

1 STATE OF OKLAHOMA

2 2nd Session of the 57th Legislature (2020)

3 SENATE BILL 1200

By: Thompson

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5
6 AS INTRODUCED

7 An Act relating to law enforcement training;
8 consolidating the Council on Law Enforcement
9 Education and Training and the Department of Public
10 Safety; authorizing certain authority; transferring
11 certain personnel, funds, records, encumbrances,
12 equipment and other items; providing requirements
13 pertaining to transfer of employees; amending 11 O.S.
14 2011, Section 14-111.1, which relates to retention of
15 penalty assessments; amending Section 1, Chapter 355,
16 O.S.L. 2019 (11 O.S. Supp. 2019, Section 22-139),
17 which relates to designating personnel for security
18 guard training; amending 11 O.S. 2011, Section 34-
19 101.1, which relates to certification of police
20 officers; amending 11 O.S. 2011, Section 34-102, as
21 amended by Section 1, Chapter 232, O.S.L. 2013 (11
22 O.S. Supp. 2019, Section 34-102), which relates to
23 chief of police powers and duties; amending 11 O.S.
24 2011, Section 50-134, as amended by Section 3,
Chapter 132, O.S.L. 2017 (11 O.S. Supp. 2019, Section
50-134), which relates to operation of the State
Board; amending 19 O.S. 2011, Section 215.29, as
amended by Section 1, Chapter 368, O.S.L. 2014 (19
O.S. Supp. 2019, Section 215.29), which relates to
district attorney carry of firearms; amending 19 O.S.
2011, Section 215.35A, which relates to district
attorney investigators; amending 19 O.S. 2011,
Section 339, as last amended by Section 1, Chapter
396, O.S.L. 2019 (19 O.S. Supp. 2019, Section 339),
which relates to general powers of commissioners;
amending 19 O.S. 2011, Section 510, as amended by
Section 1, Chapter 258, O.S.L. 2017 (19 O.S. Supp.
2019, Section 510), which relates to qualifications
for county sheriffs; amending Section 1, Chapter 267,
O.S.L. 2013, as amended by Section 2, Chapter 368,
O.S.L. 2014 (20 O.S. Supp. 2019, Section 129), which

1 relates to judicial firearms permits; amending 20
2 O.S. 2011, Section 1313.2, as last amended by Section
3 6, Chapter 304, O.S.L. 2018 (20 O.S. Supp. 2019,
4 Section 1313.2), which relates to definitions;
5 amending 21 O.S. 2011, Section 99, as amended by
6 Section 1, Chapter 249, O.S.L. 2013 (21 O.S. Supp.
7 2019, Section 99), which relates to peace officers;
8 amending 21, O.S. 2011, Section 99a, as last amended
9 by Section 1, Chapter 347, O.S.L. 2016 (21 O.S. Supp.
10 2019, Section 99a), which relates to the authority of
11 peace officers; amending 21 O.S. 2011, Section 1283,
12 as last amended by Section 3, Chapter 1, O.S.L. 2019
13 (21 O.S. Supp. 2019, Section 1283), which relates to
14 convicted felons and delinquents; amending 21 O.S.
15 2011 Section 1289.8, as last amended by Section 1,
16 Chapter 75 O.S.L. 2018 (21 O.S. Supp. 2019, Section
17 1289.8), which relates to carrying weapon; amending
18 21 O.S. 2011, Section 1289.16, as last amended by
19 Section 1, Chapter 266, O.S.L. 2017 (21 O.S. Supp.
20 2019, Section 1289.16), which relates to felony
21 pointing firearms; amending 21 O.S. 2011, Section
22 1289.23, as last amended by Section 1, Chapter 406,
23 O.S.L. 2019 (21 O.S. Supp. 2019, Section 1289.23),
24 which relates to concealed firearm for off-duty
police officer; amending 21 O.S. 2011, Section
1289.29, as amended by Section 3, Chapter 368, O.S.L.
2014 (21 O.S. Supp. 2019, Section 1289.29), which
relates to United States Attorney carrying of
firearms; amending 21 O.S. 2011, Section 1290.12, as
last amended by Section 7, Chapter 406, O.S.L. 2019
(21 O.S. Supp. 2019, Section 1290.12), which relates
to procedure for application; amending 21 O.S. 2011,
Section 1290.14, as last amended by Section 2,
Chapter 207, O.S.L. 2015 (21 O.S. Supp. 2019, Section
1290.14), which relates to safety and training
course; amending 21 O.S. 2011, Section 1290.15, as
last amended by Section 3, Chapter 298, O.S.L. 2017
(21 O.S. Supp. 2019, Section 1290.15), which relates
to persons exempt from training course; amending 21
O.S. 2011, Section 1290.24, as last amended by
Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
2019, Section 1290.24), which relates to immunity;
amending 22 O.S. 2011, Section 1325, which relates to
unclaimed property in sheriff's office; amending 22
O.S. 2011, Section 1105.3, as last amended by Section
1, Chapter 2, O.S.L. 2018 (22 O.S. Supp. 2019,
Section 1105.3), which relates to the Pretrial

1 Release Act; amending 27A O.S. 2011, Section 2-3-501,
2 which relates to inspecting and investigating
3 conditions of natural resources; amending 47 O.S.
4 2011, Section 172.1, which relates to qualifications
5 for enforcement officers; amending 47 O.S. 2011,
6 Section 2-108, which relates to powers and duties of
7 the commissioner; amending 47 O.S. 2011, Section 2-
8 300, as amended by Section 1, Chapter 383, O.S.L.
9 2015 (47 O.S. Supp. 2019, Section 2-300), which
10 relates to definitions; amending 47 O.S. 2011,
11 Section 6-206.1, which relates to driver improvement
12 or defensive driving course; amending 47 O.S. 2011,
13 Section 759 as last amended by Section 1, Chapter
14 125, O.S.L. 2015 (47 O.S. Supp. 2019, Section 759),
15 which relates to Board of Tests for Alcohol and Drug
16 Influence; amending Section 2, Chapter 237, O.S.L.
17 2018 (47 O.S. Supp. 2019, Section 11-801e), which
18 relates to speeding violations; amending 47 O.S.
19 2011, Section 1135.2, as last amended by Section 1,
20 Chapter 434, O.S.L. 2019 (47 O.S. Supp. 2019, Section
21 1135.2), which relates to special license plates;
22 amending 57 O.S. 2011, Section 510, as last amended
23 by Section 1, Chapter 279, O.S.L. 2018 (57 O.S. Supp.
24 2019, Section 510), which relates to powers and
duties of the director of penal institutions;
amending 57 O.S. 2011, Section 563.2, as amended by
Section 1, Chapter 268, O.S.L. 2015 (57 O.S. Supp.
2019, Section 563.2), which relates to private prison
facilities for inmates; amending 57 O.S. 2011,
Section 589, which relates to registered offenders
prohibited from certain employment; amending 59 O.S.
2011, Section 161.6, as last amended by Section 3,
Chapter 213, O.S.L. 2019 (59 O.S. Supp. 2019, Section
161.6), which relates to powers of Board; amending 59
O.S. 2011, Section 328.15A, which relates to Board
investigators; amending 59 O.S. 2011, Section 512, as
last amended by Section 10, Chapter 492, O.S.L. 2019
(59 O.S. Supp. 2019, Section 512), which relates to
salary of investigators; amending 59 O.S. 2011,
Section 626, as amended by Section 3, Chapter 83,
O.S.L. 2014 (59 O.S. Supp. 2019, Section 626), which
relates to Board of Osteopathic Examiners; amending
59 O.S. 2011, Section 698.5a, which relates to
authority and duties; amending Section 2, Chapter
407, O.S.L. 2013 (59 O.S. Supp. 2019, Section
1350.1), which relates to definitions; amending
Section 3, Chapter 407, O.S.L. 2013, as amended by

1 Section 2, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
2 2019, Section 1350.2), which relates to bail
3 enforcement license requirement; amending Section 8,
4 Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2019, Section
5 1350.7), which relates to enforcement of act;
6 amending Section 9, Chapter 407, O.S.L. 2013 (59 O.S.
7 Supp. 2019, Section 1350.8), which relates to
8 psychological evaluation; amending Section 10,
9 Chapter 407, O.S.L. 2013, as last amended by Section
10 48, Chapter 363, O.S.L. 2019 (59 O.S. Supp. 2019,
11 Section 1350.9), which relates to qualifications;
12 amending Section 11, Chapter 407, O.S.L. 2013, as
13 last amended by Section 1, Chapter 246, O.S.L. 2019
14 (59 O.S. Supp. 2019, Section 1350.10), which relates
15 to application; amending Section 12, Chapter 407,
16 O.S.L. 2013, as last amended by Section 49, Chapter
17 363, O.S.L. 2019 (59 O.S. Supp. 2019, Section
18 1350.11), which relates to denial, revocation and
19 disciplinary action; amending Section 14, Chapter
20 407, O.S.L. 2013, as amended by Section 8, Chapter
21 373, O.S.L. 2014 (59 O.S. Supp. 2019, Section
22 1350.13), which relates to restrictions on bail
23 enforcers; amending Section 15, Chapter 407, O.S.L.
24 2013, as last amended by Section 2, Chapter 246,
O.S.L. 2019 (59 O.S. Supp. 2019, Section 1350.14),
which relates to disclosure of application
information; amending Section 16, Chapter 407, O.S.L.
2013 (59 O.S. Supp. 2019, Section 1350.15), which
relates to identification requirement; amending
Section 17, Chapter 407, O.S.L. 2013, as amended by
Section 10, Chapter 373, O.S.L. 2014 (59 O.S. Supp.
2019, Section 1350.16), which relates to identifying
markings on clothing and vehicles; amending Section
18, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2019,
Section 1350.17), which relates to bail enforcement
training schools; amending Section 19, Chapter 407,
O.S.L. 2013 (59 O.S. Supp. 2019, Section 1350.18),
which relates to firearm training; amending Section
20, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2019,
Section 1350.19), which relates to jail access;
amending Section 21, Chapter 407, O.S.L. 2013 (59
O.S. Supp. 2019, Section 1350.20), which relates to
Bail Enforcement Revolving Fund; amending 59 O.S.
2011, Section 1453, which relates to definitions;
amending 59 O.S. 2011, Section 1750.2A, as amended by
Section 28, Chapter 407, O.S.L. 2013 (59 O.S. Supp.
2019, Section 1750.2A), which relates to

1 noncompliance with Oklahoma Security Guard and
2 Private Investigator Act; amending 59 O.S. 2011,
3 Section 1750.3, as amended by Section 1, Chapter 136,
4 O.S.L. 2014 (59 O.S. Supp. 2019, Section 1750.3),
5 which relates to Council on Law Enforcement Education
6 and Training Powers and Duties; amending 59 O.S.
7 2011, Section 1750.2, which relates to definitions;
8 amending 59 O.S. 2011, Section 1750.3A, as amended by
9 Section 3, Chapter 246, O.S.L. 2019 (59 O.S. Supp.
10 2019, Section 1750.3A), which relates to
11 psychological evaluation of applicants; amending 59
12 O.S. 2011, Section 1750.4, which relates to license
13 requirement; amending 59 O.S. 2011, Section 1750.4a,
14 which relates to license required; amending 59 O.S.
15 2011, Section 1750.5, as last amended by Section 57,
16 Chapter 363, O.S.L. 2019 (59 O.S. Supp. 2019, Section
17 1750.5), which relates to licenses authorized;
18 amending 59 O.S. 2011, Section 1750.6, as last
19 amended by Section 5, Chapter 246, O.S.L. 2019 (59
20 O.S. Supp. 2019, Section 1750.6), which relates to
21 application for license; amending 59 O.S. 2011,
22 Section 1750.8, as amended by Section 7, Chapter 246,
23 O.S.L. 2019 (59 O.S. Supp. 2019, Section 1750.8),
24 which relates to prohibited acts; amending 59 O.S.
25 2011, Section 1750.9, which relates to carrying of
26 identification cards; amending 59 O.S. 2011, Section
27 1750.10A, which relates to firearm training; amending
28 59 O.S. 2011, Section 1750.10B, which relates to
29 private security training schools; amending 59 O.S.
30 2011, Section 1750.11, which relates to penalties for
31 violations; amending 63 O.S. 2011, Section 1-106,
32 which relates to powers and duties of the State
33 Commissioner of Health; amending 63 O.S. 2011,
34 Section 1-227.9, which relates to Child Abuse
35 Training and Coordination Council; amending 63 O.S.
36 2011, Section 2-110, as amended by Section 46,
37 Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2019, Section
38 2-110), which relates to attorneys; amending 70 O.S.
39 2011, Section 5-142, as last amended by Section 1,
40 Chapter 199, O.S.L. 2017 (70 O.S. Supp. 2019, Section
41 5-142), which relates to national criminal history
42 record check; amending Section 3, Chapter 310, O.S.L.
43 2015 (70 O.S. Supp. 2019, Section 5-149.2), which
44 relates to handgun licenses for school personnel;
45 amending 70 O.S. 2011, Section 3311, as last amended
46 by Section 1, Chapter 245, O.S.L. 2019 (70 O.S. Supp.
47 2019, Section 3311), which relates to the Council on

1 Law Enforcement Education and Training; amending 70
2 O.S. 2011, Section 3311.2, which relates to powers
3 and duties and responsibilities under Polygraph
4 Examiners Act; amending 70 O.S. 2011, Section 3311.3,
5 as amended by Section 628, Chapter 304, O.S.L. 2012
6 (70 O.S. Supp. 2019, Section 3311.3), which relates
7 to Council on Law Enforcement Training; amending 70
8 O.S. 2011, Section 3311.4, as last amended by Section
9 1, Chapter 339, O.S.L. 2019 (70 O.S. Supp. 2019,
10 Section 3311.4), which relates to continuing law
11 enforcement training; amending 70 O.S. 2011, Section
12 3311.5, as last amended by Section 2, Chapter 339,
13 O.S.L. 2019 (70 O.S. Supp. 2019, Section 3311.5),
14 which relates to law enforcement certification;
15 amending 70 O.S. 2011, Section 3311.6, as amended by
16 Section 629, Chapter 304, O.S.L. 2012 (70 O.S. Supp.
17 2019, Section 3311.6), which relates to C.L.E.E.T.
18 Training Center Revolving Fund; amending 70 O.S.
19 2011, Section 3311.7, as amended by Section 630,
20 Chapter 304, O.S.L. 2012 (70 O.S. Supp. 2019, Section
21 3311.7), which relates to the Peace Officer Revolving
22 Fund; amending 70 O.S. 2011, Section 3311.8, as
23 amended by Section 631, Chapter 304, O.S.L. 2012 (70
24 O.S. Supp. 2019, Section 3311.8), which relates to
the CLEET Cafeteria Revolving Fund; amending 70 O.S.
2011, Section 3311.9, which relates to the petty cash
fund; amending 70 O.S. 2011, Section 3311.10, which
relates to the purchase of passenger automobiles for
training purposes; amending 70 O.S. 2011, Section
3311.11, as last amended by Section 1, Chapter 139,
O.S.L. 2016 (70 O.S. Supp. 2019, Section 3311.11),
which relates to Council on Law Enforcement Education
and Training; amending 70 O.S. 2011, Section 3311.12,
which relates to law enforcement youth camps;
amending 70 O.S. 2011, Section 3311.13, as amended by
Section 632, Chapter 304, O.S.L. 2012 (70 O.S. Supp.
2019, Section 3311.13), which relates to the CLEET
Private Security Revolving Fund; amending Section 2,
Chapter 315, O.S.L. 2013, as amended by Section 4,
Chapter 368, O.S.L. 2014 (70 O.S. Supp. 2019, Section
3311.14) which relates to firearms for Attorney
General; amending Section 3, Chapter 376, O.S.L.
2016, as amended by Section 1, Chapter 320, O.S.L.
2017 (70 O.S. Supp. 2019, Section 3311.15), which
relates to assessment for meals; amending Section 1,
Chapter 168, O.S.L. 2018 (70 O.S. Supp. 2019, Section
3311.16), which relates to authority to conduct

1 academies; amending Section 1, Chapter 254, O.S.L.
2 2018, as amended by Section 1, Chapter 20, O.S.L.
3 2019 (70 O.S. Supp. 2019, Section 3311.17), which
4 relates to technology center schools; amending 74
5 O.S. 2011, Section 18c, as last amended by Section 1,
6 Chapter 80, O.S.L. 2019 (74 O.S. Supp. 2019, Section
7 18c), which relates to employment of attorneys;
8 amending 74 O.S. 2011, Section 51.1, which relates to
9 the Oklahoma Office of Homeland Security; amending
10 Section 2, Chapter 46, O.S.L. 2019 (74 O.S. Supp.
11 2019, Section 151.3), which relates to unidentified
12 persons; amending 74 O.S. 2011, Section 324.4, which
13 relates to the State Fire Marshal; amending 74 O.S.
14 2011, Section 324.5, which relates to State Fire
15 Marshal agents; amending 74 O.S. 2011, Section
16 360.17, as amended by Section 3, Chapter 48, O.S.L.
17 2012 (74 O.S. Supp. 2019, Section 360.17), which
18 relates to jurisdiction of campus police officers;
19 amending 74 O.S. 2011, Section 902, as last amended
20 by Section 20, Chapter 297, O.S.L. 2016 (74 O.S.
21 Supp. 2019, Section 902), which relates to
22 definitions; amending Section 6, Chapter 208, O.S.L.
23 2013, as last amended by Section 4, Chapter 476,
24 O.S.L. 2019 (85A O.S. Supp. 2019, Section 6), which
25 relates to fraud; modifying statutory references;
26 providing for recodification; providing for
27 codification; and providing an effective date.

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

29 SECTION 1. NEW LAW A new section of law to be codified
30 in the Oklahoma Statutes as Section 2-202 of Title 47, unless there
31 is created a duplication in numbering, reads as follows:

32 A. The Council on Law Enforcement Education and Training is
33 hereby consolidated as a division within the Department of Public
34 Safety. The Commissioner of the Department of Public Safety shall

1 have the authority to rename the division as deemed necessary upon
2 consolidation.

3 B. All assets, funds, liabilities, allotments, purchase orders,
4 outstanding financial obligations, encumbrances, records, vehicles,
5 equipment and other property of the Council on Law Enforcement
6 Education and Training are hereby transferred to the Department of
7 Public Safety.

8 C. Personnel employed by the Council on Law Enforcement
9 Education and Training on the effective date of this act shall be
10 transferred to the Department of Public Safety pursuant to a
11 transition plan implemented by the Commissioner of the Department of
12 Public Safety.

13 D. The classified and unclassified employees who are
14 transferred pursuant to this section shall be subject to the
15 following provisions:

16 1. Classified employees shall remain subject to the provisions
17 of the Merit System of Personnel Administration, as provided in the
18 Oklahoma Personnel Act;

19 2. Unclassified employees transferred to the Department of
20 Public Safety shall remain in the unclassified service and shall
21 serve at the pleasure of the Commissioner of the Department of
22 Public Safety;

23 3. All employees who are transferred pursuant to this act shall
24 retain leave, sick and annual time earned and any retirement and
25

1 longevity benefits which have accrued during their employment with
2 the state. The salaries of employees who are transferred shall not
3 be reduced as a direct and immediate result of the transfer;

4 4. If the Department of Public Safety should implement a
5 reduction in force, all employees transferred pursuant to this act
6 shall be credited for the time they were employed by the Council on
7 Law Enforcement Education and Training; and

8 5. The transfer of personnel shall be coordinated with the
9 Office of Management and Enterprise Services.

10 SECTION 2. AMENDATORY 11 O.S. 2011, Section 14-111.1, is
11 amended to read as follows:

12 Section 14-111.1. A. Notwithstanding any other provision of
13 law, a municipal court which collects a penalty assessment or other
14 state fee from a defendant pursuant to state law may retain eight
15 cents (\$0.08) of such monies and may also retain all interest
16 accrued thereon prior to the due date for deposits as provided in
17 state law. The fee shall be deposited as determined by the
18 municipal governing body.

19 B. A municipal court in a municipality having a basic law
20 enforcement academy approved by the ~~Council on~~ Law Enforcement
21 Education and Training Division of the Department of Public Safety
22 pursuant to the criteria developed by the ~~Council~~ Department for
23 training law enforcement officers may retain as an administrative
24 fee two percent (2%) of any penalty assessment or other state fee

1 imposed by state statute. The two percent (2%) administrative fee
2 shall be deducted from the portion of the penalty assessment or
3 other state fee retained by such municipality.

4 SECTION 3. AMENDATORY Section 1, Chapter 355, O.S.L.
5 2019 (11 O.S. Supp. 2019, Section 22-139), is amended to read as
6 follows:

7 Section 22-139. A. The city council or board of trustees for a
8 city or municipality may, through a majority vote of the council or
9 board, designate city or municipality personnel who have been issued
10 a handgun license pursuant to the Oklahoma Self-Defense Act to
11 attend an armed security guard training program, as provided for in
12 Section 1750.5 of Title 59 of the Oklahoma Statutes, or a reserve
13 peace officer certification program, as provided for in Section 3311
14 of Title 70 of the Oklahoma Statutes, provided and developed by the
15 ~~Council on~~ Law Enforcement Education and Training Division of the
16 Department of Public Safety ~~(CLEET)~~. Nothing in this section shall
17 be construed to prohibit or limit the city council or board of
18 trustees of a city or municipality from requiring ongoing education
19 and training.

20 B. Participation in either the armed security guard training
21 program or the reserve peace officer certification program shall be
22 voluntary and shall not in any way be considered a requirement for
23 continued employment with the city or municipality. The city
24 council or board of trustees of a city or municipality shall have

1 the final authority to determine and designate personnel who will be
2 authorized to obtain and use an armed security guard license or
3 reserve peace officer certification in conjunction with their
4 employment as city or municipality personnel.

5 C. The city council or board of trustees of a city or
6 municipality that authorizes personnel to participate in either the
7 armed security guard program or the reserve peace officer program
8 may pay all necessary training, meal and lodging expenses associated
9 with the training.

10 D. When carrying a firearm pursuant to this ~~act~~ section, the
11 person shall at all times carry the firearm on his or her person or
12 the firearm shall be stored in a locked and secure location.

13 E. Any city or municipality personnel who have successfully
14 completed either training and while acting in a reasonable and
15 prudent manner shall be immune from civil and criminal liability for
16 any injury resulting from the carrying of a handgun onto city or
17 municipality property as provided in this ~~act~~ section. Any
18 municipality, city council, board of trustees or participating local
19 law enforcement agency shall be immune from civil and criminal
20 liability for any injury resulting from any act committed by the
21 city or municipality personnel who are designated to carry a
22 concealed handgun on public city or municipality property pursuant
23 to the provisions of this ~~act~~ section.

1 F. In order to carry out the provisions of this section, the
2 city council or board of trustees of a city or municipality is
3 authorized to enter into a memorandum of understanding with local
4 law enforcement entities.

5 SECTION 4. AMENDATORY 11 O.S. 2011, Section 34-101.1, is
6 amended to read as follows:

7 Section 34-101.1. For purposes of the certification of
8 municipal police officers pursuant to state law, the employing
9 municipality shall use a psychological instrument approved by the
10 ~~Council on Law Enforcement Education and Training~~ Division of the
11 Department of Public Safety. The employing municipality shall
12 administer such psychological instrument in accordance with
13 standards established within the test document. To aid the
14 evaluating psychologist in interpreting the test results, including
15 automated scoring and interpretations, the municipal employer shall
16 provide the psychologist a statement confirming the identity of the
17 individual taking the test as the person who is employed or seeking
18 to be employed as a police officer of the municipality and attesting
19 that it administered the psychological instrument in accordance with
20 standards within the test document. The psychologist shall report
21 to the employing municipality the evaluation of the assessment
22 instrument and may include any additional recommendations to assist
23 the employing municipality in determining whether to certify to the
24 ~~Council on Law Enforcement Education and Training~~ Department that

1 the person being evaluated is suitable to serve as a police officer.
2 No additional procedures or requirements shall be imposed for
3 performance of the psychological evaluation.

4 SECTION 5. AMENDATORY 11 O.S. 2011, Section 34-102, as
5 amended by Section 1, Chapter 232, O.S.L. 2013 (11 O.S. Supp. 2019,
6 Section 34-102), is amended to read as follows:

7 Section 34-102. A. The chief of police of a municipality shall
8 be a peace officer and shall enforce the municipal ordinances. The
9 chief of police of a municipality shall have such other powers,
10 duties and functions as may be prescribed by law or ordinance.

11 B. Any person elected or appointed to the position of chief of
12 police of a municipality shall meet the following qualifications:

- 13 1. Be at least twenty-one (21) years of age;
- 14 2. Be a citizen of the United States;
- 15 3. Possess at least a high school diploma or General Education
16 Diploma (GED);
- 17 4. Be certified as a peace officer in this state by the ~~Council~~
18 ~~on~~ Law Enforcement Education and Training Division of the Department
19 of Public Safety ~~(CLEET)~~, or meet all requirements necessary for
20 ~~CLEET~~ certification and obtain such certification within six (6)
21 months of assuming the position of chief of police or as otherwise
22 allowed by Section 3311 of Title 70 of the Oklahoma Statutes; and
- 23 5. Have successfully completed a course of training meeting at
24 least the minimal criteria established by the ~~Council on~~ Law

1 Enforcement Education and Training Division of the Department of
2 Public Safety ~~(CLEET)~~ for police chief administration, successfully
3 completed an approved police chief administrative school which has
4 been developed by the Oklahoma Association of Chiefs of Police and
5 approved by the ~~Council~~ Department within twelve (12) months of
6 assuming the position of chief of police.

7 C. 1. Any person who does not meet the qualifications of
8 paragraph 4 or 5 of subsection B of this section at the time of
9 election or appointment to the position of chief of police and who
10 fails after assuming the position of chief of police to meet such
11 qualifications within the time required shall have their ~~CLEET~~
12 certification revoked for the purpose of serving as chief and be
13 removed from the position.

