

1 **SENATE FLOOR VERSION**

2 February 16, 2017

3 SENATE BILL NO. 387

By: Sykes

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5
6 An Act relating to law enforcement training; amending
7 70 O.S. 2011, Section 3311, as last amended by
8 Section 1, Chapter 376, O.S.L. 2016 (70 O.S. Supp.
9 2016, Section 3311), which relates to the Council on
Law Enforcement Education and Training; allowing
certain reimbursement; and providing an effective
date.

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

13 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
14 last amended by Section 1, Chapter 376, O.S.L. 2016 (70 O.S. Supp.
15 2016, Section 3311), is amended to read as follows:

16 Section 3311. A. There is hereby created a Council on Law
17 Enforcement Education and Training which shall be, and is hereby
18 declared to be, a governmental law enforcement agency of the State
19 of Oklahoma, body politic and corporate, with powers of government
20 and with the authority to exercise the rights, privileges and
21 functions necessary to ensure the professional training and
22 continuing education of law enforcement officers in the State of
23 Oklahoma. These rights, privileges and functions include, but are
24 not limited to, those specified in Sections 3311 through 3311.14 of

1 this title and in the Oklahoma Security Guard and Private
2 Investigator Act and the Oklahoma Bail Enforcement and Licensing
3 Act. The Council shall be composed of thirteen (13) members as
4 follows:

5 1. The Commissioner of the Department of Public Safety, or
6 designee;

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

9 3. The Director of the Oklahoma State Bureau of Investigation,
10 or designee;

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

14 5. One member appointed by the Governor who shall be a chief of
15 police of a municipality with a population over one hundred thousand
16 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

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

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

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

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

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

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

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

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

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

1 4. Authorize additional staff and services necessary for
2 program expansion;

3 5. Recommend legislation necessary to upgrade Oklahoma law
4 enforcement to professional status;

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

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

22 The Executive Director of the Council on Law Enforcement
23 Education and Training may commission CLEET staff as peace officers
24 for purposes consistent with the duties of CLEET as set out in state

1 law. The powers and duties conferred on the Executive Director or
2 any staff member appointed by the Executive Director as a peace
3 officer shall not limit the powers and duties of other peace
4 officers of this state or any political subdivision thereof. The
5 Executive Director or any staff member appointed by the Executive
6 Director as a peace officer may, upon request, assist any federal,
7 state, county or municipal law enforcement agency;

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

21 9. a. Certify canine teams, consisting of a dog and a
22 handler working together as a team, trained to detect:
23 (1) controlled dangerous substances, or
24

1 (2) explosives, explosive materials, explosive
2 devices, or materials which could be used to
3 construct an explosive device;

4 provided, the dog of a certified canine team shall not
5 be certified at any time as both a drug dog and a bomb
6 dog, and any dog of a certified canine team who has
7 been previously certified as either a drug dog or a
8 bomb dog shall not be eligible at any time to be
9 certified in the other category.

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

18 10. Enter into a lease, loan or other agreement with the
19 Oklahoma Development Finance Authority or a local public trust for
20 the purpose of facilitating the financing of a new facility for its
21 operations and use and pledge, to the extent authorized by law, all
22 or a portion of its receipts of the assessment penalty herein
23 referenced for the payment of its obligations under such lease, loan
24 or other agreement. It is the intent of the Legislature to increase

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

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

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

19 13. Enter into agreements with individuals, educational
20 institutions, agencies, and business and tribal entities for
21 professional services, the use of facilities and supplies, and staff
22 overtime costs incurred as a result of the user's requests to
23 schedule functions after-hours, on weekends, or anytime such
24 requests extend staff beyond its normal capacity, whereby

1 contracting individuals, educational institutions, agencies, and
2 business and tribal entities shall pay a fee to be determined by the
3 Council by rule. All fees collected pursuant to these agreements
4 shall be deposited to the credit of the C.L.E.E.T. Training Center
5 Revolving Fund created pursuant to Section 3311.6 of this title.
6 The Council is authorized to promulgate emergency rules to
7 effectuate the provisions of this paragraph;

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

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

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

19 a. one member shall be selected by the Chancellor for
20 Higher Education, who possesses a background of
21 creation and review of curriculum and experience
22 teaching criminal justice or law enforcement courses,
23 who shall serve an initial term of one (1) year,
24

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

6 c. one member shall represent a county jurisdiction with
7 a population of fifty thousand (50,000) or more and
8 who shall be a management-level CLEET-certified
9 training officer, who shall serve an initial term of
10 three (3) years,

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

15 e. one member shall represent a county jurisdiction with
16 a population of less than fifty thousand (50,000) and
17 who shall be a CLEET-certified training officer, who
18 shall serve an initial term of one (1) year, and

19 f. one member selected by the Oklahoma Department of
20 Career and Technology Education from the Curriculum
21 Material and Instructional Material Center, who shall
22 serve an initial term of three (3) years.

