. Supp.
8 2014, Section 3311.4), is amended to read as follows:

9 Section 3311.4. A. Beginning January 1, 2008, and annually
10 thereafter, every active full-time peace officer, certified by the
11 Council on Law Enforcement Education and Training (CLEET) pursuant
12 to Section 3311 of this title, shall attend and complete a minimum
13 of twenty-five (25) hours of continuing law enforcement training
14 accredited or provided by CLEET which shall include a mandatory two
15 (2) hours on mental health issues. Beginning January 1, 2016, and
16 annually thereafter, every active reserve peace officer, certified
17 by the Council on Law Enforcement Education and Training (CLEET)
18 pursuant to Section 3311 of this title, shall attend and complete a
19 minimum of fifteen (15) hours of continuing law enforcement training
20 accredited or provided by CLEET which shall include a mandatory two
21 (2) hours on mental health issues. Officers who complete continuing
22 education training in excess of the required hours in a calendar
23 year may carry the additional training hours forward for one (1)
24 calendar year to count toward the training required in that year.

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

9 B. Every inactive full-time peace officer, certified by CLEET,
10 shall be exempt from these requirements during the inactive status.
11 Upon reentry to full-time active status, the peace officer shall be
12 required to comply with subsection A of this section. If a full-
13 time certified peace officer has been inactive for five (5) or more
14 years, the officer must complete refresher training as prescribed by
15 CLEET and which shall include a minimum of four (4) hours of mental
16 health education and training, within one (1) year of employment.
17 If a certified reserve officer has been inactive for five (5) or
18 more years, the certified reserve officer shall complete a legal
19 update as prescribed by CLEET. The Director of CLEET may waive
20 these requirements based on review of all records of employment and
21 training.

22 C. Every tribal officer who is commissioned by an Oklahoma law
23 enforcement agency pursuant to a cross-deputization agreement with
24 the State of Oklahoma or any political subdivision of the State of

1 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
2 the Oklahoma Statutes shall comply with the provisions of this
3 section.

4 D. Any active full-time certified peace officer, or CLEET-
5 certified cross-deputized tribal officer who fails to meet the
6 annual training requirements specified in this section, shall be
7 subject to having the certification of the peace officer suspended,
8 after the peace officer and the employer have been given written
9 notice of noncompliance and a reasonable time, as defined by the
10 Council, to comply with the provisions of this section. A peace
11 officer shall not be employed in the capacity of a peace officer
12 during any period of suspension. The suspension period shall be for
13 a period of time until the officer files a statement attesting to
14 full compliance with the provisions of this section. Suspension of
15 peace officer certification shall be reported to the District
16 Attorney for the jurisdiction in which the officer is employed, the
17 liability insurance company of the law enforcement agency that
18 employed the peace officer, the chief elected official of the
19 governing body of the law enforcement agency and the chief law
20 enforcement officer of the law enforcement agency. Any officer
21 whose certification is suspended pursuant to this section may
22 request a hearing with CLEET. Such hearings shall be governed by
23 the Administrative Procedures Act except that the affected officer

24

1 has the burden to show CLEET why CLEET should not have the
2 certification of the officer suspended.

3 SECTION 3. It being immediately necessary for the preservation
4 of the public peace, health and safety, an emergency is hereby
5 declared to exist, by reason whereof this act shall take effect and
6 be in full force from and after its passage and approval.

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