14 2. Any person assuming the position of chief of police without
15 prior ~~CLEET~~ certification who fails to complete an approved course
16 of training or police chief administration school within the time
17 required shall be precluded from obtaining ~~CLEET~~ certification while
18 in such position.

19 D. The ~~Council on~~ Law Enforcement Education and Training
20 Division of the Department of Public Safety ~~(CLEET)~~ shall establish
21 minimal criteria for the qualifications of paragraph 5 of subsection
22 B of this section relating to a course of training and police chief
23 administration schools and approve all training offered in this
24 state relating to police chief administration. The Oklahoma

1 Association of Chiefs of Police in consultation and cooperation with
2 the ~~Council~~ Department is directed to develop a Police Chief
3 Administrative School consisting of training courses that meet at
4 least the minimal criteria established by the ~~Council~~ Department.

5 E. The provisions of this act relating to qualifications for a
6 chief of police shall not apply to any person who has assumed the
7 position of chief of police and is currently serving as the chief of
8 police of a municipality on or before November 1, 2006.

9 SECTION 6. AMENDATORY 11 O.S. 2011, Section 50-134, as
10 amended by Section 3, Chapter 132, O.S.L. 2017 (11 O.S. Supp. 2019,
11 Section 50-134), is amended to read as follows:

12 Section 50-134. A. The State Board shall be responsible for
13 the operation, administration and management of the System.

14 1. In order to carry out the responsibilities imposed upon them
15 by law, the State Board shall appoint such advisors, consultants,
16 agents and employees, each of whom may be such individual, firm or
17 corporation as shall be deemed necessary or advisable and approved
18 by the State Board. Such individuals, firms or corporations may be
19 retained or employed in such manner and upon such terms as shall
20 seem appropriate and proper to the State Board, either by contract
21 or retainer, by regular full- or part-time employment or by such
22 other arrangements as shall be satisfactory to the State Board and
23 shall be subject to such bonding requirements as shall be
24 established by the State Board. The fees, commissions, salaries and

1 other compensation of such advisors, consultants, agents or
2 employees shall be paid by the State Board from the Fund.

3 2. Notwithstanding any statute, regulation or rule to the
4 contrary, the State Board may obtain from any participating
5 municipality and the ~~Council on~~ Law Enforcement Education and
6 Training Division of the Department of Public Safety information for
7 the purpose of the System performing an audit to determine any
8 person's eligibility for membership in the System pursuant to
9 Section 50-112 of this title. The State Board also may obtain from
10 any participating municipality information for the purpose of the
11 System performing an audit of such participating municipality to
12 ensure compliance with the System's statutes or rules, including,
13 but not limited to, information with respect to member compensation
14 necessary to determine the amounts that should be included in or
15 excluded from a member's paid base salary and the accuracy of
16 amounts upon which member contributions are made. Any information
17 received by the State Board pursuant to this paragraph shall be kept
18 confidential by the System to the extent required by any applicable
19 statute, regulation or rule.

20 B. The Executive Director shall perform the duties and services
21 indicated below and such other duties and services as may, from time
22 to time, be requested or directed by the State Board, and who shall
23 be responsible to the State Board and shall attend all regular
24 meetings of the State Board.

1 The Executive Director shall be responsible to the State Board
2 for the day-to-day operation of the System, and shall on behalf of
3 the State Board:

4 1. Be responsible for the transmittal of communications from
5 the State Board to the participating municipalities;

6 2. Receive payroll and employment reports from participating
7 municipalities and maintain current employment, earnings and
8 contribution data on each covered member of each participating
9 municipality;

10 3. Coordinate the activities of all other advisors,
11 consultants, agents or employees appointed by the State Board;

12 4. Maintain all necessary records reflecting the operation and
13 administration of the System and submit detailed reports thereof to
14 the State Board at each regular meeting of the State Board and at
15 such other time or times as requested by the State Board;

16 5. Process all claims for payment of benefits or expenses for
17 approval by the State Board;

18 6. File on behalf of the State Board such reports or other
19 information as shall be required by any state or federal law or
20 regulations; and

21 7. Demand on behalf of the State Board information under
22 paragraph 2 of subsection A of this section.

1 SECTION 7. AMENDATORY 19 O.S. 2011, Section 215.29, as
2 amended by Section 1, Chapter 368, O.S.L. 2014 (19 O.S. Supp. 2019,
3 Section 215.29), is amended to read as follows:

4 Section 215.29. A. A district attorney or former district
5 attorney may carry a firearm on his or her person anywhere in the
6 state to use only for personal protection if the person has
7 successfully completed a handgun qualification course for court
8 officials developed by the ~~Council on~~ Law Enforcement Education and
9 Training Division of the Department of Public Safety. The ~~Council~~
10 ~~on Law Enforcement Education and Training~~ Department may provide for
11 an identification card to be issued to the district attorney or
12 former district attorney and may provide application forms. If the
13 person issued an identification card is no longer eligible, that
14 person shall immediately return the identification card to the
15 ~~Council on Law Enforcement Education and Training~~ Department.

16 B. At the discretion of the district attorney, the district
17 attorney may allow an assistant district attorney to carry a firearm
18 on his or her person anywhere in the state to use only for personal
19 protection if the person has successfully completed a handgun
20 qualification course for court officials developed by the ~~Council on~~
21 Law Enforcement Education and Training Division of the Oklahoma
22 Department of Public Safety. The ~~Council on Law Enforcement~~
23 ~~Education and Training~~ Department may provide for an identification
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1 card to be issued to the assistant district attorney and may provide
2 application forms.

3 If an assistant district attorney ends his or her employment,
4 the assistant district attorney shall immediately return the
5 identification card to the ~~Council on Law Enforcement Education and~~
6 ~~Training~~ Department. If the person issued an identification card is
7 no longer eligible, that person shall immediately return the
8 identification card to the ~~Council on Law Enforcement Education and~~
9 ~~Training~~ Department.

10 SECTION 8. AMENDATORY 19 O.S. 2011, Section 215.35A, is
11 amended to read as follows:

12 Section 215.35A. A. District attorney investigators serve
13 under the direction of the district attorney, and shall perform such
14 services as are necessary in the investigation of criminal activity
15 or preparation of civil litigation within the district.

16 B. If the district attorney's investigator is certified as a
17 peace officer by the ~~Council on~~ Law Enforcement Education and
18 Training Division of the Department of Public Safety the
19 investigator shall be considered a peace officer and shall have the
20 powers now or hereafter vested by law in peace officers.

21 C. While in the performance of official duties as an
22 investigator for the district attorney, an investigator who has been
23 certified as a peace officer by the ~~Council on~~ Law Enforcement
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1 Education and Training Division of the Department of Public Safety
2 shall have jurisdiction in any portion of the state.

3 D. Any district attorney's investigator certified as a peace
4 officer by the ~~Council on Law Enforcement Education and Training~~
5 Department may at the discretion of the district attorney be
6 entitled to receive at the time of retirement, by reason of length
7 of service, the continued custody, possession and ownership of the
8 sidearm and badge carried by the investigator immediately prior to
9 retirement.

10 SECTION 9. AMENDATORY 19 O.S. 2011, Section 339, as last
11 amended by Section 1, Chapter 396, O.S.L. 2019 (19 O.S. Supp. 2019,
12 Section 339), is amended to read as follows:

13 Section 339. A. The board of county commissioners shall have
14 power:

15 1. To make all orders respecting the real property of the
16 county, to sell the public grounds of the county and to purchase
17 other grounds in lieu thereof; and for the purpose of carrying out
18 the provisions of this section it shall be sufficient to convey all
19 the interests of the county in those grounds when an order made for
20 the sale and a deed is executed in the name of the county by the
21 chair of the board of county commissioners, reciting the order, and
22 signed by the chair and acknowledged by the county clerk for and on
23 behalf of the county;

1 2. To audit the accounts of all officers having the care,
2 management, collection or disbursement of any money belonging to the
3 county or appropriated for its benefit;

4 3. To construct and repair bridges and to open, lay out and
5 vacate highways; provided, however, that when any state institution,
6 school or department shall own, lease or otherwise control land on
7 both sides of any established highway, the governing board or body
8 of the same shall have the power to vacate, alter or relocate the
9 highway adjoining the property in the following manner:

10 If it should appear that it would be to the best use and
11 interest of the institution, school or department to vacate, alter
12 or relocate such highway, the governing board or body shall notify
13 the board of county commissioners, in writing, of their intention to
14 hold a public hearing and determine whether to vacate, alter or
15 relocate the highway, setting forth the location and terminals of
16 the road, and all data concerning the proposed right-of-way if
17 changed or relocated, and shall give fifteen (15) days' notice of
18 the hearing by publication in some newspaper in the county or
19 counties in which the road is located, and the hearing shall be held
20 at the county seat of the county in which the road is located, and
21 if a county line road, may be heard in either county. At the
22 hearing testimony may be taken, and any protests or suggestions
23 shall be received as to the proposed measure, and at the conclusion
24 thereof if the governing board or body shall find that it would be

1 to the best use and interest of the institution, school or
2 department, and the public generally, they may make an appropriate
3 order either vacating, altering or relocating the highway, which
4 order shall be final if approved by the board of county
5 commissioners. The institution, school or department may by
6 agreement share the cost of changing any such road. No property
7 owner shall be denied access to a public highway by the order;

8 4. To recommend or sponsor an employee or prospective employee
9 for job-related training and certification in an area that may
10 require training or certification to comply with state or federal
11 law as such training or certification is provided by the Department
12 of Transportation, the Federal Highway Administration, or any other
13 state agency, technology center school, or university;

14 5. To approve a continuing education program for full-time
15 county employees with at least five (5) consecutive years of service
16 to the county. Such programs shall consist of courses offered by
17 colleges and universities that are members of The Oklahoma State
18 System of Higher Education. Such programs shall require that
19 employees maintain at least an A or B average in order to qualify
20 for one hundred percent (100%) reimbursement. Employees who
21 maintain passing or satisfactory grades shall qualify for seventy-
22 five percent (75%) reimbursement under such programs. Such programs
23 shall require that documentation from colleges and universities
24 regarding courses completed, credits earned and tuition charged be

1 submitted to a board of county commissioners within ninety (90) days
2 after the completion of courses. General applications and request
3 forms for such programs shall be submitted to a board of county
4 commissioners or an appropriate human resources department prior to
5 the conclusion of a county's current fiscal year. Employees who
6 elect to participate in such programs shall continue to meet the
7 full responsibilities of their positions, and participation shall
8 not interfere with availability for scheduled work or negatively
9 affect work performance. In order to be eligible for participation
10 in such programs, employees shall not have been formally disciplined
11 within one (1) year prior to submitting their program application.
12 A board of county commissioners shall be authorized to establish a
13 program requiring a one-year commitment of service to the county
14 from individuals who participate in such programs. Under such
15 programs, employees shall only be eligible to receive tuition
16 reimbursements in exchange for employment with the county lasting at
17 least one (1) year;

18 6. Until January 1, 1983, to furnish necessary blank books,
19 plats, blanks and stationery for the clerk of the district court,
20 county clerk, register of deeds, county treasurer and county judge,
21 sheriff, county surveyor and county attorney, justices of the peace,
22 and constables, to be paid for out of the county treasury; also a
23 fireproof vault sufficient in which to keep all the books, records,
24 vouchers and papers pertaining to the business of the county;

1 7. To set off, organize and change the boundaries of townships
2 and to designate and give names therefor; provided, that the
3 boundaries of no township shall be changed within six (6) months
4 next preceding a general election;

5 8. To lease tools, apparatus, machinery or equipment of the
6 county to another political subdivision or a state agency. The
7 Association of County Commissioners of Oklahoma and the Oklahoma
8 State University Center for Local Government Technology together
9 shall establish a system of uniform rates for the leasing of such
10 tools, apparatus, machinery and equipment;

11 9. To jointly, with other counties, buy heavy equipment and to
12 loan or lease such equipment across county lines;

13 10. To develop personnel policies for the county with the
14 approval of a majority of all county elected officers, as evidenced
15 in the minutes of a meeting of the board of county commissioners or
16 the county budget board;

17 11. To purchase, rent, or lease-purchase uniforms, safety
18 devices and equipment for the officers and employees of the county.
19 The county commissioners may pay for any safety training or safety
20 devices and safety equipment out of the general county funds or any
21 county highway funds available to the county commissioners;

22 12. To provide incentive awards for safety-related job
23 performance. However, no employee shall be recognized more than
24 once per calendar year and the award shall not exceed the value of

1 Two Hundred Fifty Dollars (\$250.00); further, no elected official
2 shall be eligible to receive a safety award;

3 13. To provide for payment of notary commissions, filing fees,
4 and the cost of notary seals and bonds;

5 14. To do and perform other duties and acts that the board of
6 county commissioners may be required by law to do and perform;

7 15. To make purchases at a public auction pursuant to the
8 county purchasing procedures in subsection D of Section 1505 of this
9 title;

10 16. To deposit interest income from highway funds in the
11 general fund of the county;

12 17. To submit sealed bids for the purchase of equipment from
13 this state, or any agency or political subdivision of this state;

14 18. To utilize county-owned equipment, labor and supplies at
15 their disposal on property owned by the county, public schools, two-
16 year colleges or technical branches of colleges that are members of
17 The Oklahoma State System of Higher Education, the state and
18 municipalities according to the provisions of Section 36-113 of
19 Title 11 of the Oklahoma Statutes. Cooperative agreements may be
20 general in terms of routine maintenance or specific in terms of
21 construction and agreed to and renewed on an annual basis. Work
22 performed pursuant to Section 36-113 of Title 11 of the Oklahoma
23 Statutes shall comply with the provisions of this section;

1 19. To enter into intergovernmental cooperative agreements with
2 the federally recognized Indian tribes within this state to address
3 issues of construction and maintenance of streets, roads, bridges
4 and highways exclusive of the provisions of Section 1221 of Title 74
5 of the Oklahoma Statutes;

6 20. To execute hold harmless agreements with the lessor in the
7 manner provided by subsection B of Section 636.5 of Title 69 of the
8 Oklahoma Statutes when leasing or lease-purchasing equipment;

9 21. To accept donations of right-of-way or right-of-way
10 easements pursuant to Section 381 et seq. of Title 60 of the
11 Oklahoma Statutes;

12 22. To establish by resolution the use of per diem for specific
13 purposes in accordance with the limitations provided by Sections
14 500.8 and 500.9 of Title 74 of the Oklahoma Statutes;

15 23. To apply to the Department of Environmental Quality for a
16 waste tire permit to bale waste tires for use in approved
17 engineering projects;

18 24. To enter into the National Association of Counties (NACo)
19 Prescription Drug Discount Program;

20 25. To work with federal, state, municipal, and public school
21 district properties in an effort to minimize cost to such entities;

22 26. To provide incentive awards to employees for participating
23 in voluntary wellness programs which result in improved health.

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1 Incentive awards may be created by the Wellness Council set forth in
2 Section 1302 of this title;

3 27. To establish a county employee benefit program to encourage
4 outstanding performance in the workplace. Monies may be expended
5 for the purchase of recognition awards for presentation to an
6 employee or members of a work unit; and

7 28. To trade in equipment to a vendor or on statewide contract
8 by acquiring used equipment values pursuant to subsection B of
9 Section 421.1 of this title.

10 B. The county commissioners of a county or, in counties where
11 there is a county budget board, the county budget board may
12 designate money from general county funds for the designated purpose
13 of drug enforcement and drug abuse prevention programs within the
14 county.

15 C. When any lease or lease purchase is made on behalf of the
16 county by the board pursuant to the provisions of this section, the
17 county shall be allowed to have trade in values for transactions
18 involving The Oklahoma Central Purchasing Act.

19 D. In order to timely comply with the Oklahoma Vehicle License
20 and Registration Act with regard to county vehicles, the board of
21 county commissioners may, by resolution, create a petty cash
22 account. The board of county commissioners may request a purchase
23 order for petty cash in an amount necessary to pay the expense of
24 license and registration fees for county motor vehicles. Any

1 balance in the petty cash account after the license and registration
2 fees have been paid shall be returned to the account or fund from
3 which the funds originated. The county purchasing agent shall be
4 the custodian of the petty cash account, and the petty cash account
5 shall be subject to audit.

6 E. When the board of county commissioners approves an express
7 trust, pursuant to Sections 176 through 180.4 of Title 60 of the
8 Oklahoma Statutes, for the purpose of operating a county jail, the
9 trustees of the public trust may appoint commissioned peace
10 officers, certified by the ~~Council on~~ Law Enforcement Education and
11 Training Division of the Department of Public Safety, to provide
12 security for inmates that are required to be transported outside of
13 the detention facility, and investigate violations of law within the
14 detention facility. Other personnel necessary to operate the jail
15 may be employed and trained or certified as may be required by
16 applicable state or federal law.

17 SECTION 10. AMENDATORY 19 O.S. 2011, Section 510, as
18 amended by Section 1, Chapter 258, O.S.L. 2017 (19 O.S. Supp. 2019,
19 Section 510), is amended to read as follows:

20 Section 510. Any person, otherwise qualified, who has been a
21 resident of the ~~State of Oklahoma~~ this state for two (2) years, has
22 been a registered voter of the party whose nomination he or she
23 seeks, or a registered Independent, within the county from which
24 such person seeks election for the six (6) months next preceding the

1 first day of the filing period, is at least twenty-five (25) years
2 of age next preceding the date of filing for office, possesses at
3 least a high school education and has served as a duly certified
4 peace officer, in a full-time capacity, for a period of four (4)
5 years or more prior to the date of filing for the office of county
6 sheriff, shall be eligible to hold the office of county sheriff or
7 to file therefor. Within twelve (12) months of taking office, all
8 newly elected or appointed sheriffs shall complete a sheriff's
9 administrative school which has been developed by the Oklahoma
10 Sheriffs' Association and which has been approved by the ~~Council on~~
11 Law Enforcement Education and Training Division of the Department of
12 Public Safety ~~(CLEET)~~. Failure to complete the sheriff's
13 administrative school within the specified period shall preclude the
14 new sheriff from obtaining ~~CLEET~~ Department certification. New
15 sheriffs with prior ~~CLEET~~ certification, who fail to attend the
16 sheriff's administrative school, shall have their ~~CLEET~~
17 certification revoked. Provided, however, the provisions of this
18 section relating to qualifications shall not apply to any person
19 serving as a county sheriff or to any person previously serving as
20 county sheriff prior to the adoption of this statute.

21 For purposes of this section, "peace officer" shall mean a full-
22 time duly appointed or elected officer who is paid for working more
23 than twenty-five (25) hours per week and whose duties are to
24 preserve the public peace, protect life and property, prevent crime,

1 serve warrants, and enforce state, federal or military laws and
2 local ordinances of this state or any political subdivision thereof.

3 SECTION 11. AMENDATORY Section 1, Chapter 267, O.S.L.
4 2013, as amended by Section 2, Chapter 368, O.S.L. 2014 (20 O.S.
5 Supp. 2019, Section 129), is amended to read as follows:

6 Section 129. A judge of the district court, municipal judge, or
7 retired judge of the district court who receives a statement from
8 the appropriate retirement system verifying the status of the person
9 as a retired judge of the district court may carry a firearm on his
10 or her person anywhere in the state to use only for personal
11 protection if the person has successfully completed a handgun
12 qualification course for court officials developed by the ~~Council on~~
13 Law Enforcement Education and Training Division of the Oklahoma
14 Department of Public Safety. The ~~Council on Law Enforcement~~
15 ~~Education and Training Department~~ Department may provide for an identification
16 card to be issued to the judge of the district court, retired judge
17 of the district court, or municipal judge and may provide
18 application forms. If the person issued an identification card is
19 no longer eligible, that person shall immediately return the
20 identification card to the ~~Council on Law Enforcement Education and~~
21 Training Department.

22 SECTION 12. AMENDATORY 20 O.S. 2011, Section 1313.2, as
23 last amended by Section 6, Chapter 304, O.S.L. 2018 (20 O.S. Supp.
24 2019, Section 1313.2), is amended to read as follows:

1 Section 1313.2. A. As used in this section:

2 1. "Arrested" means taking custody of another for the purpose
3 of holding or detaining him or her to answer a criminal charge;

4 2. "Convicted" means any final adjudication of guilt, whether
5 pursuant to a plea of guilty or nolo contendere or otherwise, and
6 any deferred or suspended sentence or judgment;

7 3. "Court" means any state or municipal court having
8 jurisdiction to impose a criminal fine or penalty; and

9 4. "DNA" means Deoxyribonucleic acid.

10 B. Any person convicted of an offense, including traffic
11 offenses but excluding parking and standing violations, punishable
12 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
13 person forfeiting bond when charged with such an offense, shall be
14 ordered by the court to pay Ten Dollars (\$10.00) as a separate fee,
15 which fee shall be in addition to and not in substitution for any
16 and all fines and penalties otherwise provided for by law for such
17 offense.

18 C. 1. Any person convicted of any misdemeanor or felony
19 offense shall pay a Laboratory Analysis Fee in the amount of One
20 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
21 or laboratory services are rendered or administered by the Oklahoma
22 State Bureau of Investigation (OSBI), by the Toxicology Laboratory
23 of the Office of the Chief Medical Examiner or by any municipality
24 or county in connection with the case. This fee shall be in

1 addition to and not a substitution for any and all fines and
2 penalties otherwise provided for by law for this offense.

3 2. The court clerk shall cause to be deposited the amount of
4 One Hundred Fifty Dollars (\$150.00) as collected, for every
5 conviction as described in this subsection. The court clerk shall
6 remit the monies in the fund on a monthly basis directly either to:

7 a. the OSBI who shall deposit the monies into the OSBI
8 Revolving Fund provided for in Section 150.19a of
9 Title 74 of the Oklahoma Statutes for services
10 rendered or administered by the OSBI,

11 b. the Office of the Chief Medical Examiner who shall
12 deposit the monies into the Chief Medical Examiner
13 Revolving Fund provided for in Section 948 of Title 63
14 of the Oklahoma Statutes for services rendered or
15 administered by the Office of the Chief Medical
16 Examiner, or

17 c. the appropriate municipality or county for services
18 rendered or administered by a municipality or county.

19 3. The monies from the Laboratory Analysis Fee Fund deposited
20 into the OSBI Revolving Fund shall be used for the following:

21 a. providing criminalistic laboratory services,

22 b. the purchase and maintenance of equipment for use by
23 the laboratory in performing analysis,
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1 c. education, training, and scientific development of
2 OSBI personnel, and

3 d. the destruction of seized property and chemicals as
4 prescribed in Sections 2-505 and 2-508 of Title 63 of
5 the Oklahoma Statutes.

6 D. Upon conviction or bond forfeiture, the court shall collect
7 the fee provided for in subsection B of this section and deposit it
8 in an account created for that purpose. Except as otherwise
9 provided in subsection E of this section, monies shall be forwarded
10 monthly by the court clerk to the ~~Council on Law Enforcement~~
11 ~~Education and Training (CLEET)~~ Department of Public Safety.

12 Beginning July 1, 2003, deposits shall be due on the fifteenth day
13 of each month for the preceding calendar month. There shall be a
14 late fee imposed for failure to make timely deposits; provided,
15 ~~CLEET~~ the Commissioner, in ~~its~~ their discretion, may waive all or
16 part of the late fee. Such late fee shall be one percent (1%) of
17 the principal amount due per day beginning from the tenth day after
18 payment is due and accumulating until the late fee reaches one
19 hundred percent (100%) of the principal amount due. Beginning on
20 July 1, 1987, ninety percent (90%) of the monies received by ~~CLEET~~
21 the Department of Public Safety from the court clerks pursuant to
22 this section shall be deposited in the ~~CLEET~~ Law Enforcement,
23 Education and Training Fund, and ten percent (10%) shall be
24 deposited in the General Revenue Fund. Beginning January 1, 2001,

1 sixty and fifty-three one-hundredths percent (60.53%) of the monies
2 received by ~~CLEET~~ the Department of Public Safety from the court
3 clerks pursuant to this section shall be deposited in the ~~CLEET~~ Law
4 Enforcement, Education and Training Fund created pursuant to
5 subsection G of this section, five and eighty-three one-hundredths
6 percent (5.83%) shall be deposited in the General Revenue Fund and
7 thirty-three and sixty-four one-hundredths percent (33.64%) shall be
8 deposited in the ~~CLEET~~ Law Enforcement Training Center Revolving
9 Fund created pursuant to Section 3311.6 of Title 70 of the Oklahoma
10 Statutes. Along with the deposits required by this subsection, each
11 court shall also submit a report stating the total amount of funds
12 collected and the total number of fees imposed during the preceding
13 quarter. The report may be made on computerized or manual
14 disposition reports.

15 E. Any municipality or county having a basic law enforcement
16 academy approved by ~~CLEET~~ the Law Enforcement, Education and
17 Training Division of the Department of Public Safety pursuant to the
18 criteria developed by ~~CLEET~~ the Law Enforcement, Education and
19 Training Division of the Department of Public Safety for training
20 law enforcement officers shall retain from monies collected pursuant
21 to subsections A through D of this section, Two Dollars (\$2.00) from
22 each fee. These monies shall be deposited into an account for the
23 sole use of the municipality or county in implementing its law
24 enforcement training functions. Not more than seven percent (7%) of

1 the monies shall be used for court and prosecution training. The
2 court clerk of any such municipality or county shall furnish to
3 ~~CLEET~~ the Department of Public Safety the report required by
4 subsection D of this section.

5 F. 1. Any person entering a plea of guilty or nolo contendere
6 or is found guilty of the crime of misdemeanor possession of
7 marijuana or drug paraphernalia shall be ordered by the court to pay
8 a five-dollar fee, which shall be in addition to and not in
9 substitution for any and all fines and penalties otherwise provided
10 for by law for such offense.