23 After the initial terms of office, all members shall be
24 appointed to serve three-year terms. Any member may be reappointed

1 to serve consecutive terms. Members shall serve without
2 compensation, but may be reimbursed for travel expenses pursuant to
3 the State Travel Reimbursement Act. The Board shall review and
4 establish curriculum for all CLEET academies and training courses
5 pursuant to procedures established by the Council on Law Enforcement
6 Education and Training;

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

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

14 19. Summarily suspend a certification of a peace officer,
15 without prior notice but otherwise subject to administrative
16 proceedings, if CLEET finds that the actions of the certified peace
17 officer may present a danger to the peace officer, the public, a
18 family or household member, or involve a crime against a minor. A
19 certified copy of the information or indictment charging such a
20 crime shall be considered clear and convincing evidence of the
21 charge; and

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

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

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

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

4 (a) use of force,

5 (b) vehicle pursuit,

6 (c) mental health,

7 (d) professional conduct of officers,

8 (e) domestic abuse,

9 (f) response to missing persons,

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

11 (h) impartial policing,

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

14 (7) liability insurance, and

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

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

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

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

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

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

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

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

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

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

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

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

24

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

1 g. such person is not currently undergoing treatment for
2 a mental illness, condition or disorder. For purposes
3 of this subsection, "currently undergoing treatment
4 for mental illness, condition or disorder" means the
5 person has been diagnosed by a licensed physician ,
6 psychologist, or licensed mental health professional
7 as being afflicted with a substantial disorder of
8 thought, mood, perception, psychological orientation
9 or memory that significantly impairs judgment,
10 behavior, capacity to recognize reality, or ability to
11 meet the ordinary demands of life and such condition
12 continues to exist,

13 h. such person is twenty-one (21) years of age.
14 Provided, this requirement shall not affect those
15 persons who are already employed as a police or peace
16 officer prior to November 1, 1985, and

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

21 2. To aid the evaluating psychologist in interpreting the test
22 results, including automated scoring and interpretations, the
23 employing agency shall provide the psychologist a statement
24 confirming the identity of the individual taking the test as the

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

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

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

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

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

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

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

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

20 3. Every person who has not been certified as a police or peace
21 officer and is duly appointed or elected as a police or peace
22 officer shall hold such position on a temporary basis only, and
23 shall, within six (6) months from the date of appointment or taking
24 office, qualify as required in this subsection or forfeit such

1 position. In computing the time for qualification, all service
2 shall be cumulative from date of first appointment or taking office
3 as a police or peace officer with any department in this state.

4 a. The Council may extend the time requirement specified
5 in this paragraph for good cause as determined by the
6 Council.

7 b. A duty is hereby imposed upon the employing agency to
8 withhold payment of the compensation or wage of such
9 unqualified officer.

10 c. If the police or peace officer fails to forfeit the
11 position or the employing agency fails to require the
12 officer to forfeit the position, the district attorney
13 shall file the proper action to cause the forfeiting
14 of such position. The district court of the county
15 where the officer is employed shall have jurisdiction
16 to hear the case.

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

22 5. For purposes of this section, a police or peace officer is
23 defined as a full-time duly appointed or elected officer who is paid
24 for working more than twenty-five (25) hours per week and whose

1 duties are to preserve the public peace, protect life and property,
2 prevent crime, serve warrants, transport prisoners, and enforce laws
3 and ordinances of this state, or any political subdivision thereof;
4 provided, elected sheriffs and their deputies and elected,
5 appointed, or acting chiefs of police shall meet the requirements of
6 this subsection within the first six (6) months after assuming the
7 duties of the office to which they are elected or appointed or for
8 which they are an acting chief; provided further, that this section
9 shall not apply to persons designated by the Director of the
10 Department of Corrections as peace officers pursuant to Section 510
11 of Title 57 of the Oklahoma Statutes.

12 F. No person shall be certified as a police or peace officer by
13 the Council or be employed by the state, a county, a city, or any
14 political subdivision thereof, who is currently subject to an order
15 of the Council revoking, suspending, or accepting a voluntary
16 surrender of peace officer certification or who has been convicted
17 of a felony, a crime involving moral turpitude, or a crime of
18 domestic violence, unless a full pardon has been granted by the
19 proper agency; however, any person who has been trained and
20 certified by the Council on Law Enforcement Education and Training
21 and is actively employed as a full-time peace officer as of November
22 1, 1985, shall not be subject to the provisions of this subsection
23 for convictions occurring prior to November 1, 1985.