11 2. The court clerk shall cause to be deposited the amount of
12 Five Dollars (\$5.00) as collected, for every adjudicated or
13 otherwise convicted person as described in this subsection. The
14 court clerk shall remit the monies in the fund on a monthly basis
15 directly to the Bureau of Narcotics Drug Education Revolving Fund.

16 G. There is hereby created in the State Treasury a fund for the
17 ~~Council on~~ Law Enforcement Education and Training Division of the
18 Department of Public Safety to be designated the "~~CLEET~~ Law
19 Enforcement, Education and Training Fund". The fund shall be
20 subject to legislative appropriation and shall consist of any monies
21 received from fees and receipts collected pursuant to the Oklahoma
22 Open Records Act, reimbursements for parts used in the repair of
23 weapons of law enforcement officers attending the basic academies,
24

1 gifts, bequests, contributions, tuition, fees, devises, and the
2 assessments levied pursuant to the fund pursuant to law.

3 H. 1. Any person arrested or convicted of a felony offense or
4 convicted of a misdemeanor offense of assault and battery, domestic
5 abuse, stalking, possession of a controlled substance prohibited
6 under Schedule IV of the Uniform Controlled Dangerous Substances
7 Act, outraging public decency, resisting arrest, escaping or
8 attempting to escape, eluding a police officer, Peeping Tom,
9 pointing a firearm, threatening an act of violence, breaking and
10 entering a dwelling place, destruction of property, negligent
11 homicide or causing a personal injury accident while driving under
12 the influence of any intoxicating substance shall pay a DNA fee of
13 One Hundred Fifty Dollars (\$150.00). This fee shall not be
14 collected if the person has a valid DNA sample in the OSBI DNA
15 Offender Database at the time of sentencing.

16 2. The court clerk shall cause to be deposited the amount of
17 One Hundred Fifty Dollars (\$150.00) as collected for every felony
18 arrest, felony conviction or every conviction for a misdemeanor
19 offense of assault and battery, domestic abuse, stalking, possession
20 of a controlled substance prohibited under Schedule IV of the
21 Uniform Controlled Dangerous Substances Act, outraging public
22 decency, resisting arrest, escaping or attempting to escape, eluding
23 a police officer, Peeping Tom, pointing a firearm, threatening an
24 act of violence, breaking and entering a dwelling place, destruction

1 of property, negligent homicide or causing a personal injury
2 accident while driving under the influence of any intoxicating
3 substance as described in this subsection. The court clerk shall
4 remit the monies in said fund on a monthly basis directly to the
5 OSBI who shall deposit the monies into the OSBI Revolving Fund
6 provided for in Section 150.19a of Title 74 of the Oklahoma Statutes
7 for services rendered or administered by the OSBI.

8 3. The monies from the DNA sample fee deposited into the OSBI
9 Revolving Fund shall be used for creating, staffing, and maintaining
10 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
11 Database.

12 I. It shall be the responsibility of the court clerk to account
13 for and ensure the correctness and accuracy of payments made to the
14 state agencies identified in Sections 1313.2 through 1313.4 of this
15 title. Payments made directly to an agency by the court clerk as a
16 result of different types of assessments and fees pursuant to
17 Sections 1313.2 through 1313.4 of this title shall be made monthly
18 to each state agency.

19 SECTION 13. AMENDATORY 21 O.S. 2011, Section 99, as
20 amended by Section 1, Chapter 249, O.S.L. 2013 (21 O.S. Supp. 2019,
21 Section 99), is amended to read as follows:

22 Section 99. The term "peace officer" means any sheriff, police
23 officer, federal law enforcement officer, tribal law enforcement
24

1 officer, or any other law enforcement officer whose duty it is to
2 enforce and preserve the public peace.

3 Every United States Marshal, Marshals Service deputy or other
4 federal law enforcement officer who is employed full-time as a law
5 enforcement officer by the federal government or is otherwise acting
6 under the authority of a Federal Bureau of Indian Affairs Commission
7 and has been certified by the ~~Council on~~ Law Enforcement Education
8 and Training Division of the Department of Public Safety, who is
9 authorized by federal law to conduct any investigation of, and make
10 any arrest for, any offense in violation of federal law shall have
11 the same authority, and be empowered to act, as peace officers
12 within the State of Oklahoma in rendering assistance to any law
13 enforcement officer in an emergency, or at the request of any
14 officer, and to arrest any person committing any offense in
15 violation of the laws of this state.

16 SECTION 14. AMENDATORY 21 O.S. 2011, Section 99a, as
17 last amended by Section 1, Chapter 347, O.S.L. 2016 (21 O.S. Supp.
18 2019, Section 99a), is amended to read as follows:

19 Section 99a. A. Subject to subsections C and D of this section
20 in addition to any other powers vested by law, a peace officer of
21 the State of Oklahoma as used in this section may enforce the
22 criminal laws of this state throughout the territorial bounds of
23 this state, under the following circumstances:
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1 1. In response to an emergency involving an immediate threat to
2 human life or property;

3 2. Upon the prior consent of the head of a state law
4 enforcement agency, the sheriff or the chief of police in whose
5 investigatory or territorial jurisdiction the exercise of the powers
6 occurs;

7 3. In response to a request for assistance pursuant to a mutual
8 law enforcement assistance agreement with the agency of
9 investigatory or territorial jurisdiction;

10 4. In response to the request for assistance by a peace officer
11 with investigatory or territorial jurisdiction; or

12 5. While the peace officer is transporting a prisoner.

13 B. While serving as peace officers of the State of Oklahoma and
14 rendering assistance under the circumstances enumerated above, peace
15 officers shall have the same powers and duties as though employed by
16 and shall be deemed to be acting within the scope of authority of
17 the law enforcement agency in whose or under whose investigatory or
18 territorial jurisdiction they are serving. Salaries, insurance and
19 other benefits shall not be the responsibility of a law enforcement
20 agency that is not the employing agency for the peace officer.

21 C. A municipal peace officer may exercise authority provided by
22 this section only if the peace officer acts pursuant to policies and
23 procedures adopted by the municipal governing body.

1 D. A Bureau of Indian Affairs law enforcement officer or a
2 tribal law enforcement officer of a federally recognized Indian
3 tribe who has been commissioned by the Federal Bureau of Indian
4 Affairs and has been certified by the ~~Council on~~ Law Enforcement
5 Education and Training Division of the Department of Public Safety
6 shall have state police powers to enforce state laws on fee land
7 purchased by a federally recognized American Indian tribe or in
8 Indian country, as defined in Section 1151 of Title 18 of the United
9 States Code.

10 E. Nothing in this act shall limit or prohibit jurisdiction
11 given to tribal officers pursuant to a cross-deputization agreement
12 between a state or local governmental agency or another state or
13 federal law.

14 SECTION 15. AMENDATORY 21 O.S. 2011, Section 1283, as
15 last amended by Section 3, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
16 2019, Section 1283), is amended to read as follows:

17 Section 1283.

18 CONVICTED FELONS AND DELINQUENTS

19 A. Except as provided in subsection B of this section, it shall
20 be unlawful for any person convicted of any felony in any court of
21 this state or of another state or of the United States to have in
22 his or her possession or under his or her immediate control, or in
23 any vehicle which the person is operating, or in which the person is
24 riding as a passenger, or at the residence where the convicted

1 person resides, any pistol, imitation or homemade pistol, altered
2 air or toy pistol, machine gun, sawed-off shotgun or rifle, or any
3 other dangerous or deadly firearm.

4 B. Any person who has previously been convicted of a nonviolent
5 felony in any court of this state or of another state or of the
6 United States, and who has received a full and complete pardon from
7 the proper authority and has not been convicted of any other felony
8 offense which has not been pardoned, shall have restored the right
9 to possess any firearm or other weapon prohibited by subsection A of
10 this section, the right to apply for and carry a handgun, concealed
11 or unconcealed, pursuant to the Oklahoma Self-Defense Act or as
12 otherwise permitted by law, and the right to perform the duties of a
13 peace officer, gunsmith, and for firearms repair.

14 C. It shall be unlawful for any person serving a term of
15 probation for any felony in any court of this state or of another
16 state or of the United States or under the jurisdiction of any
17 alternative court program to have in his or her possession or under
18 his or her immediate control, or at his or her residence, or in any
19 passenger vehicle which the person is operating or is riding as a
20 passenger, any pistol, shotgun or rifle, including any imitation or
21 homemade pistol, altered air or toy pistol, shotgun or rifle, while
22 such person is subject to supervision, probation, parole or inmate
23 status.

1 D. It shall be unlawful for any person previously adjudicated
2 as a delinquent child or a youthful offender for the commission of
3 an offense, which would have constituted a felony offense if
4 committed by an adult, to have in the possession of the person or
5 under the immediate control of the person, or have in any vehicle
6 which he or she is driving or in which the person is riding as a
7 passenger, or at the residence of the person, any pistol, imitation
8 or homemade pistol, altered air or toy pistol, machine gun, sawed-
9 off shotgun or rifle, or any other dangerous or deadly firearm
10 within ten (10) years after such adjudication; provided, that
11 nothing in this subsection shall be construed to prohibit the
12 placement of the person in a home with a full-time duly appointed
13 peace officer who is certified by the ~~Council on~~ Law Enforcement
14 Education and Training ~~(CLEET)~~ Division of the Department of Public
15 Safety pursuant to the provisions of Section 3311 of Title 70 of the
16 Oklahoma Statutes.

17 E. It shall be unlawful for any person who is an alien
18 illegally or unlawfully in the United States to have in the
19 possession of the person or under the immediate control of the
20 person, or in any vehicle the person is operating, or at the
21 residence where the person resides, any pistol, imitation or
22 homemade pistol, altered air or toy pistol, shotgun, rifle or any
23 other dangerous or deadly firearm; provided, that nothing in this
24 subsection applies to prohibit the transport or detention of the

1 person by law enforcement officers or federal immigration
2 authorities. Any person who violates the provisions of this
3 subsection shall, upon conviction, be guilty of a misdemeanor
4 punishable by a fine of Two Hundred Fifty Dollars (\$250.00).

5 F. Any person having been issued a handgun license pursuant to
6 the provisions of the Oklahoma Self-Defense Act and who thereafter
7 knowingly or intentionally allows a convicted felon or adjudicated
8 delinquent or a youthful offender as prohibited by the provisions of
9 subsection A, C, or D of this section to possess or have control of
10 any pistol authorized by the Oklahoma Self-Defense Act shall, upon
11 conviction, be guilty of a felony punishable by a fine not to exceed
12 Five Thousand Dollars (\$5,000.00). In addition, the person shall
13 have the handgun license revoked by the Oklahoma State Bureau of
14 Investigation after a hearing and determination that the person has
15 violated the provisions of this section.

16 G. Any convicted or adjudicated person violating the provisions
17 of this section shall, upon conviction, be guilty of a felony
18 punishable as provided in Section 1284 of this title.

19 H. For purposes of this section, "sawed-off shotgun or rifle"
20 shall mean any shotgun or rifle which has been shortened to any
21 length.

22 I. For purposes of this section, "altered toy pistol" shall
23 mean any toy weapon which has been altered from its original
24 manufactured state to resemble a real weapon.

1 J. For purposes of this section, "altered air pistol" shall
2 mean any air pistol manufactured to propel projectiles by air
3 pressure which has been altered from its original manufactured
4 state.

5 K. For purposes of this section, "alternative court program"
6 shall mean any drug court, Anna McBride or mental health court, DUI
7 court or veterans court.

8 SECTION 16. AMENDATORY 21 O.S. 2011, Section 1289.8, as
9 last amended by Section 1, Chapter 75, O.S.L. 2018 (21 O.S. Supp.
10 2019, Section 1289.8), is amended to read as follows:

11 Section 1289.8.

12 CARRYING WEAPON

13 A. Any fire marshal inspector who is retired, state, county or
14 municipal peace officer of this state who is retired, or any state,
15 county or municipal peace officer classified as a reserve who is
16 retired, or any federal law enforcement officer who is retired may
17 retain their status as a peace officer, retired, in ~~the State of~~
18 ~~Oklahoma~~ this state, and as such may carry a firearm pursuant to the
19 provisions of subsection B of this section. A retired state, county
20 or municipal peace officer may in times of great emergency or danger
21 serve to enforce the law, keep the peace or to protect the public in
22 keeping with their availability and ability at the request of the
23 Governor, the sheriff or the mayor of their retirement jurisdiction.
24 If a retired fire marshal is activated for duty, the peace officer

1 powers of the retired fire marshal are limited to the duties granted
2 prior to retirement.

3 B. The ~~Council on~~ Law Enforcement Education and Training
4 Division of the Department of Public Safety ~~(CLEET)~~ shall issue an
5 identification card to eligible retired federal, state, county, and
6 municipal peace officers which authorizes the retired peace officer
7 to carry a firearm throughout the State of Oklahoma. The
8 identification card shall bear the full name of the retired officer,
9 the signature of the retired officer, the date of issuance, and such
10 other information as may be deemed appropriate by ~~CLEET~~ the
11 Department. The card shall expire every ten (10) years and may be
12 denied, suspended or revoked as provided by the rules promulgated by
13 ~~CLEET~~ the Department or upon the discovery of any preclusion
14 prescribed in Section 1290.10 or 1290.11 of this title. In order to
15 renew the permit, the ~~Council on Law Enforcement Education and~~
16 ~~Training~~ Department shall request, pursuant to Section 150.9 of
17 Title 74 of the Oklahoma Statutes, the Oklahoma State Bureau of
18 Investigation to conduct a state and national criminal history
19 records search on each retired peace officer authorized to carry a
20 firearm pursuant to the provisions of this section; and unless a
21 preclusion prescribed in Section 1290.10 or 1290.11 of this title is
22 found to exist, no action shall be necessary. A retired peace
23 officer requesting a renewal of his or her permit shall submit to
24 the ~~Council~~ Department a nonrefundable fee for a national criminal

1 history record with fingerprint analysis, as provided in Section
2 150.9 of Title 74 of the Oklahoma Statutes. When a preclusion is
3 discovered, the ~~Council~~ Department shall notify the retired peace
4 officer and shall hold a hearing before taking any action to suspend
5 or revoke the authority to carry a firearm.

6 C. The retired peace officer shall be required to submit the
7 following information to the ~~Council on Law Enforcement Education~~
8 ~~and Training (CLEET)~~ Department and any other information requested
9 by ~~CLEET~~ the Department:

10 1. A statement from the appropriate law enforcement agency
11 verifying the status of the person as a retired peace officer of
12 that jurisdiction; and

13 2. A notarized statement, signed by the retired peace officer,
14 stating that the officer:

- 15 a. has not been convicted of and is currently not subject
16 to any pending criminal prosecution for any preclusion
17 prescribed in Section 1290.10 or 1290.11 of this
18 title,
- 19 b. has not been forced into retirement due to any mental
20 disorder, and
- 21 c. has not suffered any injury or any physical or mental
22 impairment which would render the person unsafe to
23 carry a firearm.

1 D. A retired peace officer, who has made application for the
2 ~~CLEET~~ identification card authorized in subsection B of this
3 section, shall be authorized to carry a firearm as an off-duty peace
4 officer, pursuant to Section 1289.23 of this title, until the
5 authority to carry a firearm as a retired officer is finally
6 approved or denied by ~~CLEET~~ the Department.

7 E. ~~The Council on Law Enforcement Education and Training~~
8 Department shall promulgate rules and procedures necessary to
9 implement the provisions of this section.

10 F. Any peace officer, retired, who carries any firearm in
11 violation of the provisions of this section shall be deemed to be in
12 violation of Section 1272 of this title and may be prosecuted as
13 provided by law for a violation of that section.

14 SECTION 17. AMENDATORY 21 O.S. 2011, Section 1289.16, as
15 last amended by Section 1, Chapter 266, O.S.L. 2017 (21 O.S. Supp.
16 2019, Section 1289.16), is amended to read as follows:

17 Section 1289.16.

18 FELONY POINTING FIREARMS

19 Except for an act of self-defense, it shall be unlawful for any
20 person to willfully or without lawful cause point a shotgun, rifle
21 or pistol, or any deadly weapon, whether loaded or not, at any
22 person or persons for the purpose of threatening or with the
23 intention of discharging the firearm or with any malice or for any
24 purpose of injuring, either through physical injury or mental or

1 emotional intimidation or for purposes of whimsy, humor or prank, or
2 in anger or otherwise, but not to include the pointing of shotguns,
3 rifles or pistols by law enforcement authorities in the performance
4 of their duties, armed security guards licensed by the ~~Council on~~
5 Law Enforcement Education and Training Division of the Department of
6 Public Safety pursuant to the Oklahoma Security Guard and Private
7 Investigator Act in the performance of their duties, members of the
8 state military forces in the performance of their duties, members of
9 the federal military reserve and active military components in the
10 performance of their duties, or any federal government law
11 enforcement officer in the performance of any duty, or in the
12 performance of a play on stage, rodeo, television or on film, or in
13 defense of any person, one's home or property. Any person convicted
14 of a violation of the provisions of this section shall be punished
15 as provided in Section 1289.17 of this title.

16 Any person convicted of a violation of the provisions of this
17 section after having been issued a handgun license pursuant to the
18 Oklahoma Self-Defense Act shall have the license revoked and shall
19 be subject to an administrative fine of One Thousand Dollars
20 (\$1,000.00), upon a hearing and determination by the Oklahoma State
21 Bureau of Investigation that the person is in violation of the
22 provisions of this section.

1 SECTION 18. AMENDATORY 21 O.S. 2011, Section 1289.23, as
2 last amended by Section 1, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
3 2019, Section 1289.23), is amended to read as follows:

4 Section 1289.23.

5 CONCEALED FIREARM FOR OFF-DUTY POLICE OFFICER

6 A. Notwithstanding any provision of law to the contrary, a
7 full-time duly appointed peace officer who is certified by the
8 ~~Council on~~ Law Enforcement Education and Training ~~(CLEET)~~ Division
9 of the Department of Public Safety, pursuant to the provisions of
10 Section 3311 of Title 70 of the Oklahoma Statutes, is hereby
11 authorized to carry a weapon approved by the employing agency
12 anywhere in the state of Oklahoma, both while on active duty and
13 during periods when the officer is not on active duty as provided by
14 the provisions of subsection B of this section.

15 B. When a full-time duly appointed officer carries an approved
16 weapon, the officer shall be wearing the law enforcement uniform
17 prescribed by the employing agency or plainclothes. When not
18 wearing the prescribed law enforcement uniform, the officer shall be
19 required:

20 1. To have the official peace officers badge, Commission Card
21 and ~~CLEET~~ Department Certification Card on his or her person at all
22 times when carrying a weapon approved by the employing agency; and
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1 2. To keep the approved weapon on his or her person at all
2 times, except when the weapon is used within the guidelines
3 established by the employing agency.

4 C. Nothing in this section shall be construed to alter or amend
5 the provisions of Section 1272.1 of this title or expand the duties,
6 authority or jurisdiction of any peace officer.

7 D. A reserve peace officer who has satisfactorily completed a
8 basic police course of not less than one hundred twenty (120) hours
9 of accredited instruction for reserve police officers and reserve
10 deputies from the ~~Council on Law Enforcement Education and Training~~
11 Department or a course of study approved by ~~CLEET~~ the Department may
12 carry an approved weapon when such officer is off duty as provided
13 by subsection E of this section, provided:

14 1. The officer has been granted written authorization signed by
15 the director of the employing agency; and

16 2. The employing agency shall maintain a current list of any
17 officers authorized to carry an approved weapon while the officers
18 are off duty, and shall provide a copy of such list to the ~~Council~~
19 ~~on Law Enforcement Education and Training~~ Department. Any change to
20 the list shall be made in writing and mailed to the ~~Council on Law~~
21 ~~Enforcement Education and Training~~ Department within five (5) days.

22 E. When an off-duty reserve peace officer carries an approved
23 weapon, the officer shall be wearing the law enforcement uniform
24

1 prescribed by the employing agency or when not wearing the
2 prescribed law enforcement uniform, the officer shall be required:

3 1. To have his or her official peace officer's badge,
4 Commission Card, ~~CLEET~~ Department Certification Card; and

5 2. To keep the approved weapon on his or her person at all
6 times, except when the weapon is used within the guidelines
7 established by the employing agency.

8 F. Nothing in subsection D of this section shall be construed
9 to alter or amend the provisions of Section 1750.2 of Title 59 of
10 the Oklahoma Statutes or expand the duties, jurisdiction or
11 authority of any reserve peace officer.

12 G. Nothing in this section shall be construed to limit or
13 restrict any peace officer or reserve peace officer from carrying a
14 handgun, concealed or unconcealed, as allowed by the Oklahoma Self-
15 Defense Act after issuance of a valid license. An off-duty, full-
16 time peace officer or reserve peace officer shall be deemed to have
17 elected to carry a handgun under the authority of the Oklahoma Self-
18 Defense Act when the officer:

19 1. Has been issued a valid handgun license and is carrying a
20 handgun not authorized by the employing agency; or

21 2. Is carrying a handgun in a manner or in a place not
22 specifically authorized for off-duty carry by the employing agency.

23 H. Any off-duty peace officer who carries any weapon in
24 violation of the provisions of this section shall be deemed to be in
25

1 violation of Section 1272 of this title and may be prosecuted as
2 provided by law for a violation of that section.

3 I. On or after November 1, 2004, a reserve or full-time
4 commissioned peace officer may apply to carry a weapon pursuant to
5 the Oklahoma Self-Defense Act as follows:

6 1. The officer shall apply in writing to the ~~Council on Law~~
7 ~~Enforcement Education and Training (CLEET)~~ Department stating that
8 the officer desires to have a handgun license pursuant to the
9 Oklahoma Self-Defense Act and certifying that he or she has no
10 preclusions to having such handgun license. The officer shall
11 submit with the application:

- 12 a. an official letter from his or her employing agency
13 confirming the officer's employment and status as a
14 full-time commissioned peace officer or an active
15 reserve peace officer,
- 16 b. a fee of Twenty-five Dollars (\$25.00) for the handgun
17 license, and
- 18 c. two passport-size photographs of the peace officer
19 applicant;

20 2. Upon receiving the required information, ~~CLEET~~ the
21 Department shall determine whether the peace officer is in good
22 standing, has ~~CLEET~~ approved certification and training, and is
23 otherwise eligible for a handgun license. Upon verification of the
24 officer's eligibility, ~~CLEET~~ the Department shall send the

1 information to the Oklahoma State Bureau of Investigation (OSBI) and
2 OSBI shall issue a handgun license in the same or similar form as
3 other handgun licenses. All other requirements in Section 1290.12
4 of this title concerning application for a handgun license shall be
5 waived for active duty peace officers except as provided in this
6 subsection including, but not limited to, training, fingerprints and
7 criminal history records checks unless the officer does not have
8 fingerprints on file or a criminal history records background check
9 conducted prior to employment as a peace officer. The OSBI shall
10 conduct a check of the National Instant Criminal Background Check
11 System (NICS) prior to the issuance of a handgun license. The OSBI
12 shall not be required to conduct any further investigation into the
13 eligibility of the peace officer applicant and shall not deny a
14 handgun license except when preclusions are found to exist;

15 3. The term of the handgun license for an active duty reserve
16 or full-time commissioned peace officer pursuant to this section
17 shall be as provided in Section 1290.5 of this title, renewable in
18 the same manner provided in this subsection for an original
19 application by a peace officer. The handgun license shall be valid
20 when the peace officer is in possession of a valid driver license
21 and law enforcement commission card;

22 4. If the commission card of a law enforcement officer is
23 terminated, revoked or suspended, the handgun license shall be
24 immediately returned to ~~CLEET~~ the Department. When a peace officer

1 in possession of a handgun license pursuant to this subsection
2 changes employment, the person must notify ~~CLEET~~ the Department
3 within ninety (90) days and send a new letter verifying employment
4 and status as a full-time commissioned or reserve peace officer;

5 5. There shall be no refund of any fee for any unexpired term
6 of any handgun license that is suspended, revoked or voluntarily
7 returned to ~~CLEET~~ the Department, or that is denied, suspended or
8 revoked by the OSBI;

9 6. ~~CLEET~~ The Department may promulgate any rules, forms or
10 procedures necessary to implement the provisions of this section;
11 and

12 7. Nothing in this subsection shall be construed to change or
13 amend the application process, eligibility, effective date or fees
14 of any handgun license pending issuance on November 1, 2004, or
15 previously issued to any peace officer prior to November 1, 2004.

16 SECTION 19. AMENDATORY 21 O.S. 2011, Section 1289.29, as
17 amended by Section 3, Chapter 368, O.S.L. 2014 (21 O.S. Supp. 2019,
18 Section 1289.29), is amended to read as follows:

19 Section 1289.29. Any United States Attorney or Assistant United
20 States Attorney may carry a firearm on his or her person anywhere in
21 the State of Oklahoma if the person has successfully completed a
22 handgun qualification course for court officials developed by the
23 ~~Council on~~ Law Enforcement Education and Training Division of the
24 Department of Public Safety. ~~The Council on Law Enforcement~~

1 ~~Education and Training~~ Department may provide for an identification
2 card to be issued to the United States Attorney or Assistant United
3 States Attorney and may provide application forms. If the person
4 issued an identification card is no longer eligible, that person
5 shall immediately return the identification card to the ~~Council on~~
6 ~~Law Enforcement Education and Training~~ Department.

7 SECTION 20. AMENDATORY 21 O.S. 2011, Section 1290.12, as
8 last amended by Section 7, Chapter 406, O.S.L. 2019 (21 O.S. Supp.
9 2019, Section 1290.12), is amended to read as follows:

10 Section 1290.12.

11 PROCEDURE FOR APPLICATION

12 A. Except as provided in paragraph 11 of this subsection, the
13 procedure for applying for a handgun license and processing the
14 application shall be as follows:

15 1. An eligible person may request an application packet for a
16 handgun license from the Oklahoma State Bureau of Investigation or
17 the county sheriff's office either in person or by mail. The Bureau
18 may provide application packets to each sheriff not exceeding two
19 hundred packets per request. The Bureau shall provide the following
20 information in the application packet:

- 21 a. an application form,
- 22 b. procedures to follow to process the application form,
- 23 and

1 c. a copy of the Oklahoma Self-Defense Act with any
2 modifications thereto;

3 2. The person shall be required to successfully complete a
4 firearms safety and training course from a firearms instructor who
5 is approved and registered in this state as provided in Section
6 1290.14 of this title or from an interactive online firearms safety
7 and training course available electronically via the Internet which
8 has been approved as to curriculum by the ~~Council on~~ Law Enforcement
9 Education and Training Division of the Department of Public Safety,
10 and the person shall be required to demonstrate competency and
11 qualification with a pistol authorized for concealed or unconcealed
12 carry by the Oklahoma Self-Defense Act. The original certificate of
13 successful completion of a firearms safety and training course and
14 an original certificate of successful demonstration of competency
15 and qualification to carry and handle a pistol shall be submitted
16 with the application for a handgun license. No duplicate, copy,
17 facsimile or other reproduction of the certificate of training,
18 certificate of competency and qualification or exemption from
19 training shall be acceptable as proof of training as required by the
20 provisions of the Oklahoma Self-Defense Act;

21 3. The application form shall be completed and delivered by the
22 applicant, in person, to the sheriff of the county wherein the
23 applicant resides;

1 4. The person shall deliver to the sheriff at the time of
2 delivery of the completed application form a fee of One Hundred
3 Dollars (\$100.00) for processing the application through the
4 Oklahoma State Bureau of Investigation and processing the required
5 fingerprints through the Federal Bureau of Investigation. The
6 processing fee shall be in the form of:

7 a. a money order or a cashier's check made payable to the
8 Oklahoma State Bureau of Investigation,

9 b. a nationally recognized credit card issued to the
10 applicant. For purposes of this paragraph,

11 "nationally recognized credit card" means any
12 instrument or device, whether known as a credit card,
13 credit plate, charge plate, or by any other name,
14 issued with or without fee by the issuer for the use
15 of the cardholder in obtaining goods, services, or
16 anything else of value on credit which is accepted by
17 over one thousand merchants in the state. The
18 Oklahoma State Bureau of Investigation shall determine
19 which nationally recognized credit cards will be
20 accepted by the Bureau, or

21 c. electronic funds transfer.

22 Any person paying application fees to the Oklahoma State Bureau of
23 Investigation by means of a nationally recognized credit card or by
24 means of an electronic funds transfer shall be required to complete

1 and submit his or her application through the online application
2 process of the Bureau.

3 The processing fee shall not be refundable in the event of a
4 denial of a handgun license or any suspension or revocation
5 subsequent to the issuance of a license. Persons making application
6 for a firearms instructor shall not be required to pay the
7 application fee as provided in this section, but shall be required
8 to pay the costs provided in paragraphs 6 and 8 of this subsection;

9 5. The completed application form shall be signed by the
10 applicant in person before the sheriff. The signature shall be
11 given voluntarily upon a sworn oath that the person knows the
12 contents of the application and that the information contained in
13 the application is true and correct. Any person making any false or
14 misleading statement on an application for a handgun license shall,
15 upon conviction, be guilty of perjury as defined by Section 491 of
16 this title. Any conviction shall be punished as provided in Section
17 500 of this title. In addition to a criminal conviction, the person
18 shall be denied the right to have a handgun license pursuant to the
19 provisions of Section 1290.10 of this title and the Oklahoma State
20 Bureau of Investigation shall revoke the handgun license, if issued;

21 6. Two passport-size photographs of the applicant shall be
22 submitted with the completed application. The cost of the
23 photographs shall be the responsibility of the applicant. The
24 sheriff is authorized to take the photograph of the applicant for

1 purposes of the Oklahoma Self-Defense Act and, if such photographs
2 are taken by the sheriff, the cost of the photographs shall not
3 exceed Ten Dollars (\$10.00) for the two photos. All money received
4 by the sheriff from photographing applicants pursuant to the
5 provisions of this paragraph shall be retained by the sheriff and
6 deposited into the Sheriff's Service Fee Account;

7 7. The sheriff shall witness the signature of the applicant and
8 review or take the photographs of the applicant and shall verify
9 that the person making application for a handgun license is the same
10 person in the photographs submitted and the same person who signed
11 the application form. Proof of a valid Oklahoma driver license with
12 a photograph of the applicant or an Oklahoma state photo
13 identification for the applicant shall be required to be presented
14 by the applicant to the sheriff for verification of the person's
15 identity;

16 8. Upon verification of the identity of the applicant, the
17 sheriff shall take two complete sets of fingerprints of the
18 applicant. Both sets of fingerprints shall be submitted by the
19 sheriff with the completed application, certificate of training or
20 an exemption certificate, photographs and processing fee to the
21 Oklahoma State Bureau of Investigation within fourteen (14) days of
22 taking the fingerprints. The cost of the fingerprints shall be paid
23 by the applicant. The sheriff may charge a fee of up to Twenty-five
24 Dollars (\$25.00) for the two sets of fingerprints. All fees

1 collected by the sheriff from taking fingerprints pursuant to the
2 provisions of this paragraph shall be retained by the sheriff and
3 deposited into the Sheriff's Service Fee Account;

4 9. The sheriff shall submit to the Oklahoma State Bureau of
5 Investigation within the fourteen-day period, together with the
6 completed application, including the certificate of training,
7 certificate of competency and qualification, photographs, processing
8 fee and legible fingerprints meeting the Oklahoma State Bureau of
9 Investigation's Automated Fingerprint Identification System (AFIS)
10 submission standards, and a report of information deemed pertinent
11 to an investigation of the applicant for a handgun license. The
12 sheriff shall make a preliminary investigation of pertinent
13 information about the applicant and the court clerk shall assist the
14 sheriff in locating pertinent information in court records for this
15 purpose. If no pertinent information is found to exist either for
16 or against the applicant, the sheriff shall so indicate in the
17 report;

18 10. The Oklahoma State Bureau of Investigation, upon receipt of
19 the application and required information from the sheriff, shall
20 forward one full set of fingerprints of the applicant to the Federal
21 Bureau of Investigation for a national criminal history records
22 search. The cost of processing the fingerprints nationally shall be
23 paid from the processing fee collected by the Oklahoma State Bureau
24 of Investigation;

1 11. Notwithstanding the provisions of the Oklahoma Self-Defense
2 Act, or any other provisions of law, any person who has been granted
3 a permanent victim protective order by the court, as provided for in
4 the Protection from Domestic Abuse Act, may be issued a temporary
5 handgun license for a period not to exceed six (6) months. A
6 temporary handgun license may be issued if the person has
7 successfully passed the required weapons course, completed the
8 application process for the handgun license, passed the preliminary
9 investigation of the person by the sheriff and court clerk, and
10 provided the sheriff proof of a certified permanent victim
11 protective order and a valid Oklahoma state photo identification
12 card or driver license. The sheriff shall issue a temporary handgun
13 license on a form approved by the Oklahoma State Bureau of
14 Investigation, at no cost. Any person who has been issued a
15 temporary license shall carry the temporary handgun license and a
16 valid Oklahoma state photo identification on his or her person at
17 all times, and shall be subject to all the requirements of the
18 Oklahoma Self-Defense Act when carrying a handgun. The person may
19 proceed with the handgun licensing process. In the event the victim
20 protective order is no longer enforceable, the temporary handgun
21 license shall cease to be valid;

22 12. The Oklahoma State Bureau of Investigation shall make a
23 reasonable effort to investigate the information submitted by the
24 applicant and the sheriff, to ascertain whether or not the issuance

1 of a handgun license would be in violation of the provisions of the
2 Oklahoma Self-Defense Act. The investigation by the Bureau of an
3 applicant shall include, but shall not be limited to: a statewide
4 criminal history records search, a national criminal history records
5 search, a Federal Bureau of Investigation fingerprint search, a
6 check of the National Instant Criminal Background Check System
7 (NICS) and, if applicable, an investigation of medical records or
8 other records or information deemed by the Bureau to be relevant to
9 the application.

10 a. In the course of the investigation by the Bureau, it
11 shall present the name of the applicant along with any
12 known aliases, the address of the applicant and the
13 Social Security number of the applicant to the
14 Department of Mental Health and Substance Abuse
15 Services. The Department of Mental Health and
16 Substance Abuse Services shall respond within ten (10)
17 days of receiving such information to the Bureau as
18 follows:

19 (1) with a "Yes" answer, if the records of the
20 Department indicate that the person was
21 involuntarily committed to a mental institution
22 in Oklahoma,

23 (2) with a "No" answer, if there are no records
24 indicating the name of the person as a person

1 involuntarily committed to a mental institution
2 in Oklahoma, or

3 (3) with an "Inconclusive" answer if the records of
4 the Department suggest the applicant may be a
5 formerly committed person. In the case of an
6 inconclusive answer, the Bureau shall ask the
7 applicant whether he or she was involuntarily
8 committed. If the applicant states under penalty
9 of perjury that he or she has not been
10 involuntarily committed, the Bureau shall
11 continue processing the application for a
12 license.

13 b. In the course of the investigation by the Bureau, it
14 shall check the name of any applicant who is twenty-
15 eight (28) years of age or younger along with any
16 known aliases, the address of the applicant and the
17 Social Security number of the applicant against the
18 records in the Juvenile Online Tracking System (JOLTS)
19 of the Office of Juvenile Affairs. The Office of
20 Juvenile Affairs shall provide the Bureau direct
21 access to check the applicant against the records
22 available on JOLTS:

23 (1) if the Bureau finds a record on the JOLTS that
24 indicates the person was adjudicated a delinquent

1 for an offense that would constitute a felony
2 offense if committed by an adult within the last
3 ten (10) years the Bureau shall deny the license,
4 (2) if the Bureau finds no record on the JOLTS
5 indicating the named person was adjudicated
6 delinquent for an offense that would constitute a
7 felony offense if committed by an adult within
8 the last ten (10) years, or
9 (3) if the records suggest the applicant may have
10 been adjudicated delinquent for an offense that
11 would constitute a felony offense if committed by
12 an adult but such record is inconclusive, the
13 Bureau shall ask the applicant whether he or she
14 was adjudicated a delinquent for an offense that
15 would constitute a felony offense if committed by
16 an adult within the last ten (10) years. If the
17 applicant states under penalty of perjury that he
18 or she was not adjudicated a delinquent within
19 ten (10) years, the Bureau shall continue
20 processing the application for a license; and

21 13. If the background check set forth in paragraph 12 of this
22 subsection reveals no records pertaining to the applicant, the
23 Oklahoma State Bureau of Investigation shall either issue a handgun
24 license or deny the application within sixty (60) days of the date

1 of receipt of the applicant's completed application and the required
2 information from the sheriff. In all other cases, the Oklahoma
3 State Bureau of Investigation shall either issue a handgun license
4 or deny the application within ninety (90) days of the date of the
5 receipt of the applicant's completed application and the required
6 information from the sheriff. The Bureau shall approve an applicant
7 who appears to be in full compliance with the provisions of the
8 Oklahoma Self-Defense Act, if completion of the federal fingerprint
9 search is the only reason for delay of the issuance of the handgun
10 license to that applicant. Upon receipt of the federal fingerprint
11 search information, if the Bureau receives information which
12 precludes the person from having a handgun license, the Bureau shall
13 revoke the handgun license previously issued to the applicant. The
14 Bureau shall deny a license when the applicant fails to properly
15 complete the application form or application process or is
16 determined not to be eligible as specified by the provisions of
17 Section 1290.9, 1290.10 or 1290.11 of this title. The Bureau shall
18 approve an application in all other cases. If an application is
19 denied, the Bureau shall notify the applicant in writing of its
20 decision. The notification shall state the grounds for the denial
21 and inform the applicant of the right to an appeal as may be
22 provided by the provisions of the Administrative Procedures Act.
23 All notices of denial shall be mailed by first-class mail to the
24 address of the applicant listed in the application. Within sixty

1 (60) calendar days from the date of mailing a denial of application
2 to an applicant, the applicant shall notify the Bureau in writing of
3 the intent to appeal the decision of denial or the right of the
4 applicant to appeal shall be deemed waived. Any administrative
5 hearing on a denial which may be provided shall be conducted by a
6 hearing examiner appointed by the Bureau. The decision of the
7 hearing examiner shall be a final decision appealable to a district
8 court in accordance with the Administrative Procedures Act. When an
9 application is approved, the Bureau shall issue the license and
10 shall mail the license by first-class mail to the address of the
11 applicant listed in the application.

12 B. Nothing contained in any provision of the Oklahoma Self-
13 Defense Act shall be construed to require or authorize the
14 registration, documentation or providing of serial numbers with
15 regard to any firearm. For purposes of the Oklahoma Self-Defense
16 Act, the sheriff may designate a person to receive, fingerprint,
17 photograph or otherwise process applications for handgun licenses.

18 SECTION 21. AMENDATORY 21 O.S. 2011, Section 1290.14, as
19 last amended by Section 2, Chapter 207, O.S.L. 2015 (21 O.S. Supp.
20 2019, Section 1290.14), is amended to read as follows:

21 Section 1290.14.

22 SAFETY AND TRAINING COURSE

23 A. Each applicant for a license to carry a concealed or
24 unconcealed handgun pursuant to the Oklahoma Self-Defense Act must

1 successfully complete a firearms safety and training course in this
2 state conducted by a registered and approved firearms instructor as
3 provided by the provisions of this section or from an interactive
4 online firearms safety and training course available electronically
5 via the Internet approved and certified by the ~~Council on~~ Law
6 Enforcement Education and Training Division of the Department of
7 Public Safety. The applicant must further demonstrate competence
8 and qualification with an authorized pistol of the type or types
9 that the applicant desires to carry as a concealed or unconcealed
10 handgun pursuant to the provisions of the Oklahoma Self-Defense Act,
11 except certain persons may be exempt from such training requirement
12 as provided by the provisions of Section 1290.15 of this title.

13 B. The ~~Council on~~ Law Enforcement Education and Training
14 Division of the Department of Public Safety ~~(CLEET)~~ shall establish
15 criteria for approving firearms instructors and interactive online
16 firearms safety and training courses available electronically via
17 the Internet for purposes of training and qualifying individuals for
18 a handgun license pursuant to the provisions of the Oklahoma Self-
19 Defense Act. Prior to submitting an application for ~~CLEET~~
20 Department approval as a firearms instructor, applicants shall
21 attend a firearms instructor school, meeting the following minimum
22 requirements:

23 1. Firearms instructor training conducted by one of the
24 following entities:

- a. ~~Council on~~ Law Enforcement Education and Training
Division of the Department of Public Safety,
- b. National Rifle Association,
- c. Oklahoma Rifle Association,
- d. federal law enforcement agencies, or
- e. other professionally recognized organizations;

2. The course shall be at least sixteen (16) hours in length;

3. Upon completion of the course, the applicant shall be qualified to provide instruction on revolvers, semiautomatic pistols, or both; and

4. Receive a course completion certificate.

All firearms instructors shall be required to meet the eligibility requirements for a handgun license as provided in Sections 1290.9, 1290.10, and 1290.11 of this title and the application shall be processed as provided for applicants in Section 1290.12 of this title, including the state and national criminal history records search and fingerprint search. A firearms instructor shall be required to pay a fee of One Hundred Dollars (\$100.00) to the ~~Council on Law Enforcement Education and Training~~ ~~(CLEET)~~ Department each time the person makes application for ~~CLEET~~ approval as a firearms instructor pursuant to the provisions of the Oklahoma Self-Defense Act. The fee shall be retained by ~~CLEET~~ the Department and shall be deposited into the Firearms Instructors Revolving Fund. ~~CLEET~~ The Department shall promulgate the rules,

1 forms and procedures necessary to implement the approval of firearms
2 instructors as authorized by the provisions of this subsection.

3 ~~CLEET~~ The Department shall periodically review each approved
4 instructor during a training and qualification course to assure
5 compliance with the rules and course contents. Any violation of the
6 rules may result in the revocation or suspension of ~~CLEET~~ the
7 Department and Oklahoma State Bureau of Investigation approval.

8 Unless the approval has been revoked or suspended, a firearms
9 instructor's ~~CLEET~~ approval shall be for a term of five (5) years.

10 Beginning on July 1, 2003, any firearms instructor who has been
11 issued a four-year ~~CLEET~~ approval shall not be eligible for the
12 five-year approval until the expiration of the approval previously
13 issued. ~~CLEET~~ The Department shall be responsible for notifying all
14 approved firearms instructors of statutory and policy changes
15 related to the Oklahoma Self-Defense Act. A firearms instructor
16 shall not be required to submit his or her fingerprints for a
17 fingerprint search when renewing a firearms instructor's ~~CLEET~~
18 approval.

19 C. 1. All firearms instructors approved by ~~CLEET~~ to train and
20 qualify individuals for a handgun license shall be required to apply
21 for registration with the Oklahoma State Bureau of Investigation
22 after receiving ~~CLEET~~ approval. All firearms instructors teaching
23 the approved course for a handgun license must display their
24 registration certificate during each training and qualification

1 course. Each approved firearms instructor shall complete a
2 registration form provided by the Bureau and shall have the option
3 to pay a registration fee of either One Hundred Dollars (\$100.00)
4 for a five-year registration certificate or Two Hundred Dollars
5 (\$200.00) for a ten-year registration certificate to the Bureau at
6 the time of each application for registration, except as provided in
7 paragraph 2 of this subsection. Registration certificates issued by
8 the Bureau shall be valid for a period of five (5) years or ten (10)
9 years from the date of issuance. The Bureau shall issue a five-year
10 or ten-year handgun license to an approved firearms instructor at
11 the time of issuance of a registration certificate and no additional
12 fee shall be required or charged. The Bureau shall maintain a
13 current listing of all registered firearms instructors in this
14 state. Nothing in this paragraph shall be construed to eliminate
15 the requirement for registration and training ~~with CLEET~~ as provided
16 in subsection B of this section. Failure to register or be trained
17 as required shall result in a revocation or suspension of the
18 instructor certificate by the Bureau.

19 2. On or after July 1, 2003, the registered instructors listed
20 in subparagraphs a and b of this paragraph shall not be required to
21 renew the firearms instructor registration certificate with the
22 Oklahoma State Bureau of Investigation at the expiration of the
23 registration term, provided the instructor is not subject to any
24 suspension or revocation of the firearms instructor certificate.

1 The firearms instructor registration with the Oklahoma State Bureau
2 of Investigation shall automatically renew together with the handgun
3 license authorized in paragraph 1 of this subsection for an
4 additional five-year term and no additional cost or fee may be
5 charged for the following individuals:

- 6 a. an active duty law enforcement officer of this state
7 or any of its political subdivisions or of the federal
8 government who has a valid ~~CLEET~~ approval as a
9 firearms instructor pursuant to the Oklahoma Self-
10 Defense Act, and
- 11 b. a retired law enforcement officer authorized to carry
12 a firearm pursuant to Section 1289.8 of this title who
13 has a valid ~~CLEET~~ approval as a firearms instructor
14 pursuant to the Oklahoma Self-Defense Act.

15 D. The Oklahoma State Bureau of Investigation shall approve
16 registration for a firearms instructor applicant who is in full
17 compliance with ~~CLEET~~ Department rules regarding firearms
18 instructors and the provisions of subsection B of this section, if
19 completion of the federal fingerprint search is the only reason for
20 delay of registration of that firearms instructor applicant. Upon
21 receipt of the federal fingerprint search information, if the Bureau
22 receives information which precludes the person from having a
23 handgun license, the Bureau shall revoke both the registration and
24 the handgun license previously issued to the firearms instructor.

1 E. The required firearms safety and training course and the
2 actual demonstration of competency and qualification required of the
3 applicant shall be designed and conducted in such a manner that the
4 course can be reasonably completed by the applicant within an eight-
5 hour period. ~~CLEET~~ The Department shall establish the course
6 content and promulgate rules, procedures and forms necessary to
7 implement the provisions of this subsection. For the training and
8 qualification course, an applicant may be charged a fee which shall
9 be determined by the instructor or entity that is conducting the
10 course. The maximum class size shall be determined by the
11 instructor conducting the course; provided, however, practice
12 shooting sessions shall not have more than ten participating
13 students at one time. ~~CLEET~~ The Department may establish criteria
14 for assistant instructors and any other requirements deemed
15 necessary to conduct a safe and effective training and qualification
16 course. The course content shall include a safety inspection of the
17 firearm to be used by the applicant in the training course;
18 instruction on pistol handling, safety and storage; dynamics of
19 ammunition and firing; methods or positions for firing a pistol;
20 information about the criminal provisions of the Oklahoma law
21 relating to firearms; the requirements of the Oklahoma Self-Defense
22 Act as it relates to the applicant; self-defense and the use of
23 appropriate force; a practice shooting session; and a
24 familiarization course. The firearms instructor shall refuse to

1 train or qualify any person when the pistol to be used or carried by
2 the person is either deemed unsafe or unfit for firing or is a
3 weapon not authorized by the Oklahoma Self-Defense Act. The course
4 shall provide an opportunity for the applicant to qualify himself or
5 herself on either a derringer, a revolver, a semiautomatic pistol or
6 any combination of a derringer, a revolver and a semiautomatic
7 pistol, provided no pistol shall be capable of firing larger than
8 .45 caliber ammunition. Any applicant who successfully trains and
9 qualifies himself or herself with a semiautomatic pistol may be
10 approved by the firearms instructor on the training certificate for
11 a semiautomatic pistol, a revolver and a derringer upon request of
12 the applicant. Any person who qualifies on a derringer or revolver
13 shall not be eligible for a semiautomatic rating until the person
14 has demonstrated competence and qualifications on a semiautomatic
15 pistol. Upon successful completion of the training and
16 qualification course, a certificate of training and a certificate of
17 competency and qualification shall be issued to each applicant who
18 successfully completes the course. The certificate of training and
19 certificate of competency and qualification shall comply with the
20 forms established by ~~CLEET~~ the Department and shall be submitted
21 with an application for a handgun license pursuant to the provisions
22 of paragraph 2 of subsection A of Section 1290.12 of this title.
23 The certificate of training and certificate of competency and
24

1 qualification issued to an applicant shall be valid for a period of
2 three (3) years.

3 F. There is hereby created a revolving fund for the ~~Council on~~
4 Law Enforcement Education and Training ~~(CLEET)~~ Division of the
5 Department of Public Safety, to be designated the "Firearms
6 Instructors Revolving Fund". The fund shall be a continuing fund,
7 not subject to fiscal year limitations, and shall consist of all
8 funds received for approval of firearms instructors for purposes of
9 the Oklahoma Self-Defense Act. All funds received shall be
10 deposited to the fund. All monies accruing to the credit of said
11 fund are hereby appropriated and may be budgeted and expended by the
12 ~~Council on Law Enforcement Education and Training~~ Department, for
13 implementation of the training and qualification course contents,
14 approval of firearms instructors and any other ~~CLEET~~ requirement
15 pursuant to the provisions of the Oklahoma Self-Defense Act or as
16 may otherwise be deemed appropriate by ~~CLEET~~ the Department.

17 Expenditures from said fund shall be made upon warrants issued by
18 the State Treasurer against claims filed as prescribed by law with
19 the Director of the Office of Management and Enterprise Services for
20 approval and payment.

21 G. Firearms instructors shall keep on file for a period of not
22 less than three (3) years a roster of each training class, the
23 safety test score of each individual, the caliber and type of weapon
24 each individual used when qualifying and whether or not each

1 individual successfully completed the training course. Firearms
2 instructors shall be authorized to destroy all training documents
3 and records upon expiration of the three-year time period.

4 SECTION 22. AMENDATORY 21 O.S. 2011, Section 1290.15, as
5 last amended by Section 3, Chapter 298, O.S.L. 2017 (21 O.S. Supp.
6 2019, Section 1290.15), is amended to read as follows:

7 Section 1290.15.

8 PERSONS EXEMPT FROM TRAINING COURSE

9 A. The following individuals may be exempt from all or part of
10 the required training and qualification course established pursuant
11 to the provisions of Section 1290.14 of this title:

12 1. A firearms instructor registered with the Oklahoma State
13 Bureau of Investigation for purposes of the Oklahoma Self-Defense
14 Act;

15 2. An active duty or reserve duty law enforcement officer of
16 this state or any of its political subdivisions or of the federal
17 government;

18 3. A retired law enforcement officer authorized by this state
19 pursuant to Section 1289.8 of this title to carry a firearm;

20 4. A ~~Council on Law Enforcement Education and Training (CLEET)~~
21 certified armed security officer, armed guard, correctional officer,
22 or any other person having a ~~CLEET~~ certification approved by the Law
23 Enforcement, Education and Training Division of the Department of
24 Public Safety to carry a firearm in the course of their employment;

1 5. A person on active military duty, National Guard duty or
2 regular military reserve duty who is a legal resident of this state
3 and who is trained and qualified in the use of handguns;

4 6. A person honorably discharged from active military duty,
5 National Guard duty or military reserves within twenty (20) years
6 preceding the date of the application for a handgun license pursuant
7 to the provisions of the Oklahoma Self-Defense Act, who is a legal
8 resident of this state, and who has been trained and qualified in
9 the use of handguns;

10 7. A person retired as a peace officer in good standing from a
11 law enforcement agency located in another state, who is a legal
12 resident of this state, and who has received training equivalent to
13 the training required for ~~CLEET~~ law enforcement certification in
14 this state; and

15 8. Any person who is otherwise deemed qualified for a training
16 exemption by ~~CLEET~~ the Law Enforcement, Education and Training
17 Division of the Department of Public Safety.