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

5 a. Oklahoma State Bureau of Investigation and Federal
6 Bureau of Investigation reports,

7 b. administration of the psychological tests provided for
8 herein,

9 c. performance in the course of study or other basis of
10 certification,

11 d. previous certifications issued, and

12 e. any administrative or judicial determination denying
13 certification.

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

22 3. As used in this subsection, "employing agency" means a
23 political subdivision or law enforcement agency which either has
24

1 employed or received an employment application from a person who, if
2 employed, would be subject to this section.

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

15 2. A tribal law enforcement agency that has peace officers
16 commissioned by an Oklahoma law enforcement agency pursuant to a
17 cross-deputization agreement with the State of Oklahoma or any
18 political subdivision of the State of Oklahoma pursuant to the
19 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
20 shall report the commissioning, resignation, or termination of
21 commission for any reason of a cross-deputized tribal police or
22 peace officer to CLEET within ten (10) days of the commissioning,
23 resignation, or termination. Failure to comply with the provisions

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1 of this subsection may disqualify a tribal law enforcement agency
2 from participating in training programs sponsored by the Council.

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

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

22 a. conviction of a felony or a crime of domestic
23 violence,

24

- 1 b. conviction of a misdemeanor involving moral turpitude;
2 provided, if the conviction is a single isolated
3 incident that occurred more than five (5) years ago
4 and the Council is satisfied that the person has been
5 sufficiently rehabilitated, the Council may, in its
6 discretion, certify such person providing that all
7 other statutory requirements have been met,
- 8 c. a verdict of guilt or entry of a plea of guilty or
9 nolo contendere or an "Alford" plea or any plea other
10 than a not guilty plea for a felony offense, a crime
11 of moral turpitude, or a crime of domestic violence,
- 12 d. falsification or a willful misrepresentation of
13 information in an employment application or
14 application to the Council on Law Enforcement
15 Education and Training, records of evidence, or in
16 testimony under oath,
- 17 e. revocation or voluntary surrender of police or peace
18 officer certification in another state for a violation
19 of any law or rule or in settlement of any
20 disciplinary action in such state,
- 21 f. involuntary commitment of a reserve or peace officer
22 in a mental institution or licensed private mental
23 health facility for any mental illness, condition or
24 disorder that is diagnosed by a licensed physician,

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

- 1 g. abuse of office,
- 2 h. entry of a final order of protection against applicant
- 3 or officer, or
- 4 i. any violation of the Oklahoma Private Security
- 5 Licensing Act.

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

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

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

21 4. When the investigation of a complaint does not find the
22 person has violated any of the provisions of this subsection, or
23 finds that the person is sufficiently rehabilitated as provided in
24 subparagraph b or f of paragraph 1 of this subsection, no

1 disciplinary action shall be required and the person shall remain
2 certified as a police or peace officer. When the investigation of a
3 complaint finds that the person has violated any of the provisions
4 of this subsection, the matter shall be referred for disciplinary
5 proceedings. The disciplinary proceedings shall be in accordance
6 with Articles I and II of the Administrative Procedures Act.

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

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

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

1 violence in which a plea of guilty, nolo contendere, or an "Alford"
2 plea or any other plea other than a not guilty plea or other finding
3 of guilt is entered by, against or on behalf of a certified police
4 or peace officer to report such plea, agreement, or other finding of
5 guilt to the Council on Law Enforcement Education and Training
6 within ten (10) 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
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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. No employee of CLEET may be involved in the training or
24 testing of a canine team.

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.

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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. No employee of CLEET may be involved in the training or
12 testing of a canine team.

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

- 23 a. the Department of Public Safety,
- 24 b. a police department,

1 c. a sheriff's office, and

2 d. a university or college campus police department.

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

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

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1 Title 74 of the Oklahoma Statutes and have met the training and
2 qualification requirements of this section.

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

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

16 P. Peace officers, reserve peace officers, tribal peace
17 officers, agencies, bail enforcers, security guards and private
18 investigators shall maintain with the Council current mailing
19 addresses and shall notify the Council, in writing, of any change of
20 address or name. Notification of change of name shall require
21 certified copies of any marriage license or other court document
22 which reflects the change of name. Notice of change of address or
23 telephone number must be made within ten (10) days of the effected
24 change. Notices shall not be accepted over the phone. In any

1 proceeding in which the Council is required to serve notice or an
2 order on an individual or an agency, the Council may send a letter
3 to the mailing address on file with the Council. If the letter is
4 returned and a notation of the U.S. Postal Service indicates
5 "unclaimed", or "moved", or "refused" or any other nondelivery
6 markings and the records of the Council indicate that no change of
7 address as required by this subsection has been received by the
8 Council, the notice and any subsequent notices or orders shall be
9 deemed by the Court as having been legally served for all purposes.

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

15 SECTION 2. This act shall become effective November 1, 2017.

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
17 February 16, 2017 - DO PASS
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