18 B. No person who is determined to be exempt from training or
19 qualification may carry a concealed or unconcealed firearm pursuant
20 to the authority of the Oklahoma Self-Defense Act until issued a
21 valid handgun license or possesses a valid military identification
22 card as provided for qualified persons in Section 1290.8 of this
23 title.

1 C. Nothing contained in any provision of the Oklahoma Self-
2 Defense Act shall be construed to alter, amend, or modify the
3 authority of any active duty law enforcement officer, or any person
4 certified by the ~~Council on~~ Law Enforcement Education and Training
5 Division of the Department of Public Safety to carry a pistol during
6 the course of their employment, to carry any pistol in any manner
7 authorized by law or authorized by the employing agency.

8 SECTION 23. AMENDATORY 21 O.S. 2011, Section 1290.24, as
9 last amended by Section 13, Chapter 1, O.S.L. 2019 (21 O.S. Supp.
10 2019, Section 1290.24), is amended to read as follows:

11 Section 1290.24.

12 IMMUNITY

13 A. The state or any political subdivision of the state, as
14 defined in Section 152 of Title 51 of the Oklahoma Statutes, and its
15 officers, agents and employees shall be immune from liability
16 resulting or arising from:

17 1. Failure to prevent the licensing of an individual for whom
18 the receipt of the license is unlawful pursuant to the provisions of
19 the Oklahoma Self-Defense Act or any other provision of law of this
20 state;

21 2. Any action or misconduct with a firearm committed by a
22 person pursuant to the provisions of the Oklahoma Self-Defense Act
23 or by any person who obtains a firearm;

1 3. Any injury to any person during a handgun training course
2 conducted by a firearms instructor certified by the ~~Council on Law~~
3 ~~Enforcement Education and Training~~ Division of the Department of
4 Public Safety to conduct training under the Oklahoma Self-Defense
5 Act, or injury from any misfire or malfunction of any handgun on a
6 training course firing range supervised by a certified firearms
7 instructor under the provisions of the Oklahoma Self-Defense Act, or
8 any injury resulting from carrying a concealed or unconcealed
9 handgun pursuant to a handgun license; and

10 4. Any action or finding pursuant to a hearing conducted in
11 accordance with the Administrative Procedures Act as required in the
12 Oklahoma Self-Defense Act.

13 B. Firearms instructors certified by the ~~Council on Law~~
14 ~~Enforcement Education and Training~~ Department to conduct training
15 for the Oklahoma Self-Defense Act shall be immune from liability to
16 third persons resulting or arising from any claim based on an act or
17 omission of a trainee.

18 C. The provisions of this subsection shall not apply to claims
19 pursuant to the Administrative Workers' Compensation Act.

20 SECTION 24. AMENDATORY 22 O.S. 2011, Section 1325, is
21 amended to read as follows:

22 Section 1325. A. Any sheriff's office or campus police agency
23 as authorized under the Oklahoma Campus Security Act is authorized
24 to dispose of by public sale, destruction, donation, or transfer for
25

1 use to a governmental subdivision personal property which has come
2 into its possession, or deposit in a special fund, as hereafter
3 provided, all money or legal tender of the United States which has
4 come into its possession, whether the property or money be stolen,
5 embezzled, lost, abandoned or otherwise, the owner of the property
6 or money being unknown or not having claimed the same, and which the
7 sheriff or campus police agency has held for at least six (6)
8 months, and such property or money, or any part thereof, being no
9 longer needed to be held as evidence or otherwise used in connection
10 with any litigation.

11 B. Where personal property held under the circumstances
12 provided in subsection A of this section is determined by the agency
13 having custody to be unsuitable for disposition by public sale due
14 to its condition or assessed by agency personnel as having limited
15 or no resale value, it may be destroyed, discarded as solid waste or
16 donated to a charitable organization designated by the U.S. Internal
17 Revenue Service as a 501(c)(3) nonprofit organization. Where
18 disposition by destruction, discard, or donation is made of personal
19 property, a report describing the property by category and quantity,
20 and indicating what disposition was made for each item or lot, shall
21 be submitted to the presiding judge of the district court within ten
22 (10) days following the disposition.

23 C. Where disposition by public sale is appropriate, the
24 sheriff's office or campus police agency shall file an application

1 in the district court of its county requesting the authority of the
2 court to dispose of such personal property, and shall attach to the
3 application a list describing the property, including all
4 identifying numbers and marks, if any, the date the property came
5 into the possession of the sheriff's office or campus police agency
6 and the name and address of the owner, if known. The court shall
7 set the application for hearing not less than ten (10) days nor more
8 than twenty (20) days after filing.

9 D. Written notice shall be given by the sheriff's office or
10 campus police agency of the hearing to each and every owner known
11 and as set forth in the application by first-class mail, postage
12 prepaid, and directed to the last-known address of the owner at
13 least ten (10) days prior to the date of the hearing. The notice
14 shall contain a brief description of the property of the owner and
15 the place and date of the hearing. In addition, notice of the
16 hearing shall be posted in three public places in the county, one
17 being the county courthouse at the regular place assigned for the
18 posting of legal notices or shall be published in a newspaper
19 authorized by law to publish legal notices in the county in which
20 the property is located. If no newspaper authorized by law to
21 publish legal notices is published in such county, the notice shall
22 be published in a newspaper of general circulation which is
23 published in an adjoining county. The notice shall state the name
24

1 of the owner being notified by publication and shall be published at
2 least ten (10) days prior to the date of the hearing.

3 E. At the hearing, if no owner appears and establishes
4 ownership to the property, the court shall enter an order
5 authorizing the sheriff's office or campus police agency to donate
6 property having a value of less than Five Hundred Dollars (\$500.00)
7 to a not-for-profit corporation as defined in Title 18 of the
8 Oklahoma Statutes or to sell the personal property to the highest
9 bidder for cash, after at least five (5) days of notice has been
10 given by publication in one issue of a legal newspaper of the
11 county. The sheriff's office or campus police agency shall make a
12 return of the donation or sale and, when confirmed by the court, the
13 order confirming the donation or sale shall vest in the recipient or
14 purchaser title to the property so donated or purchased.

15 F. A sheriff's office having in its possession money or legal
16 tender under the circumstances provided in subsection A of this
17 section, prior to appropriating the same for deposit into a special
18 fund, shall file an application in the district court of its county
19 requesting the court to enter an order authorizing it to so
20 appropriate the money for deposit in the special fund. The
21 application shall describe the money or legal tender, together with
22 serial numbers, if any, the date the same came into the possession
23 of the sheriff's office or campus police agency, and the name and
24 address of the owner, if known. Upon filing, the application, which

1 may be joined with an application as described in subsection C of
2 this section, shall be set for hearing not less than ten (10) days
3 nor more than twenty (20) days from the filing thereof, and notice
4 of the hearing shall be given as provided in subsection D of this
5 section. The notice shall state that, upon no one appearing to
6 prove ownership to the money or legal tender, the same will be
7 ordered by the court to be deposited in the special fund by the
8 sheriff's office or campus police agency. The notice may be
9 combined with a notice to sell personal property as set forth in
10 subsection D of this section. At the hearing, if no one appears to
11 claim and prove ownership to the money or legal tender, the court
12 shall order the same to be deposited by the sheriff's office or
13 campus police agency in the special fund, as provided in subsection
14 H of this section.

15 G. Where a sheriff's office or campus police agency has in its
16 possession under the circumstances provided in subsection A of this
17 section, personal property deemed to have potential utility to that
18 sheriff's office, campus police agency or another governmental
19 subdivision, prior to appropriating the personal property for use,
20 the sheriff's office or campus police agency shall file an
21 application in the district court requesting the court to enter an
22 order authorizing it to so appropriate or transfer the property for
23 use. The application shall describe the property, together with
24 serial numbers, if any, the date the property came into the

1 possession of the sheriff's office or campus police agency and the
2 name and address of the owner, if known. Upon filing, the
3 application, which may be joined with an application as described in
4 subsection C of this section, shall be set for hearing not less than
5 ten (10) days nor more than twenty (20) days from the filing
6 thereof. Notice of the hearing shall be given as provided in
7 subsection D of this section. The notice shall state that, upon no
8 one appearing to prove ownership to the personal property, the
9 property will be ordered by the court to be delivered for use by the
10 sheriff's office or campus police agency or its authorizing
11 institution or transferred to another governmental subdivision for
12 its use. The notice may be combined with a notice to sell personal
13 property as set forth in subsection D of this section. At the
14 hearing, if no one appears to claim and prove ownership to the
15 personal property, the court shall order the property to be
16 available for use by the sheriff's office or campus police agency or
17 delivered to an appropriate person for use by the authorizing
18 institution or another governmental subdivision.

19 H. The money received from the sale of personal property as
20 above provided, after payment of the court costs and other expenses,
21 if any, together with all money in possession of the sheriff's
22 office or campus police agency, which has been ordered by the court
23 to be deposited in the special fund, shall be deposited in such fund
24 which shall be separately maintained by the sheriff's office in a

1 special fund with the county treasurer or campus police agency to be
2 expended upon the approval of the sheriff or head of the campus
3 police agency for the purchase of equipment, materials or supplies
4 that may be used in crime prevention, education, training or
5 programming. The fund or any portion of it may be expended in
6 paying the expenses of the sheriff or any duly authorized deputy or
7 employee of the campus police agency to attend law enforcement or
8 public safety training courses which are conducted by the ~~Oklahoma~~
9 ~~Council on~~ Law Enforcement Education and Training Division of the
10 Department of Public Safety ~~(CLEET)~~ or other certified trainers,
11 providers, or agencies.

12 I. The disposition of biological evidence, as defined by
13 Section 1372 of this title, shall be governed by the provisions set
14 forth in Section 1372 of this title.

15 SECTION 25. AMENDATORY 22 O.S. 2011, Section 1105.3, as
16 last amended by Section 1, Chapter 2, O.S.L. 2018 (22 O.S. Supp.
17 2019, Section 1105.3), is amended to read as follows:

18 Section 1105.3. A. Any county pursuant to the provisions of
19 this act may establish and fund a pretrial program to be utilized by
20 the district court in that jurisdiction.

21 B. When a pretrial release program is established pursuant to
22 this act and private bail has not been furnished, the judge may
23 order a person to be evaluated through the pretrial program. After
24 conducting an evaluation of the person applying for pretrial

1 release, the pretrial program shall make a recommendation to the
2 court. The recommendation shall indicate any special supervisory
3 conditions for pretrial release. The judge shall consider the
4 recommendations and may grant or deny pretrial release. The
5 presiding judge of the judicial district may issue a standing order
6 outlining criteria for cases that may automatically be evaluated for
7 pretrial release by a pretrial program operating in the
8 jurisdiction. The standing order may include amounts for bail and
9 types of bonds deemed appropriate for certain offenses.

10 C. Except as otherwise authorized by the provisions of this
11 subsection, persons accused of or detained for any of the following
12 offenses or conditions shall not be eligible for pretrial release by
13 any pretrial program:

14 1. Aggravated driving under the influence of an intoxicating
15 substance;

16 2. Any felony driving under the influence of an intoxicating
17 substance;

18 3. Any offense prohibited by the Trafficking In Illegal Drugs
19 Act;

20 4. Any person having a violent felony conviction within the
21 past ten (10) years;

22 5. Appeal bond;

23 6. Arson in the first degree, including attempts to commit
24 arson in the first degree;

- 1 7. Assault and battery on a police officer;
- 2 8. Bail jumping;
- 3 9. Bribery of a public official;
- 4 10. Burglary in the first or second degree;
- 5 11. Civil contempt proceedings;
- 6 12. Distribution of a controlled dangerous substance, including
- 7 the sale or possession of a controlled dangerous substance with
- 8 intent to distribute or conspiracy to distribute;
- 9 13. Domestic abuse, domestic assault or domestic assault and
- 10 battery with a dangerous weapon, or domestic assault and battery
- 11 with a deadly weapon;
- 12 14. Driving under the influence of intoxicating substance where
- 13 property damage or personal injury occurs;
- 14 15. Felony discharging a firearm from a vehicle;
- 15 16. Felony sex offenses;
- 16 17. Fugitive bond or a governor's fugitive warrant;
- 17 18. Immigration charges;
- 18 19. Kidnapping;
- 19 20. Juvenile or youthful offender detention;
- 20 21. Manslaughter;
- 21 22. Manufacture of a controlled dangerous substance;
- 22 23. Murder in the first degree, including attempts or
- 23 conspiracy to commit murder in the first degree;
- 24
- 25

- 1 24. Murder in the second degree, including attempts or
2 conspiracy to commit murder in the second degree;
- 3 25. Negligent homicide;
- 4 26. Out-of-county holds;
- 5 27. Persons currently on pretrial release who are arrested on a
6 new felony offense;
- 7 28. Possession, manufacture, use, sale or delivery of an
8 explosive device;
- 9 29. Possession of a controlled dangerous substance on Schedule
10 I or II of the Controlled Dangerous Substances Act;
- 11 30. Possession of a firearm or other offensive weapon during
12 the commission of a felony;
- 13 31. Possession of a stolen vehicle;
- 14 32. Rape in the first degree, including attempts to commit rape
15 in the first degree;
- 16 33. Rape in the second degree, including attempts to commit
17 rape in the second degree;
- 18 34. Robbery by force or fear;
- 19 35. Robbery with a firearm or dangerous weapon, including
20 attempts to commit robbery with a firearm or dangerous weapon;
- 21 36. Sexual assault or violent offenses against children;
- 22 37. Shooting with intent to kill;
- 23 38. Stalking or violation of a Victim Protection Order;
- 24 39. Two or more prior felony convictions; or
25

1 40. Unauthorized use of a motor vehicle.

2 D. A person not eligible for pretrial release pursuant to the
3 provisions of subsection C of this section may be released upon
4 order of a district judge, associate district judge or special judge
5 under conditions prescribed by the judge, which may include an order
6 to require the defendant, as a condition of pretrial release, to use
7 or participate in any monitoring or testing including, but not
8 limited to, a Global Positioning System (GPS) monitoring device and
9 urinalysis testing. The court may further order the defendant to
10 pay costs and expenses related to any supervision, monitoring or
11 testing.

12 E. Every pretrial services program operating pursuant to the
13 provisions of this act shall meet the following minimum criteria:

14 1. The program shall establish a procedure for screening and
15 evaluating persons who are detained or have been arrested for the
16 alleged commission of a crime. The program shall obtain criminal
17 history records on detained persons through the National Crime
18 Information Center (NCIC). The information obtained from the
19 screening and evaluation process must be submitted in a written
20 report without unnecessary delay to the judge who is assigned to
21 hear pretrial release applications when the person is eligible for
22 pretrial release;

23 2. The program shall provide reliable information to the judge
24 relating to the person applying for pretrial release so a reasonable

1 decision can be made concerning the amount and type of bail
2 appropriate for pretrial release. The information provided shall be
3 based upon facts relating to the person's risk of danger to the
4 community and the risk of failure to appear for court; and

5 3. The program shall make all reasonable attempts to provide
6 the court with information appropriate to each person considered for
7 pretrial release.

8 F. A pretrial program established pursuant to this act may
9 provide different methods and levels of community-based supervision
10 to meet any court-ordered conditions of release. The program may
11 use existing supervision methods for persons who are released prior
12 to trial. Pretrial programs which employ peace officers certified
13 by the ~~Council on~~ Law Enforcement Education and Training Division of
14 the Department of Public Safety (~~CLEET~~) are authorized to enforce
15 court-ordered conditions of release.

16 G. Each pretrial program established pursuant to this act shall
17 provide a quarterly report to the presiding judge of the judicial
18 district of the jurisdiction in which it operates. A copy of the
19 report shall be filed of record with the court clerk of the
20 jurisdiction. Each report shall include, but is not limited to, the
21 following information:

22 1. The total number of persons screened, evaluated or otherwise
23 considered for pretrial release;

24 2. The total number and nature of recommendations made;

1 3. The number of persons admitted to pretrial release that
2 failed to appear; and

3 4. Any other information deemed appropriate by the reporting
4 judicial district or that the program desires to report.

5 H. Every pretrial release program established pursuant to this
6 section shall utilize the services of local providers; provided,
7 however, any program in continuous existence since July 1, 1999,
8 shall be exempt from the provisions of this subsection.

9 SECTION 26. AMENDATORY 27A O.S. 2011, Section 2-3-501,
10 is amended to read as follows:

11 Section 2-3-501. A. Any duly authorized representative of the
12 Department of Environmental Quality shall have the power to enter at
13 reasonable times upon any private or public property for the purpose
14 of sampling, inspecting and investigating conditions relating to
15 pollution, damage to natural resources or the possible pollution of
16 any air, land or waters of the state or the environment or relating
17 to any other environmental or permitting responsibility authorized
18 by law.

19 B. If the property to be entered has been identified on the
20 federal National Priority List as a Superfund site or otherwise
21 identified for an action under the federal Comprehensive
22 Environmental Response, Compensation and Liability Act (CERCLA, 42
23 U.S.C., Section 9601 et seq.) and the Department of Environmental
24 Quality has been designated by the United States Environmental

1 Protection Agency as lead agency for CERCLA activities at the site,
2 any duly authorized representative of the Department shall have the
3 power, in addition to the powers listed in subsection A of this
4 section, to enter for purposes of conducting those CERCLA activities
5 or to prevent unreasonable interference with such activities or
6 remedies. The Department may seek administrative or judicial
7 remedies for any person's refusal to allow, or interference with,
8 entry for this purpose.

9 C. The Department may require the establishment and maintenance
10 of records and reports relating to any activity regulated by the
11 Department. Copies of such records shall be submitted to the
12 Department on request. Any authorized representative of the
13 Department shall be allowed access and may examine such reports or
14 records.

15 D. The Department may apply to and obtain from a judge of the
16 district court, an order authorizing an administrative warrant to
17 enforce access to premises for sampling, investigation, inquiry and
18 inspection under the provisions of this Code and the rules
19 promulgated by the Board. Failure to obey an administrative warrant
20 of the district court may be punished by the district court as a
21 contempt of court.

22 E. The Executive Director may appoint commissioned peace
23 officers, certified by the ~~Council on~~ Law Enforcement Education and
24 Training Division of the Department of Public Safety, to investigate

1 environmental crimes. Peace officers who become employed under this
2 section who have service credit in the Oklahoma Law Enforcement
3 Retirement System may, within thirty (30) days after becoming
4 employed, elect to continue membership in the Oklahoma Law
5 Enforcement Retirement System; otherwise they shall be eligible to
6 enroll only in the Oklahoma Public Employees Retirement System.

7 SECTION 27. AMENDATORY 47 O.S. 2011, Section 172.1, is
8 amended to read as follows:

9 Section 172.1. A. Future applicants for the position of
10 enforcement officer shall be high school graduates and shall have
11 had at least three (3) years' practical experience in the
12 transportation industry or in the field of law enforcement and be
13 certified by the ~~Council on~~ Law Enforcement Education and Training
14 Division of the Department of Public Safety ~~(CLEET)~~ within twelve
15 (12) months from the date of employment. Applicants shall have
16 attained the age of twenty-one (21) years.

17 B. The applicants shall pass a written test or examination on
18 motor carrier law and the rules of the Commission pertaining
19 thereto, for the purpose of establishing the applicant's fitness and
20 ability to perform the duties of an enforcement officer.

21 SECTION 28. AMENDATORY 47 O.S. 2011, Section 2-108, is
22 amended to read as follows:

23 Section 2-108. A. The Commissioner is hereby vested with the
24 power and is charged with the duty of observing, administering, and
25

1 enforcing the provisions of this title and of all laws regulating
2 the operation of vehicles or the use of the highways, the
3 enforcement and administration of which are now or hereafter vested
4 in the Department. The Commissioner may appoint any employee of the
5 Department to serve as the personal representative of the
6 Commissioner for the purpose of fulfilling any such duty or
7 combination of duties.

8 B. The Commissioner is hereby authorized to adopt and enforce
9 such rules as may be necessary to carry out the provisions of this
10 act and any other laws the enforcement and administration of which
11 are vested in the Department.

12 C. The Commissioner may adopt an official seal for the use of
13 the Department.

14 D. The Commissioner may adopt an authorized facsimile signature
15 of the Commissioner, and may appoint any employee of the Department
16 to serve as the personal representative of the Commissioner for the
17 purpose of affixing the authorized facsimile signature of the
18 Commissioner to administrative letters, notices, and orders to
19 enforce the provisions of the law. Provided, however, it shall be
20 unlawful and shall constitute the crime of forgery to affix or
21 endorse the facsimile signature of the Commissioner, as herein
22 provided, to any instrument, voucher, check, claim, or draft for the
23 payment of money due and owing to the State of Oklahoma. In lieu of
24 the signature of the Commissioner or the authorized facsimile

1 signature of the Commissioner, the Commissioner may direct and
2 authorize any employee of the Department to affix the signature of
3 the employee to administrative letters, notices, and orders to
4 enforce the provisions of the law.

5 E. The Commissioner is hereby authorized to adopt and enforce
6 rules and procedures as needed to implement the provisions of
7 Section 1 of this act.

8 SECTION 29. AMENDATORY 47 O.S. 2011, Section 2-300, as
9 amended by Section 1, Chapter 383, O.S.L. 2015 (47 O.S. Supp. 2019,
10 Section 2-300), is amended to read as follows:

11 Section 2-300. As used in Section 2-300 et seq. of this title:

- 12 1. "System" means the Oklahoma Law Enforcement Retirement
13 System;
- 14 2. "Act" means Section 2-300 et seq. of this title;
- 15 3. "Board" means the Oklahoma Law Enforcement Retirement Board
16 of the System;
- 17 4. "Executive Director" means the managing officer of the
18 System employed by the Board;
- 19 5. "Fund" means the Oklahoma Law Enforcement Retirement Fund;
- 20 6. a. "Member" means:
 - 21 (1) all commissioned law enforcement officers of the
22 Oklahoma Highway Patrol Division of the
23 Department of Public Safety who have obtained
24 certification from the ~~Council on~~ Law Enforcement

1 Education and Training Division of the Department
2 of Public Safety, and all cadets of a Patrol
3 Academy of the Department of Public Safety,

4 (2) law enforcement officers and criminalists of the
5 Oklahoma State Bureau of Investigation,

6 (3) law enforcement officers of the Oklahoma State
7 Bureau of Narcotics and Dangerous Drugs Control
8 designated to perform duties in the investigation
9 and prevention of crime and the enforcement of
10 the criminal laws of this state,

11 (4) law enforcement officers of the Oklahoma
12 Alcoholic Beverage Laws Enforcement Commission
13 designated to perform duties in the investigation
14 and prevention of crime and the enforcement of
15 the criminal laws of this state,

16 (5) employees of the Communications Section of the
17 Oklahoma Highway Patrol Division, radio
18 technicians, and tower technicians of the
19 Department of Public Safety, who are employed in
20 any such capacity as of June 30, 2008, and who
21 remain employed on or after July 1, 2008, until a
22 termination of service, or until a termination of
23 service with an election of a vested benefit from
24 the System, or until retirement. Effective July

1 1, 2008, a person employed for the first time as
2 an employee of the Department of Public Safety in
3 the Communications Division as an information
4 systems telecommunication technician of the
5 Department of Public Safety shall not be a member
6 of the System,

7 (6) park rangers of the Oklahoma Tourism and
8 Recreation Department and any park manager or
9 park supervisor of the Oklahoma Tourism and
10 Recreation Department who was employed in such a
11 position prior to July 1, 1985, and who elects on
12 or before September 1, 1996, to participate in
13 the System, and

14 (7) inspectors of the Board of Pharmacy.

15 b. Effective July 1, 1987, a member does not include a
16 "leased employee" as defined under Section 414(n) (2)
17 of the Internal Revenue Code of 1986, as amended.
18 Effective July 1, 1999, any individual who agrees with
19 the participating employer that the individual's
20 services are to be performed as a leased employee or
21 an independent contractor shall not be a member
22 regardless of any classification as a common-law
23 employee by the Internal Revenue Service or any other
24

1 governmental agency, or any court of competent
2 jurisdiction.

3 c. All persons who shall be offered a position of a
4 commissioned law enforcement officer as an employee of
5 one of the agencies described in subparagraph a of
6 this paragraph shall participate in the System upon
7 the person meeting the requisite post-offer-pre-
8 employment physical examination standards which shall
9 be subject to the following requirements:

10 (1) all such persons shall be of good moral
11 character, free from deformities, mental or
12 physical conditions, or disease and alcohol or
13 drug addiction which would prohibit the person
14 from performing the duties of a law enforcement
15 officer,

16 (2) the physical-medical examination shall pertain to
17 age, sight, hearing, agility and other conditions
18 the requirements of which shall be established by
19 the Board,

20 (3) the person shall be required to meet the
21 conditions of this subsection prior to the
22 beginning of actual employment but after an offer
23 of employment has been tendered by a
24 participating employer,

1 (4) the Board shall have authority to deny or revoke
2 membership of any person submitting false
3 information in such person's membership
4 application, and

5 (5) the Board shall have final authority in
6 determining eligibility for membership in the
7 System, pursuant to the provisions of this
8 subsection;

9 7. "Normal retirement date" means the date at which the member
10 is eligible to receive the unreduced payments of the member's
11 accrued retirement benefit. Such date shall be the first day of the
12 month coinciding with or following the date the member:

13 a. completes twenty (20) years of vesting service, or

14 b. attains sixty-two (62) years of age with ten (10)
15 years of vesting service, or

16 c. attains sixty-two (62) years of age, if:

17 (1) the member has been transferred to this System
18 from the Oklahoma Public Employees Retirement
19 System on or after July 1, 1981, and

20 (2) the member would have been vested had the member
21 continued to be a member of the Oklahoma Public
22 Employees Retirement System.

23 With respect to distributions under the System made for calendar
24 years beginning on or after January 1, 2005, the System shall apply

1 the minimum distribution incidental benefit requirements, incidental
2 benefit requirements, and minimum distribution requirements of
3 Section 401(a)(9) of the Internal Revenue Code of 1986, as amended,
4 in accordance with the final regulations under Section 401(a)(9) of
5 the Internal Revenue Code of 1986, as amended, which were issued in
6 April 2002 and June 2004, notwithstanding any provision of the
7 System to the contrary. With respect to distributions under the
8 System made for calendar years beginning on or after January 1,
9 2001, through December 31, 2004, the System shall apply the minimum
10 distribution requirements and incidental benefit requirements of
11 Section 401(a)(9) of the Internal Revenue Code of 1986, as amended,
12 in accordance with the regulations under Section 401(a)(9) of the
13 Internal Revenue Code of 1986, as amended, which were proposed in
14 January 2001, notwithstanding any provision of the System to the
15 contrary.

16 Effective July 1, 1989, notwithstanding any other provision
17 contained herein to the contrary, in no event shall commencement of
18 distribution of the accrued retirement benefit of a member be
19 delayed beyond April 1 of the calendar year following the later of:
20 (1) the calendar year in which the member reaches seventy and one-
21 half (70 1/2) years of age; or (2) the actual retirement date of the
22 member. The preceding sentence does not allow deferral of benefit
23 commencement beyond the age of sixty-five (65).

1 Effective September 8, 2009, notwithstanding anything to the
2 contrary of the System, the System, which as a governmental plan
3 (within the meaning of Section 414(d) of the Internal Revenue Code
4 of 1986, as amended), is treated as having complied with Section
5 401(a) (9) of the Internal Revenue Code of 1986, as amended, for all
6 years to which Section 401(a) (9) of the Internal Revenue Code of
7 1986, as amended, applies to the System if the System complies with
8 a reasonable and good faith interpretation of Section 401(a) (9) of
9 the Internal Revenue Code of 1986, as amended.

10 A member who was required to join the System effective July 1,
11 1980, because of the transfer of the employing agency from the
12 Oklahoma Public Employees Retirement System to the System, and was
13 not a member of the Oklahoma Public Employees Retirement System on
14 the date of such transfer shall be allowed to receive credit for
15 prior law enforcement service rendered to this state, if the member
16 is not receiving or eligible to receive retirement credit or
17 benefits for such service in any other public retirement system,
18 upon payment to the System of the employee contribution the member
19 would have been subject to had the member been a member of the
20 System at the time, plus five percent (5%) interest. Service credit
21 received pursuant to this paragraph shall be used in determining the
22 member's retirement benefit, and shall be used in determining years
23 of service for retirement or vesting purposes;

1 8. "Actual paid base salary" means the salary received by a
2 member, excluding payment for any accumulated leave or uniform
3 allowance. Salary shall include any amount of nonelective salary
4 reduction under Section 414(h) of the Internal Revenue Code of 1986;

5 9. "Final average salary" means the average of the highest
6 thirty (30) consecutive complete months of actual paid gross salary.
7 Gross salary shall include any amount of elective salary reduction
8 under Section 457 of the Internal Revenue Code of 1986, as amended,
9 and any amount of nonelective salary reduction under Section 414(h)
10 of the Internal Revenue Code of 1986, as amended. Effective July 1,
11 1992, gross salary shall include any amount of elective salary
12 reduction under Section 125 of the Internal Revenue Code of 1986, as
13 amended. Effective July 1, 1998, gross salary shall include any
14 amount of elective salary reduction not includable in the gross
15 income of the member under Section 132(f)(4) of the Internal Revenue
16 Code of 1986, as amended. Effective July 1, 1998, for purposes of
17 determining a member's compensation, any contribution by the member
18 to reduce his or her regular cash remuneration under Section
19 132(f)(4) of the Internal Revenue Code of 1986, as amended, shall be
20 treated as if the member did not make such an election. Only salary
21 on which required contributions have been made may be used in
22 computing the final average salary. Gross salary shall not include
23 severance pay.
24

1 In addition to other applicable limitations, and notwithstanding
2 any other provision to the contrary, for plan years beginning on or
3 after July 1, 2002, the annual gross salary of each "Noneligible
4 Member" taken into account under the System shall not exceed the
5 Economic Growth and Tax Relief Reconciliation Act of 2001 ("EGTRRA")
6 annual salary limit. The EGTRRA annual salary limit is Two Hundred
7 Thousand Dollars (\$200,000.00), as adjusted by the Commissioner for
8 increases in the cost of living in accordance with Section
9 401(a)(17)(B) of the Internal Revenue Code of 1986, as amended. The
10 annual salary limit in effect for a calendar year applies to any
11 period, not exceeding twelve (12) months, over which salary is
12 determined ("determination period") beginning in such calendar year.
13 If a determination period consists of fewer than twelve (12) months,
14 the EGTRRA salary limit will be multiplied by a fraction, the
15 numerator of which is the number of months in the determination
16 period, and the denominator of which is twelve (12). For purposes
17 of this section, a "Noneligible Member" is any member who first
18 became a member during a plan year commencing on or after July 1,
19 1996.

20 For plan years beginning on or after July 1, 2002, any reference
21 in the System to the annual salary limit under Section 401(a)(17) of
22 the Internal Revenue Code of 1986, as amended, shall mean the EGTRRA
23 salary limit set forth in this provision.
24

1 Effective January 1, 2008, gross salary for a plan year shall
2 also include gross salary, as described above, for services, but
3 paid by the later of two and one-half (2 1/2) months after a
4 member's severance from employment or the end of the calendar year
5 that includes the date the member terminated employment, if it is a
6 payment that, absent a severance from employment, would have been
7 paid to the member while the member continued in employment with the
8 employer.

9 Effective January 1, 2008, any payments not described above
10 shall not be considered gross salary if paid after severance from
11 employment, even if they are paid by the later of two and one-half
12 (2 1/2) months after the date of severance from employment or the
13 end of the calendar year that includes the date of severance from
14 employment, except payments to an individual who does not currently
15 perform services for the employer by reason of qualified military
16 service within the meaning of Section 414(u)(5) of the Internal
17 Revenue Code of 1986, as amended, to the extent these payments do
18 not exceed the amounts the individual would have received if the
19 individual had continued to perform services for the employer rather
20 than entering qualified military service.

21 Effective January 1, 2008, back pay, within the meaning of
22 Section 1.415(c)-2(g)(8) of the Income Tax Regulations, shall be
23 treated as gross salary for the limitation year to which the back
24

1 pay relates to the extent the back pay represents wages and
2 compensation that would otherwise be included in this definition.

3 Effective for years beginning after December 31, 2008, gross
4 salary shall also include differential wage payments under Section
5 414(u) (12) of the Internal Revenue Code of 1986, as amended;

6 10. "Credited service" means the period of service used to
7 determine the amount of benefits payable to a member. Credited
8 service shall consist of the period during which the member
9 participated in the System or the predecessor Plan as an active
10 employee in an eligible membership classification, plus any service
11 prior to the establishment of the predecessor Plan which was
12 credited under the predecessor Plan and for law enforcement officers
13 and criminalists of the Oklahoma State Bureau of Investigation and
14 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
15 who became members of the System on July 1, 1980, any service
16 credited under the Oklahoma Public Employees Retirement System as of
17 June 30, 1980, and for members of the Communications and Lake Patrol
18 Divisions of the Oklahoma Department of Public Safety, who became
19 members of the System on July 1, 1981, any service credited under
20 the predecessor Plan or the Oklahoma Public Employees Retirement
21 System as of June 30, 1981, and for law enforcement officers of the
22 Alcoholic Beverage Laws Enforcement Commission who became members of
23 the System on July 1, 1982, any service credited under the Oklahoma
24 Public Employees Retirement System as of June 30, 1982, and for park

1 rangers of the Oklahoma Tourism and Recreation Department who became
2 members of the System on July 1, 1985, any service credited under
3 the Oklahoma Public Employees Retirement System as of June 30, 1985,
4 and for inspectors of the Oklahoma State Board of Pharmacy who
5 became members of the System on July 1, 1986, any service credited
6 under the Oklahoma Public Employees Retirement System as of June 30,
7 1986, for law enforcement officers of the Oklahoma Capitol Patrol
8 Division of the Department of Public Safety who became members of
9 the System effective July 1, 1993, any service credited under the
10 Oklahoma Public Employees Retirement System as of June 30, 1993, and
11 for all commissioned officers in the Gunsmith/Ammunition Reloader
12 Division of the Department of Public Safety who became members of
13 the System effective July 1, 1994, any service credited under the
14 Oklahoma Public Employees Retirement System as of June 30, 1994, and
15 for the park managers or park supervisors of the Oklahoma Tourism
16 and Recreation Department who were employed in such a position prior
17 to July 1, 1985, and who elect to become members of the System
18 effective September 1, 1996, any service transferred pursuant to
19 subsection C of Section 2-309.6 of this title and any service
20 purchased pursuant to subsection B of Section 2-307.2 of this title.
21 Effective August 5, 1993, an authorized leave of absence shall
22 include a period of absence pursuant to the Family and Medical Leave
23 Act of 1993;

1 11. "Disability" means a physical or mental condition which, in
2 the judgment of the Board, totally and presumably permanently
3 prevents the member from engaging in the usual and customary duties
4 of the occupation of the member and thereafter prevents the member
5 from performing the duties of any occupation or service for which
6 the member is qualified by reason of training, education or
7 experience. A person is not under a disability when capable of
8 performing a service to the employer, regardless of occupation,
9 providing the salary of the employee is not diminished thereby;

10 12. "Limitation year" means the year used in applying the
11 limitations of Section 415 of the Internal Revenue Code of 1986,
12 which year shall be the calendar year;

13 13. "Line of duty" means any action which a member whose
14 primary function is crime control or reduction or enforcement of the
15 criminal law is obligated or authorized by rule, regulations,
16 condition of employment or service, or law to perform, including
17 those social, ceremonial, or athletic functions to which the member
18 is assigned, or for which the member is compensated, by the agency
19 the member serves;

20 14. "Personal injury" or "injury" means any traumatic injury as
21 well as diseases which are caused by or result from such an injury,
22 but not occupational diseases;

23 15. "Catastrophic nature" means consequences of an injury that
24 permanently prevent an individual from performing any gainful work;

1 16. "Traumatic injury" means a wound or a condition of the body
2 caused by external force, including injuries inflicted by bullets,
3 explosives, sharp instruments, blunt objects or other physical
4 blows, chemicals, electricity, climatic conditions, infectious
5 diseases, radiation, and bacteria, but excluding stress and strain;
6 and

7 17. "Beneficiary" means the individual designated by the member
8 on a beneficiary designation form supplied by the Oklahoma Law
9 Enforcement Retirement System, or if there is no designated
10 beneficiary or if the designated beneficiary predeceases the member,
11 the estate of the member. If the member's spouse is not designated
12 as the sole primary beneficiary, the member's spouse must sign a
13 consent.

14 SECTION 30. AMENDATORY 47 O.S. 2011, Section 6-206.1, is
15 amended to read as follows:

16 Section 6-206.1. A. Driver improvement or defensive driving
17 course is a course which offers an educational setting, provides for
18 driving concepts which encourage attitude or behavioral changes in
19 the responsibility of operating a motor vehicle in a safe and
20 responsible manner.

21 B. It shall be the responsibility of the institution or
22 organization to provide:

23 1. Adequate facilities which meet or exceed state and local
24 fire, health and safety codes;

1 2. Adequate equipment, in good working order, and instructional
2 materials for such courses;

3 3. Qualified instructors who shall:

- 4 a. possess an undergraduate degree and have nine (9)
5 college or university credit hours in traffic safety
6 education, or is a peace officer certified by the
7 ~~Council on~~ Law Enforcement Education and Training
8 Division of the Department of Public Safety ~~(CLEET)~~,
- 9 b. have no alcohol or drug-related convictions or
10 revocations in the past five (5) years,
- 11 c. have no more than five (5) points accumulated on the
12 driving record in the past three (3) years in
13 accordance with the Oklahoma Mandatory Point System,
- 14 d. have a valid Oklahoma driver license, and
- 15 e. complete a course of training through the approved
16 organization or institution;

17 4. A course of study designed to inform the participant of
18 driver improvement and defensive driving concepts while encouraging
19 attitude or behavioral changes in the responsibility of operating a
20 motor vehicle in a safe and responsible manner. The curriculum,
21 which means the complete lesson plans which include instructional
22 strategy, presentation methods and resources utilized to incorporate
23 the concepts of traffic safety, must provide for but not be limited
24 to the following:

- a. driver personality traits - behavioral attitudes,
- b. driver qualifications and limitations,
- c. effects of alcohol and other drugs, and
- d. current accident prevention and defensive driving techniques: speed control, perception, reactions, lane positioning, safe turning and passing, occupant restraints, following distance and rules of the road; and

5. Provide at least six (6) hours of classroom instruction.

C. Organizations or institutions desirous of making application shall submit the following to the Department of Public Safety:

1. Evidence of organizational or institutional status which meet statutory requirements;

2. Copy of proposed course curriculum which includes lesson objectives, presentation materials, instructional strategy and resources utilized;

3. Certification that instructors meet statutory requirements; and

4. Upon Department of Public Safety approval said organization or institution shall be considered for point credits as set forth in this section.

D. The Department of Public Safety is authorized to grant a two point credit towards the Oklahoma Point System Regulations to any person who successfully completes a course pursuant to this section

1 provided only one such course shall be acknowledged once every
2 twenty-four (24) months.

3 E. The Department upon giving of notice and hearing may decline
4 to grant credit points to any organization or institution for:

5 1. Unethical conduct of an instructor or official of an
6 institution or organization;

7 2. Failure to satisfactorily resolve citizens' complaints;

8 3. Falsifying or misrepresenting any document or information to
9 the Department or student;

10 4. Failure of organization or instructor to meet statutory
11 requirements;

12 5. Conflict of interest by the organization or institution
13 and/or its personnel; or

14 6. Failure of organization, institution or instructor to
15 continue to meet statutory requirements as provided for in this
16 section.

17 F. Course enrollment will be limited to not more than thirty
18 students with an enrollment fee of Fifty Dollars (\$50.00) per
19 student.

20 G. Enrollment in the course shall not be limited to persons
21 ordered to enroll, attend and successfully complete the course.

22 H. The organization or institution shall within fifteen (15)
23 days of the completion certify to the Department of Public Safety
24 all persons who successfully complete the course on a form approved

1 or furnished by the Department. This shall include the person's
2 full name, address, date of birth and driver license number.

3 I. Department personnel shall be admitted to any course without
4 charge, upon request and display of proper credentials.

5 J. Each organization or institution shall develop auditing
6 procedures which could be utilized to show compliance with this
7 section.

8 K. Any point credit allowed must comply with the Department's
9 Point System Regulations.

10 SECTION 31. AMENDATORY 47 O.S. 2011, Section 759, as
11 last amended by Section 1, Chapter 125, O.S.L. 2015 (47 O.S. Supp.
12 2019, Section 759), is amended to read as follows:

13 Section 759. A. There is hereby re-created, to continue until
14 July 1, 2022, in accordance with the provisions of the Oklahoma
15 Sunset Law, the Board of Tests for Alcohol and Drug Influence to be
16 composed of the following members beginning July 1, 2015:

17 1. The Dean of the Oklahoma State University College of
18 Osteopathic Medicine, or a designee;

19 2. The Dean of the University of Oklahoma College of Medicine,
20 or a designee;

21 3. The Commissioner of Public Safety, or a designee;

22 4. The Director of the Oklahoma State Bureau of Investigation,
23 or a designee;

24 5. The State Commissioner of Health, or a designee;

1 6. ~~The Director of the Council on Law Enforcement Education and~~
2 ~~Training, or a designee;~~

3 7. One certified peace officer who is a member of a local law
4 enforcement agency selected by the Oklahoma Sheriffs and Peace
5 Officers Association; and

6 ~~8.~~ 7. One person selected by the Oklahoma Association of Chiefs
7 of Police.

8 Members shall serve without pay other than reimbursement of
9 necessary and actual expenses as provided in the State Travel
10 Reimbursement Act. Each member shall receive an appointment in
11 writing which shall become a permanent part of the records of the
12 Board. The chair and vice-chair shall be elected from the
13 membership of the Board every two (2) years. The Board is
14 authorized to appoint a State Director of Tests for Alcohol and Drug
15 Influence and other employees, including, but not limited to,
16 persons to conduct training and provide administrative assistance as
17 necessary for the performance of its functions, subject to available
18 funding and authorized full-time equivalent employee limitations.
19 The Board may expend appropriated funds for purposes consistent with
20 Sections 751 through 761 of this title and Sections 301 through 308
21 of Title 3 of the Oklahoma Statutes. The Legislature shall
22 appropriate funds to the Department of Public Safety for the support
23 of the Board of Tests For Alcohol and Drug Influence and its
24 employees, if any. Upon the transfer of any employees from the

1 Alcohol Drug Countermeasures Unit of the Department of Public Safety
2 to the Board of Tests For Alcohol and Drug Influence on July 1,
3 2003, all funds of the Unit appropriated and budgeted shall be
4 transferred to the Board, and may be budgeted and expended to
5 support the functions and personnel of the Board.

6 B. Collection and analysis of a person's blood, breath, saliva
7 or urine, to be considered valid and admissible in evidence, whether
8 performed by or at the direction of a law enforcement officer or at
9 the request of the tested person, shall have been performed in
10 compliance with the rules adopted by the Board of Tests for Alcohol
11 and Drug Influence and by an individual possessing a valid permit
12 issued by the Board for this purpose or shall have been performed by
13 a laboratory accredited in Toxicology by the American Society of
14 Crime Laboratory Directors/Laboratory Accreditation Board
15 (ASCLD/LAB) or accredited by the American Board of Forensic
16 Toxicology (ABFT).

17 C. The Board of Tests for Alcohol and Drug Influence is
18 authorized to approve laboratories for the analysis, provided by the
19 provisions of this title, of specimens of blood, breath, saliva and
20 urine, and to administer a program for regular monitoring of such
21 laboratories. The Board is authorized to prescribe uniform
22 standards and conditions for, and to approve satisfactory methods,
23 procedures, techniques, devices, equipment and records for tests and
24 analyses and to prescribe and approve the requisite education and

1 training for the performance of such tests and analyses. The Board
2 shall establish standards for and ascertain the qualifications and
3 competence of individuals to administer and conduct such tests and
4 analyses, and to issue permits to laboratories and to individuals
5 which shall be subject to suspension or revocation at the discretion
6 of the Board. The Board is authorized to prescribe uniform
7 standards, conditions, methods, procedures, techniques, devices,
8 equipment and records for the collection, handling, retention,
9 storage, preservation and delivery of specimens of blood, breath,
10 saliva and urine obtained for the purpose of determining the alcohol
11 concentration thereof or the presence or concentration of any other
12 intoxicating substance therein. The Board may take such other
13 actions as may be reasonably necessary or appropriate to effectuate
14 the purposes of Sections 751 through 761 of this title and Sections
15 301 through 308 of Title 3 of the Oklahoma Statutes, and may adopt,
16 amend and repeal such other rules consistent with this chapter as
17 the Board shall determine proper. Laboratories accredited in
18 Toxicology by the American Society of Crime Laboratory
19 Directors/Laboratory Accreditation Board (ASCLD/LAB) or accredited
20 by the American Board of Forensic Toxicology (ABFT) are exempt from
21 the provisions of this subsection.

22 D. The Board shall promulgate rules adopting uniform standards
23 and conditions and rules approving devices, equipment, methods,
24 procedures, techniques, and records for screening tests administered

1 for the purpose of determining the presence or concentration of
2 alcohol or any other intoxicating substance in a person's blood,
3 breath, saliva or urine. Such screening tests shall be performed in
4 compliance with the rules adopted by the Board of Tests for Alcohol
5 and Drug Influence.

6 E. The Board may set rules and charge appropriate fees for
7 operations incidental to its required duties and responsibilities.

8 F. There is hereby created in the State Treasury a revolving
9 fund for the Board of Tests for Alcohol and Drug Influence to be
10 designated the "Board of Tests for Alcohol and Drug Influence
11 Revolving Fund". The fund shall be a continuing fund, not subject
12 to fiscal year limitations, and shall consist of monies received
13 pursuant to the provisions of subsection E of this section and any
14 funds previously deposited in the Board of Tests for Alcohol and
15 Drug Influence Revolving Fund. All monies accruing to the credit of
16 the fund are hereby appropriated and may be budgeted and expended by
17 the Board of Tests for Alcohol and Drug Influence for operating
18 expenses of the Board. Expenditures from the funds shall be made
19 upon warrants issued by the State Treasurer against claims filed as
20 prescribed by law with the Director of the Office of Management and
21 Enterprise Services for approval and payment.

22 SECTION 32. AMENDATORY Section 2, Chapter 237, O.S.L.
23 2018 (47 O.S. Supp. 2019, Section 11-801e), is amended to read as
24 follows:

1 Section 11-801e. A. Notwithstanding any other provision of
2 law, any person convicted of a speeding violation of one (1) to ten
3 (10) miles per hour over the limit, pursuant to subsection B or F of
4 Section 11-801 of Title 47 of the Oklahoma Statutes, shall be
5 punished by a fine of Five Dollars (\$5.00) and costs and fees not to
6 exceed Ninety-five Dollars (\$95.00). The court clerk shall collect
7 fine, costs and fees to be directed as follows:

8 1. The sum of Thirty-three Dollars and seventy-two cents
9 (\$33.72) for each offense of which the defendant is convicted,
10 irrespective of whether the sentence is deferred, shall cover
11 docketing of the case, filing of all papers, issuance of process,
12 warrants, order and other services to the date of judgment;

13 2. The sum of Eight Dollars and eighty cents (\$8.80) shall be
14 assessed and credited to the District Attorneys Council Revolving
15 Fund to defray the cost of prosecution;

16 3. The sum of Eleven Dollars (\$11.00) shall be assessed and
17 credited to the Oklahoma Court Information System Revolving Fund
18 created pursuant to Section 1315 of Title 20 of the Oklahoma
19 Statutes;

20 4. The sum of Four Dollars and fifty cents (\$4.50) shall be
21 assessed and credited to the Sheriff's Service Fee Account in the
22 county in which the conviction occurred for the purpose of enhancing
23 existing or providing additional courthouse security;

1 5. The sum of One Dollar and thirty cents (\$1.30) shall be
2 assessed and credited to the Office of the Attorney General Victim
3 Services Unit;

4 6. The sum of One Dollar and thirty cents (\$1.30) shall be
5 assessed and credited to the Child Abuse Multidisciplinary Account;

6 7. The sum of Two Dollars and twenty-five cents (\$2.25) shall
7 be assessed and credited to the Sheriff's Service Fee Account of the
8 sheriff of the county in which the arrest was made;

9 8. The sum of Four Dollars and fifty cents (\$4.50) shall be
10 assessed and credited to the ~~Council on~~ Law Enforcement Education
11 and Training Division of the Department of Public Safety ~~(CLEET)~~
12 Fund;

13 9. The sum of Four Dollars and fifty cents (\$4.50) shall be
14 assessed. Four Dollars and ten cents (\$4.10) of each fee received
15 pursuant to this paragraph shall be credited to the A.F.I.S. Fund
16 created by Section 150.25 of Title 74 of the Oklahoma Statutes and
17 the balance deposited into the General Revenue Fund by the court
18 clerk. The payments shall be made to the appropriate fund by the
19 court clerk on a monthly basis as set forth by subsection I of
20 Section 1313.2 of Title 20 of the Oklahoma Statutes;

21 10. The sum of Four Dollars and fifty cents (\$4.50) shall be
22 assessed. Four Dollars and twenty-eight cents (\$4.28) of each fee
23 received pursuant to this paragraph shall be collected and sent to
24 the Oklahoma State Bureau of Investigation for deposit into the

1 Forensic Science Improvement Revolving Fund created by Section
2 150.35 of Title 74 of the Oklahoma Statutes. The balance shall be
3 retained by the municipal court clerk;

4 11. The sum of Nine Dollars (\$9.00) shall be assessed and
5 forwarded monthly in one check or draft to the Department of Public
6 Safety to be deposited in the Department of Public Safety Patrol
7 Vehicle Revolving Fund;

8 12. Pursuant to subsection C of Section 220 of Title 19 of the
9 Oklahoma Statutes, the court clerk shall assess an administrative
10 fee of ten percent (10%) on fees assessed in paragraphs 2, 4, 5, 6,
11 8, 9, 10 and 11 of this subsection which shall be deposited in the
12 Court Clerk's Revolving Fund;

13 13. Pursuant to subsection D of Section 220 of Title 19 of the
14 Oklahoma Statutes, the court clerk shall assess an administrative
15 fee of fifteen percent (15%) on fees assessed in paragraphs 2, 4, 5,
16 6, 8, 9, 10 and 11 of this subsection and shall be deposited in the
17 District Court Revolving Fund.

18 B. Provisions of this section shall remain in effect until
19 November 1, 2020.

20 SECTION 33. AMENDATORY 47 O.S. 2011, Section 1135.2, as
21 last amended by Section 1, Chapter 434, O.S.L. 2019 (47 O.S. Supp.
22 2019, Section 1135.2), is amended to read as follows:

23 Section 1135.2. A. The Oklahoma Tax Commission is hereby
24 authorized to design and issue appropriate official special license
25

1 plates to persons in recognition of their service or awards as
2 provided by this section.

3 Special license plates shall not be transferred to any other
4 person but shall be removed from the vehicle upon transfer of
5 ownership and retained. The special license plate may then be used
6 on another vehicle but only after such other vehicle has been
7 registered for the current year.

8 Special license plates shall be renewed each year by the Tax
9 Commission or a motor license agent. The Tax Commission shall
10 annually notify by mail all persons issued special license plates.
11 The notice shall contain all necessary information and shall contain
12 instructions for the renewal procedure upon presentation to a motor
13 license agent or the Tax Commission. The license plates shall be
14 issued on a staggered system except for legislative plates and
15 amateur radio operator license plates.

16 The Tax Commission is hereby directed to develop and implement a
17 system whereby motor license agents are permitted to accept
18 applications for special license plates authorized under this
19 section. The motor license agent shall confirm the applicant's
20 eligibility, if applicable, collect and deposit any amount
21 specifically authorized by law, accept and process the necessary
22 information directly into such system and generate a receipt
23 accordingly. For performance of these duties, motor license agents
24 shall retain the fee provided in Section 1141.1 of this title for

1 registration of a motor vehicle. The motor license agent fees for
2 acceptance of applications and renewals shall be paid out of the
3 Oklahoma Tax Commission Reimbursement Fund.

4 B. The special license plates provided by this section are as
5 follows:

6 1. Prisoner of War License Plates - such plates shall be
7 designed for honorably discharged or present members of the United
8 States Armed Forces and civilians who were former prisoners of war
9 held by a foreign country and who can provide proper certification
10 of that status. Such persons may apply for a prisoner of war
11 license plate for no more than two vehicles with each vehicle having
12 a rated carrying capacity of one (1) ton or less. The surviving
13 spouse of any deceased former prisoner of war, if the spouse has not
14 since remarried, or if remarried, the remarriage is terminated by
15 death, divorce, or annulment, may apply for a prisoner of war
16 license plate for one vehicle with a rated carrying capacity of one
17 (1) ton or less. The fee provided by this section for the special
18 license plate authorized by this paragraph shall be in addition to
19 all other registration fees provided by law, except the registration
20 fees levied by Section 1132 of this title;

21 2. National Guard License Plates - such plates shall be
22 designed for active or retired members of the Oklahoma National
23 Guard. Retirees who are eligible for such plates shall provide
24

1 proof of eligibility upon initial application, but shall not be
2 required to provide proof of eligibility annually;

3 3. Air National Guard License Plates - such plates shall be
4 designed for active or retired members of the Oklahoma Air National
5 Guard. Retirees who are eligible for such plates shall provide
6 proof of eligibility upon initial application, but shall not be
7 required to provide proof of eligibility annually;

8 4. United States Armed Forces - such plates shall be designed
9 for active, retired, former or reserve members of the United States
10 Armed Forces, and shall identify which branch of service, and carry
11 the emblem and name of either the Army, Navy, Air Force, Marines or
12 Coast Guard, according to the branch of service to which the member
13 belongs or did belong. Former members who have been dishonorably
14 discharged shall not be eligible for such plates. Persons applying
15 for such license plate must show proof of present or past military
16 service by presenting a valid Uniformed Services Identity Card or
17 the United States Department of Defense Form (DD)214. Retired or
18 former members who are eligible for such plates shall provide proof
19 of eligibility upon initial application, but shall not be required
20 to provide proof of eligibility annually;

21 5. Congressional Medal of Honor Recipient License Plates - such
22 plates shall be designed for any resident of this state who has been
23 awarded the Congressional Medal of Honor. Such persons may apply
24 for a Congressional Medal of Honor recipient license plate for each
25

1 vehicle with a rated carrying capacity of one (1) ton or less.

2 There shall be no registration fee for the issuance of this plate;

3 6. Missing In Action License Plates - such plates shall be
4 designed to honor members of the United States Armed Forces who are
5 missing in action. The spouse of such missing person, if the spouse
6 has not since remarried, or if remarried, the remarriage is
7 terminated by death, divorce, or annulment, and each parent of the
8 missing person may apply for a missing in action license plate upon
9 presenting proper certification that the person is missing in action
10 and that the person making the application is the qualifying spouse
11 or the parent of the missing person. The qualifying spouse and each
12 parent of the missing person may each apply for the missing in
13 action license plate for each vehicle with a rated carrying capacity
14 of one (1) ton or less;

15 7. Purple Heart Recipient License Plates - such plates shall be
16 designed for any resident of this state presenting proper
17 certification from the United States Department of Veterans Affairs
18 or the Armed Forces of the United States certifying that such
19 resident has been awarded the Purple Heart military decoration.
20 Such persons may apply for a Purple Heart recipient license plate
21 for vehicles having a rated carrying capacity of one (1) ton or
22 less. The surviving spouse of any deceased veteran who has been
23 awarded the Purple Heart military decoration, if such spouse has not
24 since remarried, or if remarried, the remarriage has been terminated

1 by death, divorce or annulment, may apply for such plate for one
2 vehicle with a rated carrying capacity of one (1) ton or less. The
3 license plate created by this paragraph shall be exempt from the fee
4 provided by this section for special license plates;

5 8. Pearl Harbor Survivor License Plates - such plates shall be
6 designed for any resident of this state who can be verified by the
7 United States Department of Veterans Affairs or the Armed Forces of
8 the United States as being:

- 9 a. a member of the United States Armed Forces on December
10 7, 1941,
11 b. stationed on December 7, 1941, during the hours of
12 7:55 a.m. to 9:45 a.m. Hawaii time at Pearl Harbor,
13 the island of Oahu, or offshore at a distance not to
14 exceed three (3) miles, and
15 c. a recipient of an honorable discharge from the United
16 States Armed Forces.

17 Such person may apply for a Pearl Harbor Survivor license plate
18 for each vehicle with a rated carrying capacity of one (1) ton or
19 less;

20 9. Iwo Jima License Plates - such plates shall be designed for
21 any resident of this state who can be verified by the United States
22 Department of Veterans Affairs or the Armed Forces of the United
23 States as being:

- 1 a. a member of the United States Armed Forces in February
- 2 of 1945,
- 3 b. stationed in February of 1945 on or in the immediate
- 4 vicinity of the island of Iwo Jima, and
- 5 c. a recipient of an honorable discharge from the United
- 6 States Armed Forces.

7 Such person may apply for an Iwo Jima license plate for each
8 vehicle with a rated carrying capacity of one (1) ton or less.

9 Such license plate shall have the legend "Oklahoma OK" and shall
10 contain three letters and three numbers. Between the letters and
11 numbers shall be a logo of the flag-raising at Iwo Jima. Below the
12 letters, logo and numbers, the plate shall contain the words "FEB."
13 at the left, "Iwo Jima" in the center and "1945" at the right. Such
14 plates shall not be subject to the design requirements of any other
15 license plates prescribed by law other than the space for the
16 placement of the yearly decals for each succeeding year of
17 registration after the initial issue;

18 10. D-Day Survivor License Plates - such plates shall be
19 designed for any resident of this state who can be verified by the
20 United States Department of Veterans Affairs or the Armed Forces of
21 the United States as being:

- 22 a. a member of the United States Armed Forces on June 6,
- 23 1944,
- 24

- 1 b. a participant in the Allied invasion of the coast of
2 Normandy on June 6, 1944; provided, if such
3 participation cannot be verified by the United States
4 Department of Veterans Affairs or the Armed Forces of
5 the United States, the Tax Commission may, in its
6 discretion, accept evidence of such participation from
7 the person applying for the license plate, and
8 c. a recipient of an honorable discharge from the United
9 States Armed Forces.

10 Such person may apply for a D-Day Survivor license plate for
11 each vehicle with a rated carrying capacity of one (1) ton or less;

12 11. Killed in Action License Plates - such plates shall be
13 designed to honor members of the United States Armed Forces who were
14 killed in action. The spouse of the deceased person, if the spouse
15 has not remarried, or if remarried, the remarriage is terminated by
16 death, divorce, or annulment, may apply for a killed in action
17 license plate upon presenting proper certification that the person
18 was killed in action and that the person making the application is
19 the qualifying spouse of the deceased person. The qualifying spouse
20 may apply for a killed in action license plate for no more than two
21 vehicles with each vehicle with a rated carrying capacity of one (1)
22 ton or less. The fee provided by this section for the special
23 license plate authorized by this paragraph shall be in addition to
24

1 all other registration fees provided by law, except the registration
2 fees levied by Section 1132 of this title;

3 12. Gold Star Parents License Plates - such plates shall be
4 designed to honor members of the United States Armed Forces who were
5 killed during a war. The parents of the deceased person may apply
6 for a gold star license plate upon presenting proper certification
7 that the person was killed during a war and that the person making
8 the application is the parent of the deceased person. The parent
9 may apply for a gold star parent license plate for no more than two
10 vehicles with each vehicle having a rated carrying capacity of one
11 (1) ton or less. The fee provided by this section for the special
12 license plate authorized by this paragraph shall be in addition to
13 all other registration fees provided by law, except the registration
14 fees levied by Section 1132 of this title;

15 13. Military Decoration License Plates - such plates shall be
16 designed for any resident of this state who has been awarded the
17 Distinguished Service Medal, the Distinguished Service Cross, the
18 Distinguished Flying Cross, the Bronze Star military decoration or
19 the Silver Star military decoration. Such persons may apply for a
20 military decoration license plate for each vehicle with a rated
21 carrying capacity of one (1) ton or less;

22 14. Vietnam Veteran License Plates - such plates shall be
23 designed for honorably discharged or present members of the United
24 States Armed Forces who served in the Vietnam Conflict. Such

1 persons may apply for a Vietnam veteran license plate for each
2 vehicle with a rated carrying capacity of one (1) ton or less;

3 15. Police Officer License Plates - such plates shall be
4 designed for any currently employed, reserve or retired municipal
5 police officer or full-time, reserve or retired university police
6 officer certified by the ~~Council on~~ Law Enforcement Education and
7 Training Division of the Department of Public Safety or common
8 education police officer certified by the ~~Council on~~ Law Enforcement
9 Education and Training Division of the Department of Public Safety.

10 Police officers may apply for police officer license plates for
11 vehicles with a rated capacity of one (1) ton or less or for a
12 motorcycle upon proof of employment by or retirement from a
13 municipal, university or common education police department by
14 either an identification card or letter from the chief of the police
15 department or the Oklahoma Police Pension and Retirement Board.

16 Retirees who are eligible for such plates shall provide proof of
17 eligibility upon initial application, but shall not be required to
18 provide proof of eligibility annually. The license plates shall be
19 designed in consultation with municipal police departments of this
20 state; provided, the license plate for motorcycles may be of similar
21 design to the license plate for motor vehicles or may be a new
22 design in order to meet space requirements for a motorcycle license
23 plate;

1 16. World War II Veteran License Plates - such plates shall be
2 designed to honor honorably discharged former members of the United
3 States Armed Forces who are residents of this state and who can be
4 verified by the Oklahoma Military Department, the Department of
5 Veterans Affairs or the Armed Forces of the United States as having
6 served on federal active duty anytime during the period from
7 September 16, 1940, to December 7, 1945. The former members may
8 apply for a World War II Veteran license plate for vehicles with a
9 rated carrying capacity of one (1) ton or less.

10 The license plate shall have the legend "Oklahoma" and shall
11 contain, in the center of the plate, either the Thunderbird Insignia
12 of the 45th Infantry Division in the prescribed red and gold
13 coloring or the emblem of the Army, Navy, U.S. Army Air Corps,
14 Marines or Coast Guard according to the branch of service to which
15 the member belonged. For the purpose of license plate
16 identification, the plate shall contain four digits, two digits at
17 the left and two digits at the right of the insignia or emblem.
18 Centered on the bottom of the license plate shall be the words
19 "WORLD WAR II";

20 17. Korean War Veteran License Plates - such plates shall be
21 designed to honor honorably discharged former members of the United
22 States Armed Forces who are residents of this state and who can be
23 verified by the Oklahoma Military Department, the Department of
24 Veterans Affairs or the Armed Forces of the United States as having

1 served on federal active duty anytime during the period from June
2 27, 1950, to January 31, 1955, both dates inclusive. The former
3 members may apply for a Korean War Veteran license plate for
4 vehicles with a rated carrying capacity of one (1) ton or less.

5 The license plate shall have the legend "OKLAHOMA" and shall
6 contain, in the center of the plate, either the Thunderbird Insignia
7 of the 45th Infantry Division in the prescribed red and gold
8 coloring or the emblem of the Army, Navy, Air Force, Marines or
9 Coast Guard according to the branch of service to which the member
10 belonged. For the purpose of license plate identification, the
11 plate shall contain four digits, two digits at the left and two
12 digits at the right of the insignia or emblem. Centered on the
13 bottom of the license plate shall be the word "KOREA";

14 18. Municipal Official License Plates - such plates shall be
15 designed for persons elected to a municipal office in this state and
16 shall designate the name of the municipality and the district or
17 ward in which the municipal official serves. The plates shall only
18 be produced upon application;

19 19. Red Cross Volunteer License Plates - such plates shall be
20 designed to honor American Red Cross volunteers and staff who are
21 residents of this state. Such persons must present an
22 identification card issued by the American Red Cross and bearing a
23 photograph of the person. The license plate shall be designed with
24 the assistance of the American Red Cross and shall have the legend

1 "Oklahoma OK!" in the color Pantone 186C Red. Below the legend the
2 symbol of the American Red Cross and no more than three letters and
3 three numbers shall be in the color Pantone 186C Red. Below the
4 symbol and letters and numbers shall be the words "American Red
5 Cross" in black. The plates shall not be subject to the design
6 requirements of any other license plates prescribed by law other
7 than the space for the placement of the yearly decals for each
8 succeeding year of registration after the initial issue;

9 20. Desert Storm License Plates - such plates shall be designed
10 and issued to any honorably discharged or present member of the
11 United States Armed Forces who served in the Persian Gulf Crisis and
12 the Desert Storm operation. Such persons may apply for a Desert
13 Storm license plate for each vehicle with a rated carrying capacity
14 of one (1) ton or less;

15 21. Military Reserve Unit License Plates - such plates shall be
16 designed and issued to any honorably discharged or present member of
17 a reserve unit of the United States Armed Forces. Such persons may
18 apply for a Military Reserve Unit license plate for each vehicle
19 with a rated carrying capacity of one (1) ton or less;

20 22. Oklahoma City Bombing Victims and Survivors License Plates
21 - such plates shall be designed and issued to any victim or survivor
22 of the bombing attack on the Alfred P. Murrah Federal Building in
23 downtown Oklahoma City on April 19, 1995;

1 23. Civil Air Patrol License Plates - such plates shall be
2 designed and issued to any person who is a member of the Civil Air
3 Patrol. Such persons may apply for a Civil Air Patrol license plate
4 for each vehicle with a rated carrying capacity of one (1) ton or
5 less upon proof of membership in the Civil Air Patrol. The license
6 plate shall be designed in consultation with the Civil Air Patrol;

7 24. Ninety-Nines License Plates - such plates shall be designed
8 and issued to members of the Ninety-Nines. Persons applying for
9 such license plate must show proof of membership in the Ninety-
10 Nines. The license plates shall be designed in consultation with
11 the Ninety-Nines;

12 25. Combat Infantryman Badge License Plates - such plates shall
13 be designed to honor recipients of the Combat Infantryman Badge.
14 The plate shall have the legend "Oklahoma OK". Below the legend
15 shall be the Combat Infantryman Badge and three numbers. Below the
16 badge and the numbers shall be the words "Combat Infantryman Badge".
17 Such persons may apply for a Combat Infantryman Badge license plate
18 for each vehicle with a rated carrying capacity of one (1) ton or
19 less;

20 26. Somalia Combat Veterans License Plates - such plates shall
21 be designed and issued to any honorably discharged or present member
22 of the United States Armed Forces who saw combat in the United
23 Nations relief effort. Such persons may apply for a Somalia Combat
24

1 Veteran license plate for each vehicle with a rated carrying
2 capacity of one (1) ton or less;

3 27. Police Chaplain License Plates - such plates shall be
4 designed and issued to members of the International Conference of
5 Police Chaplains (ICPC) who have completed the ICPC requirements for
6 basic certification as a police chaplain. The license plates shall
7 be designed in consultation with the ICPC;

8 28. Joint Service Commendation Medal License Plates - such
9 plates shall be designed and issued to any resident of this state
10 who has been awarded the Joint Service Commendation Medal by the
11 United States Secretary of Defense;

12 29. Merchant Marine License Plates - such plates shall be
13 designed, subject to criteria to be presented to the Tax Commission
14 by the Oklahoma Department of Veterans Affairs, and issued to any
15 person who during combat was a member of the Merchant Marines as
16 certified by the Oklahoma Department of Veterans Affairs. Such
17 license plate may be issued for each vehicle with a rated carrying
18 capacity of one (1) ton or less;

19 30. Legislative License Plates - such plates shall be designed
20 for persons elected to the Oklahoma Legislature and shall designate
21 the house of the Legislature in which the legislator serves and the
22 district number;

23 31. Disabled Veterans License Plates - such plates shall be
24 designed for persons presenting proper certification from the United

1 States Department of Veterans Affairs or the Armed Forces of the
2 United States certifying such veteran has a service-connected
3 disability rating of fifty percent (50%) or more, regardless which
4 agency pays the disability benefits, or that such veteran has been
5 awarded a vehicle by the United States government or receives a
6 grant from the United States Department of Veterans Affairs for the
7 purchase of an automobile due to a service-connected disability
8 rating or due to the loss of use of a limb or an eye. Such persons
9 may apply to the Tax Commission for a disabled veterans license
10 plate or to a motor license agent for a regular license plate for no
11 more than two vehicles with each vehicle having a rated carrying
12 capacity of one (1) ton or less. The surviving spouse of any
13 deceased disabled veteran, if the spouse has not since remarried, or
14 if remarried, the remarriage is terminated by death, divorce, or
15 annulment, or a surviving spouse in receipt of Dependency and
16 Indemnity Compensation from the United States Department of Veterans
17 Affairs, may apply for a disabled veterans license plate for one
18 vehicle with a rated carrying capacity of one (1) ton or less. The
19 fee provided by this section for the special license plate
20 authorized by this paragraph shall be in addition to all other
21 registration fees provided by law, except the registration fees
22 levied by Section 1132 of this title. The total expense of this
23 license plate shall not exceed Five Dollars (\$5.00).

1 If the person qualifies for a disabled veterans license plate
2 and is also eligible for a physically disabled placard under the
3 provisions of Section 15-112 of this title, the person shall be
4 eligible to receive a disabled veterans license plate that also
5 displays the international accessibility symbol, which is a stylized
6 human figure in a wheelchair. Upon the death of the disabled
7 veteran with a disabled veterans license plate with the
8 international accessibility symbol, the plate shall be returned to
9 the Tax Commission;

10 32. United States Air Force Association License Plates - such
11 plates shall be designed for members of the United States Air Force
12 Association. Persons applying for such license plate must show
13 proof of membership in the Association. The license plates shall be
14 designed in consultation with the Association;

15 33. Oklahoma Military Academy Alumni License Plates - such
16 plates shall be designed and issued to any resident of this state
17 who is an alumnus of the Oklahoma Military Academy. Such persons
18 may apply for an Oklahoma Military Academy Alumnus license plate for
19 each vehicle with a rated carrying capacity of one (1) ton or less.
20 The license plates shall be designed in consultation with the
21 Oklahoma Military Academy and shall contain the shield of the
22 Academy;

23 34. Amateur Radio Operator License Plates - such plates shall
24 be designed and issued to any person, holding a valid operator's
25

1 license, technician class or better, issued by the Federal
2 Communications Commission, and who is also the owner of a motor
3 vehicle currently registered in Oklahoma, in which has been
4 installed amateur mobile transmitting and receiving equipment.
5 Eligible persons shall be entitled to two special vehicle
6 identification plates as herein provided. Application for such
7 identification plates shall be on a form prescribed by the Tax
8 Commission and the plates issued to such applicant shall have
9 stamped thereon the word "Oklahoma" and bear the official call
10 letters of the radio station assigned by the Federal Communications
11 Commission to the individual amateur operator thereof. All
12 applications for such plates must be made to the Tax Commission on
13 or before the first day of October of any year for such plates for
14 the following calendar year and must be accompanied by the fee
15 required in this section together with a certificate, or such other
16 evidence as the Tax Commission may require, of proof that applicant
17 has a valid technician class or better amateur operator's license
18 and proof of applicant's ownership of a vehicle in which radio
19 receiving and transmitting equipment is installed. Applicants shall
20 only be entitled to one set of special identification plates in any
21 one (1) year, and such calendar year shall be stamped thereon. The
22 right to such special identification plates herein provided for
23 shall continue until the amateur radio operator's license of the
24 person to whom such plates are issued expires or is revoked;

1 35. American Legion License Plates - such plates shall be
2 designed for members of the American Legion. Persons applying for
3 such license plate must show proof of membership. The license
4 plates shall be designed in consultation with the American Legion of
5 Oklahoma;

6 36. Deputy Sheriff License Plates - such plates shall be
7 designed for any currently employed or retired county sheriff or
8 deputy sheriff. County sheriffs or deputy sheriffs may apply for
9 such plates for vehicles with a rated capacity of one (1) ton or
10 less upon proof of employment by or retirement from a county
11 sheriff's office by either an identification card or letter from the
12 county sheriff or a government-sponsored retirement board from which
13 the county sheriff or deputy sheriff may be receiving a pension.
14 Retirees who are eligible for such plates shall provide proof of
15 eligibility upon initial application, but shall not be required to
16 provide proof of eligibility annually. The license plates shall be
17 designed in consultation with the county sheriff offices of this
18 state;

19 37. Gold Star Surviving Spouse License Plates - such plates
20 shall be designed to honor the surviving spouses and children of
21 qualified veterans. As used in this paragraph, "qualified veteran"
22 shall mean:

- 23 a. any person honorably discharged from any branch of the
24 United States Armed Forces or as a member of the
25

1 Oklahoma National Guard, who died as a direct result
2 of the performance of duties for any branch of the
3 United States Armed Forces or Oklahoma National Guard
4 while on active military duty, or

- 5 b. any person honorably discharged from any branch of the
6 United States Armed Forces or as a member of the
7 Oklahoma National Guard, who died as a result of
8 injury, illness or disease caused by the performance
9 of such duties while on active duty, whether the death
10 occurred while on active duty or after the honorable
11 discharge of such person.

12 The fee provided by this section for the special license plate
13 authorized by this paragraph shall be in addition to all other
14 registration fees provided by law, except the registration fees
15 levied by Section 1132 of this title;

16 38. Korea Defense Service Medal License Plates - such plates
17 shall be designed and issued to any resident of this state who has
18 been awarded the Korea Defense Service Medal by the United States
19 Secretary of Defense. Such persons may apply for a Korea Defense
20 Service Medal license plate for each vehicle with a rated carrying
21 capacity of one (1) ton or less;

22 39. 180th Infantry License Plates - such plates shall be
23 designed for members and prior members of the 180th Infantry.
24 Persons applying for such license plate must obtain and provide

1 proof of their membership from the 180th Infantry Association. The
2 license plates shall be designed in consultation with the 180th
3 Infantry;

4 40. Operation Iraqi Freedom Veteran License Plates - such
5 plates shall be designed and issued to any honorably discharged or
6 present member of the United States Armed Forces who served in
7 Operation Iraqi Freedom. Such person may apply for an Operation
8 Iraqi Freedom Veteran license plate for each vehicle with a rated
9 carrying capacity of one (1) ton or less, or for a motorcycle;
10 provided, the license plate for motorcycles may be of similar design
11 to the license plate for motor vehicles or may be a new design in
12 order to meet space requirements for a motorcycle license plate;

13 41. United States Air Force Academy Alumni License Plates -
14 such plates shall be designed and issued to any resident of this
15 state who is an alumnus of the United States Air Force Academy.
16 Such persons may apply for a United States Air Force Academy Alumnus
17 license plate for each vehicle with a rated carrying capacity of one
18 (1) ton or less;

19 42. Operation Enduring Freedom Veteran License Plate - such
20 plates shall be designed and issued to any honorably discharged or
21 present member of the United States Armed Forces who served in
22 Operation Enduring Freedom on or after September 11, 2001. The
23 license plate shall be designed in consultation with the Military
24 Department of the State of Oklahoma. Such person may apply for an

1 Operation Enduring Freedom Veteran license plate for each vehicle
2 with a rated carrying capacity of one (1) ton or less, or for a
3 motorcycle; provided, the license plate for motorcycles may be of
4 similar design to the license plate for motor vehicles or may be a
5 new design in order to meet space requirements for a motorcycle
6 license plate;

7 43. Military Multi-Decoration License Plate - such plates shall
8 be designed and issued to any honorably discharged or present member
9 of the United States Armed Forces who qualifies for more than one
10 military decoration license plate pursuant to the provisions of this
11 section. The Tax Commission shall develop and implement a system
12 whereby the designs of the eligible license plates can be included
13 together on a single license plate. Such person may apply for a
14 Military Multi-Decoration license plate for each vehicle with a
15 rated carrying capacity of one (1) ton or less;

16 44. Global War on Terror Expeditionary License Plate - such
17 plates shall be designed and issued to any honorably discharged or
18 present member of the United States Armed Forces who has earned a
19 Global War on Terror Expeditionary decoration. The license plate
20 shall be designed in consultation with the United States Institute
21 of Heraldry and the Military Department of the State of Oklahoma.
22 Such person may apply for a Global War on Terror Expeditionary
23 license plate for each vehicle with a rated carrying capacity of one
24 (1) ton or less;

1 45. Legion of Merit Medal Recipient License Plates - such
2 plates shall be designed for any resident of this state presenting
3 proper certification from the United States Department of Veterans
4 Affairs or the Armed Forces of the United States certifying that
5 such resident has been awarded the Legion of Merit military
6 decoration. Such persons may apply for a Legion of Merit recipient
7 license plate for vehicles having a rated carrying capacity of one
8 (1) ton or less. The license plate shall be designed in
9 consultation with the Military Department of the State of Oklahoma;

10 46. 1-179th License Plates - such plates shall be designed for
11 members, prior members and members of the household of a member or
12 former member of the 1-179th Infantry. Persons applying for such
13 license plate must obtain and provide proof of their membership
14 association with the 1-179th Infantry Association. The license
15 plate shall be designed in consultation with the 1-179th Infantry;

16 47. 2-179th License Plates - such plates shall be designed for
17 members, prior members and members of the household of a member or
18 former member of the 2-179th Infantry. Persons applying for such
19 license plate must obtain and provide proof of their membership
20 association with the 2-179th Infantry Association. The license
21 plate shall be designed in consultation with the 2-179th Infantry;

22 48. Combat Action Ribbon Recipient License Plates - such plates
23 shall be designed to honor recipients of the Combat Action Ribbon
24 who present proper certification from the United States Department

1 of the Navy. The license plate shall include the Combat Action
2 Ribbon earned by the recipient. Such persons may apply for a Combat
3 Action Ribbon Recipient license plate for vehicles having a rated
4 carrying capacity of one (1) ton or less;

5 49. Oklahoma Submarine Veterans License Plate - such plates
6 shall be designed for any resident of this state who is a United
7 States submarine veteran and presents either a Department of Defense
8 form 214 or other documentation certifying such service. Such
9 persons may apply for an Oklahoma Submarine Veterans license plate
10 for vehicles having a rated capacity of one (1) ton or less. The
11 license plate design shall include both gold and silver dolphins to
12 represent both officer and enlisted service members;

13 50. United States Navy Seabees and Civil Engineer Corps License
14 Plate - such plates shall be designed and issued to any honorably
15 discharged or present member of the United States Navy Seabees or
16 Civil Engineer Corps. Such persons may apply for a United States
17 Navy Seabees and Civil Engineer Corps license plate for vehicles
18 having a rated carrying capacity of one (1) ton or less. The
19 license plate shall be designed in consultation with the Military
20 Department of the State of Oklahoma;

21 51. Combat Action Badge Recipient License Plate - such plates
22 shall be designed to honor recipients of the Combat Action Badge who
23 present proper certification from the United States Army. The
24 license plate shall include the Combat Action Badge earned by the

1 recipient. Such persons may apply for a Combat Action Badge
2 Recipient license plate for vehicles having a rated carrying
3 capacity of one (1) ton or less, or for a motorcycle; provided, the
4 license plate for motorcycles may be of similar design to the
5 license plate for motor vehicles or may be a new design in order to
6 meet space requirements for a motorcycle license plate;

7 52. Iraq Combat Veteran License Plate - such plates shall be
8 designed and issued to any honorably discharged or present member of
9 the United States Armed Forces who saw combat in Operation Iraqi
10 Freedom. Such persons may apply for an Iraq Combat Veteran license
11 plate for each vehicle with a rated carrying capacity of one (1) ton
12 or less, or for a motorcycle; provided, the license plate for
13 motorcycles may be of similar design to the license plate for motor
14 vehicles or may be a new design in order to meet space requirements
15 for a motorcycle license plate;

16 53. Afghanistan Combat Veteran License Plate - such plates
17 shall be designed and issued to any honorably discharged or present
18 member of the United States Armed Forces who saw combat in Operation
19 Enduring Freedom. Such persons may apply for an Afghanistan Combat
20 Veteran license plate for each vehicle with a rated carrying
21 capacity of one (1) ton or less, or for a motorcycle; provided, the
22 license plate for motorcycles may be of similar design to the
23 license plate for motor vehicles or may be a new design in order to
24 meet space requirements for a motorcycle license plate; and

1 54. Special Forces Association - such plates shall be designed
2 and issued to any honorably discharged or present member of the Army
3 Special Forces qualified and authorized to wear upon the person's
4 United States military uniform the Army Special Forces Tab. Persons
5 applying for the Special Forces Association license plate must
6 provide a copy of the orders awarding the Special Forces Tab or
7 authorizing its wear upon a United States military uniform. The
8 license plate shall be designed in consultation with the Special
9 Forces Association, Chapter 32-50. The Tax Commission shall produce
10 up to two distinct designs for the Special Forces Association
11 license plate. Qualified persons may select one design at the time
12 of application. The plates shall be issued to any qualified person
13 in any combination of numbers and letters from one to a maximum of
14 seven, as for personalized license plates.

15 C. Unless otherwise provided by this section, the fee for such
16 plates shall be Eight Dollars (\$8.00) and shall be in addition to
17 all other registration fees provided by the Oklahoma Vehicle License
18 and Registration Act. Such fees shall be deposited in the Oklahoma
19 Tax Commission Reimbursement Fund to be used for the administration
20 of the Oklahoma Vehicle License and Registration Act.

21 SECTION 34. AMENDATORY 57 O.S. 2011, Section 510, as
22 last amended by Section 1, Chapter 279, O.S.L. 2018 (57 O.S. Supp.
23 2019, Section 510), is amended to read as follows:
24

1 Section 510. A. The Director of the Department of Corrections
2 shall have the following specific powers and duties relating to the
3 penal institutions:

4 1. To appoint, subject to the approval of the State Board of
5 Corrections, a warden for each penal institution;

6 2. To fix the duties of the wardens and to appoint and fix the
7 duties and compensation of such other personnel for each penal
8 institution as may be necessary for the proper operation thereof.

9 However, correctional officers hired after November 1, 1995, shall
10 be subject to the following qualifications:

11 a. the minimum age for service shall be twenty (20) years
12 of age. The Director shall have the authority to
13 establish the maximum age for correctional officers
14 entering service,

15 b. possession of a minimum of thirty (30) semester hours
16 from an accredited college or university, or
17 possession of a high school diploma acquired from an
18 accredited high school or GED equivalent testing
19 program,

20 c. satisfactory completion of minimum testing or
21 professional evaluation through the Merit System of
22 Personnel Administration to determine the fitness of
23 the individual to serve in the position. All written
24

1 evaluations shall be submitted to the Department of
2 Corrections, and

3 d. satisfactory completion of a physical in keeping with
4 the conditions of the job description on an annual
5 basis and along the guidelines as established by the
6 Department of Corrections;

7 3. The Director shall designate as correctional peace officers,
8 correctional officers who are employed in job classifications of
9 correctional security officer, correctional security manager,
10 correctional chief of security and chief of security upon
11 satisfactory completion of a basic course of instruction for
12 correctional officers, as provided for in paragraph 4 of this
13 subsection. The peace officer authority of employees designated as
14 correctional peace officers shall be limited to: maintaining
15 custody of prisoners; preventing attempted escapes; pursuing,
16 recapturing and incarcerating escapees and parole or probation
17 violators and arresting such escapees, parole or probation
18 violators; serving warrants; carrying firearms; preventing
19 contraband from entering any penal institutions; arresting
20 individuals who commit crimes at any penal institution; and
21 performing any duties specifically required for the job
22 descriptions. Such powers and duties of correctional peace officers
23 may be exercised for the purpose of maintaining custody, security,
24 and control of any prisoner being transported inside and outside

1 this state as authorized by the Uniform Criminal Extradition Act and
2 the Interstate Corrections Compact. The Director may implement
3 policies that place additional limitations on the authority of
4 correctional peace officers. The Director shall issue an
5 identification card to each correctional peace officer that
6 identifies the person as a correctional peace officer and grants the
7 person the authority to carry a firearm and make arrests pursuant to
8 this paragraph. Should a correctional peace officer terminate
9 employment for any reason, fail to remain qualified as a
10 correctional peace officer or for reasons stated in policies of the
11 Department, the correctional peace officer shall return the
12 identification card to the supervisor of the correctional peace
13 officer immediately;

14 4. To develop and implement, upon approval of the State Board
15 of Corrections, a basic course of instruction for correctional
16 officers that consists of a training academy that provides not less
17 than two hundred (200) hours of core curriculum instruction and a
18 firearms training program that provides not less than twenty (20)
19 hours of instruction. The basic course of instruction shall be
20 subject to the following:

- 21 a. the minimum qualifying score that must be shot to pass
22 the firearms training program shall be equal to the
23 minimum qualifying score required by the ~~Council on~~

1 Law Enforcement Education and Training Division of the
2 Department of Public Safety for peace officers, and

3 b. the Director may waive any number of hours or courses
4 required to complete the basic course of instruction
5 for any person who, in the opinion of the Director,
6 has received sufficient training or experience that
7 such hours of instruction would be unduly burdensome
8 or duplicative; however, completion of the firearms
9 training program shall not be waived;

10 5. To develop and implement annual in-service training for
11 correctional officers that consists of at least forty (40) hours of
12 continued corrections education and annual recertification of
13 firearms proficiency. The minimum qualifying score that must be
14 shot to requalify for recertification of firearms proficiency shall
15 be equal to the minimum qualifying score required by the ~~Council on~~
16 Law Enforcement Education and Training Division of the Department of
17 Public Safety for the requalification of peace officers;

18 6. To require any person employed as a correctional security
19 officer, correctional security manager, correctional chief of
20 security and chief of security to remain qualified as a correctional
21 peace officer. Any correctional peace officer who is unable to
22 remain qualified as a correctional peace officer may be offered an
23 available position within the Department in the same or lesser pay
24

1 grade for which the employee is eligible, or the employee may be
2 terminated;

3 7. To authorize other employees of the Department to carry
4 firearms anywhere in the state to use for self-defense pursuant to
5 and consistent with policies developed by the Department upon
6 satisfactory completion of the firearms training program provided
7 for in paragraph 4 of this subsection. The Director shall issue an
8 identification card to each authorized employee that grants the
9 employee the authority to carry a firearm pursuant to the provisions
10 of this paragraph. Should an authorized employee terminate
11 employment for any reason, fail to remain qualified to carry a
12 firearm, or for reasons stated in the policies of the Department,
13 the authorized employee shall immediately return the identification
14 card to the supervisor of the employee and shall no longer be
15 authorized to carry firearms under the authority of this paragraph;

16 8. To maintain such industries, factories, plants, shops,
17 farms, and other enterprises and operations, hereinafter referred to
18 as prison industries, at each penal institution as the State Board
19 of Corrections deems necessary or appropriate to employ the
20 prisoners or teach skills, or to sustain the penal institution; and
21 as provided for by policies established by the State Board of
22 Corrections, to allow compensation for the work of the prisoners,
23 and to provide for apportionment of inmate wages, the amounts thus
24 allowed to be kept in accounts by the Board for the prisoners and

1 given to the inmates upon discharge from the penal institution, or
2 upon an order paid to their families or dependents or used for the
3 personal needs of the prisoners. Any industry that employs
4 prisoners shall be deemed a "State Prison Industry" if the prisoners
5 are paid from state funds including the proceeds of goods sold as
6 authorized by Section 123f of Title 74 of the Oklahoma Statutes.
7 Any industry in which wages of prisoners are paid by a
8 nongovernmental person, group, or corporation, except those
9 industries employing prisoners in work-release centers under the
10 authority of the Department of Corrections shall be deemed a
11 "Private Prison Industry";

12 9. To assign residences at each penal institution to penal
13 institutional personnel and their families;

14 10. To provide for the education, training, vocational
15 education, rehabilitation, and recreation of prisoners;

16 11. To regulate the operation of canteens for prisoners;

17 12. To prescribe rules for the conduct, management, and
18 operation of each penal institution, including rules for the
19 demeanor of prisoners, the punishment of recalcitrant prisoners, the
20 treatment of incorrigible prisoners, and the disposal of property or
21 contraband seized from inmates or offenders under the supervision of
22 the Department;

23 13. To transfer prisoners from one penal institution to
24 another;

1 14. To establish procedures that ensure inmates are educated
2 and provided with the opportunity to execute advance directives for
3 health care in compliance with Section 3101.2 of Title 63 of the
4 Oklahoma Statutes. The procedures shall ensure that any inmate
5 executing an advance directive for health care is competent and
6 executes the directive with informed consent;

7 15. To maintain courses of training and instruction for
8 employees of the Department;

9 16. To maintain a program of research and statistics;

10 17. To provide for the periodic audit, at least once annually,
11 of all funds and accounts of each penal institution and the funds of
12 each prisoner;

13 18. To provide, subject to rules established by the State Board
14 of Corrections, for the utilization of inmate labor for any agency
15 of the state, city, town, or subdivision of this state, upon the
16 duly authorized request for such labor by the agency. The inmate
17 labor shall not be used to reduce employees or replace regular
18 maintenance or operations of the agency. The inmate labor shall be
19 used solely for public or state purposes. No inmate labor shall be
20 used for private use or purpose. Insofar as it is practicable, all
21 inmate labor shall be of such a nature and designed to assist and
22 aid in the rehabilitation of inmates performing the labor;

23 19. To provide clerical services for, and keep and preserve the
24 files and records of, the Pardon and Parole Board; make

1 investigations and inquiries as to prisoners at the penal
2 institutions who are to be, or who might be, considered for parole
3 or other clemency; assist prisoners who are to be, or who might be,
4 considered for parole or discharge in obtaining suitable employment
5 in the event of parole or discharge; report to the Pardon and Parole
6 Board, for recommendation to the Governor, violations of terms and
7 conditions of paroles; upon request of the Governor, make
8 investigations and inquiries as to persons who are to be, or who
9 might be, considered for reprieves or leaves of absence; report to
10 the Pardon and Parole Board, for recommendation to the Governor,
11 whether a parolee is entitled to a pardon, when the terms and
12 conditions of the parole have been completed; make presentence
13 investigations for, and make reports thereof to, trial judges in
14 criminal cases consistent with other laws of the state; supervise
15 persons on felony probation or parole; and develop and operate,
16 subject to the policies and guidelines of the Board, work-release
17 centers, community treatment facilities or prerelease programs at
18 appropriate sites throughout this state;

19 20. To establish an employee tuition assistance program and
20 promulgate rules in accordance with the Administrative Procedures
21 Act for the operation of the program. The rules shall include, but
22 not be limited to, program purposes, eligibility requirements, use
23 of tuition assistance, service commitment to the Department,
24 reimbursement of tuition assistance funds for failure to complete

1 course work or service commitment, amounts of tuition assistance and
2 limitations, and record keeping;

3 21. To establish an employee recruitment and referral incentive
4 program and promulgate rules in accordance with the Administrative
5 Procedures Act for the operation of the program. The rules shall
6 include, but not be limited to, program purposes, pay incentives for
7 employees, eligibility requirements, payment conditions and amounts,
8 payment methods, and record keeping;

9 22. To provide reintegration referral services to any person
10 discharged from the state custody who has volunteered to receive
11 reintegration referral services. The Director may assign staff to
12 refer persons discharged from state custody to services. The
13 Director shall promulgate rules for the referral process. All
14 reintegration referral services shall be subject to the availability
15 of funds;

16 23. To conduct continual planning and research and periodically
17 evaluate the effectiveness of the various correctional programs
18 instituted by the Department; manage the designing, building, and
19 maintaining of all the capital improvements of the Department;
20 establish and maintain current and efficient business, bookkeeping,
21 and accounting practices and procedures for the operations of all
22 penal institutions and facilities, and for the Department's fiscal
23 affairs; conduct initial orientation and continuing in-service
24 training for the Department employees; provide public information

1 services; inspect and examine the condition and management of state
2 penal and correctional institutions; investigate complaints
3 concerning the management of prisons or alleged mistreatment of
4 inmates thereof; and hear and investigate complaints as to
5 misfeasance or nonfeasance of employees of the Department;

6 24. To authorize any division of the Department to sell
7 advertising in any Department-approved publication, media production
8 or other informational material produced by the Department;
9 provided, that such advertising shall be approved by the Director or
10 designee prior to acceptance for publication. The sale of
11 advertising and negotiation of rates for the advertising shall not
12 be subject to The Oklahoma Central Purchasing Act or the
13 Administrative Procedures Act. The Department shall promulgate
14 rules establishing criteria for accepting or using advertisements as
15 authorized in this paragraph;

16 25. To issue subpoenas to assist or further investigations into
17 allegations of crimes committed in public or private prisons within
18 the State of Oklahoma. Subpoenas issued by the Director shall be
19 enforced by the District Court in Oklahoma County, Oklahoma;

20 26. To authorize award of the badge of an employee who dies
21 while employed by the Department to the spouse or next of kin of the
22 deceased employee;

23 27. To establish, in conjunction with the Information Services
24 Division of the Office of Management and Enterprise Services, an

1 emergency alert notification system for the public, capable of
2 distributing notifications of facility emergencies or prisoner
3 escapes for all facilities and each facility of the Department of
4 Corrections;

5 28. To declare an emergency when, due to shortage of staff,
6 correctional officers at a facility are required to work more than
7 two double shifts in a seven-day period. As used in this paragraph,
8 "double shift" means two eight-hour shifts in a twenty-four-hour
9 period; and

10 29. To enter into contracts with media or film production
11 companies to allow the Department to authorize a media or film
12 production company to shoot commercial films at penal institutions
13 and other property under the control of the Department. Any funds
14 received pursuant to said contracts shall be deposited into the
15 Department of Corrections Revolving Fund.

16 B. When an employee of the Department of Corrections has been
17 charged with a violation of the rules of the Department or with a
18 felony pursuant to the provisions of a state or federal statute, the
19 Director may, in the Director's discretion, suspend the charged
20 employee, in accordance with the Oklahoma Personnel Act and/or the
21 Merit System of Personnel Administration Rules, pending the hearing
22 and final determination of the charges. Notice of suspension shall
23 be given by the Director, in accordance with the provisions of the
24 Oklahoma Personnel Act. If after completion of the investigation of

1 the charges, it is determined that such charges are without merit or
2 are not sustained before the Oklahoma Merit Protection Commission or
3 in a court of law, the employee shall be reinstated and shall be
4 entitled to receive all lost pay and benefits.

5 This subsection shall in no way deprive an employee of the right
6 of appeal according to the Oklahoma Personnel Act.

7 SECTION 35. AMENDATORY 57 O.S. 2011, Section 563.2, as
8 amended by Section 1, Chapter 268, O.S.L. 2015 (57 O.S. Supp. 2019,
9 Section 563.2), is amended to read as follows:

10 Section 563.2. A. Except as provided for in subsection B of
11 this section, a private prison contractor may contract with the
12 federal government or another state to provide for housing, care and
13 control of inmates, as provided in this section, who are in the
14 custody of the United States or another state, except for inmates
15 who have histories of escape from medium or maximum security level
16 correctional facilities for adults, who have a felony conviction for
17 rioting, who are sentenced to terms of incarceration for conviction
18 of a sex-related offense, or who are incarcerated with a sentence of
19 death, within a facility owned or operated by the private prison
20 contractor. Private prison contractors shall not provide for the
21 housing, care and control of detainees designated as enemy
22 combatants by the federal government, or who are under federal,
23 state or local investigation, charge, or conviction for crimes of
24 international terrorism or conspiracy to commit international

1 terrorism or acts of hostile aggression against the United States or
2 allies of the United States. Such private prison contractor may
3 perform other functions related to such responsibilities.

4 B. A private prison contractor operating a facility on January
5 1, 2004, at twenty-five percent (25%) or less capacity may contract
6 with the federal government or another state to provide for housing,
7 care and control of inmates provided the facility would be allowed
8 to house the same type of inmates if contracting with this state.

9 C. Any offense which would be a crime if committed within a
10 state correctional institution of this state shall be a crime if
11 committed in a facility owned or operated by a private prison
12 contractor.

13 D. 1. A private prison contractor shall not employ any
14 personnel convicted of a felony if the person has been incarcerated
15 in the private prison facility for which an application for
16 employment is being considered; provided, a private prison
17 contractor may employ personnel convicted of drug-related felonies
18 who have been rehabilitated for programs for drug or other substance
19 abuse rehabilitation for inmates of the facility.

20 2. Any personnel of a facility owned or operated by a private
21 prison contractor, except any person convicted of a felony offense,
22 shall be authorized to carry and use firearms while in the
23 performance of their official duties only in the manner provided in
24 this subsection and only after completing training approved by the

1 ~~Council on~~ Law Enforcement Education and Training Division of the
2 Department of Public Safety. The ~~Council on~~ Law Enforcement
3 Education and Training Division of the Department of Public Safety
4 may charge a reasonable fee for its cost of evaluating firearms
5 training for private prison personnel. Private prison personnel
6 shall only be authorized to use firearms for the following purposes:

- 7 a. to prevent escape from the facility or from custody
8 while being transported to or from the facility. As
9 used in this paragraph, "to prevent escape from the
10 facility" means to prevent an incarcerated individual
11 from crossing the secure perimeter of the facility, or
- 12 b. to prevent an act which would cause death or serious
13 bodily injury to any person.

14 3. The Department of Corrections is authorized to provide
15 training to personnel of the private prison contractor, pursuant to
16 contract. The Department of Corrections shall charge a reasonable
17 fee for the training, not to exceed the cost of such training. The
18 provisions of this subsection shall not be construed to confer peace
19 officer status upon any employee of the private prison contractor or
20 to authorize the use of firearms, except as provided in this
21 subsection.

22 4. All private prisons operating in this state shall prepare a
23 written emergency plan and mutual aid agreement between the private
24 prison facility and state and local law enforcement agencies,

1 including the Department of Corrections and the Department of Public
2 Safety.

3 5. If an inmate escapes from the facility, or in the event of
4 any riot or other serious disturbance, personnel from the facility
5 immediately shall inform the Department of Corrections, the
6 Department of Public Safety, the county sheriff and, if the facility
7 is located within the boundaries of a municipality, the police
8 department of the municipality.

9 6. The Department of Corrections shall designate facilities
10 operated by the Department to provide support in the event of a
11 riot, escape or other serious emergency. Personnel from the
12 facility shall inform the Department of Corrections, pursuant to
13 Department policy, if there is any incident. The Department of
14 Corrections is directed to respond on behalf of public safety of
15 this state. The private prison contractor shall provide the
16 Department of Corrections access to the facility and secure facility
17 space to establish a command post, including provisions for
18 telephone and fax access. Any emergency response provided by any
19 state or local law enforcement agency shall be at the sole expense
20 of the private prison contractor/operator. Each responding agency
21 shall submit a written invoice detailing costs incurred which shall
22 be paid within thirty (30) days of receipt by the private prison
23 contractor/operator.

1 E. If an inmate is to be released or discharged from
2 incarceration, is released or discharged by any court order, is to
3 be placed on probation, is paroled, or if the federal government or
4 sending state requests transfer or the return of the inmate, the
5 private prison contractor immediately shall transfer or return the
6 inmate to the sending state which has legal authority over the
7 sentence or, in the case of federal inmates, to the closest federal
8 prison or to the federal authority of the state in which federal
9 custody over the inmate originated.

10 F. A private prison contractor housing federal inmates from
11 jurisdictions other than Oklahoma, or inmates sentenced pursuant to
12 the legal authority of another state, shall not allow any such
13 inmate to leave the premises of the facility, except to comply with
14 an order to appear in a court of competent jurisdiction, to receive
15 medical care not available at the facility, to work as provided in
16 subsection G of this section, or to return or be transferred to
17 another state as provided by the provisions of subsection E of this
18 section.

19 G. A private prison contractor may allow minimum security
20 inmate labor to be used in public works projects provided all of the
21 following conditions are satisfied:

22 1. The public works project must be in and for the county where
23 the private prison is located or a county adjacent to the county
24 where the private prison is located, or in and for a municipality in

1 the county where the private prison is located or an adjacent
2 county;

3 2. The private prison contractor has developed security
4 procedures which will ensure the safety of the public and the
5 Department of Corrections has approved such procedures;

6 3. The public works project has been authorized by the
7 Department of Corrections and the county or municipal authorities
8 where the public works project is located;

9 4. The private prison contractor has procured and has in force
10 and effect a policy of liability insurance which will provide
11 coverage in an amount determined by the Department of Corrections
12 for any loss resulting from the acts or omissions of inmates
13 participating in such project or employees of the private prison
14 contractor and for any injuries occurring to the inmates or
15 employees; and

16 5. The use of federal inmates for public works projects will be
17 in strict compliance with the provisions of Section 4002 of Title 18
18 of the United States Code and any other applicable provisions of
19 federal law.

20 H. A private prison contractor housing federal inmates or
21 inmates of another state shall be responsible for the reimbursement
22 of all reasonable costs and expenses incurred by this state or a
23 political subdivision of this state for legal actions brought in
24 this state by or on behalf of any federal inmate or inmate of
25

1 another state while incarcerated in the facility, including court
2 costs, sheriff mileage fees, witness fees, district attorney
3 expenses, expenses of the office of Attorney General, indigent or
4 public defender fees and costs, judicial expenses, court reporter
5 expenses and any other costs, fees, or expenses associated with the
6 proceedings or actions.

7 I. A private prison contractor shall not house inmates from
8 this state with federal inmates or inmates from another state,
9 unless segregated or otherwise housed in such a manner as to satisfy
10 the Director of the Department of Corrections.

11 J. The State of Oklahoma shall not assume jurisdiction or
12 custody of any federal inmate or inmate from another state housed in
13 a facility owned or operated by a private prison contractor. Such
14 inmates from another state shall at all times be subject to the
15 jurisdiction of that state and federal inmates shall at all times be
16 subject to federal jurisdiction. This state shall not be liable for
17 loss resulting from the acts of such inmates nor shall this state be
18 liable for any injuries to the inmates.

19 K. Prior to contracting for the housing of any federal inmate
20 or inmate from another state, the private prison contractor shall
21 give the Department of Corrections first right to contract for
22 placement of inmates under the custody of the Department of
23 Corrections in the available capacity of the private prison
24 facility.

1 L. Prior to housing maximum security inmates in the custody of
2 the United States or another state, the private prison contractor
3 shall receive authorization from the Department of Corrections to
4 house maximum security inmates at the facility. Authorization
5 granted by the Department of Corrections shall be based on facility
6 design and physical plant security requirements consistent with
7 standards established by the American Correctional Association or
8 the physical plant security requirements of the Department at
9 Department-operated maximum security facilities. Upon request by a
10 private prison contractor for all or a part of a facility to be
11 granted authorization to house maximum security inmates, the
12 Department shall complete an assessment within thirty (30) days.
13 The assessment shall either result in authorization being granted to
14 the private prison contractor or shall provide detailed requirements
15 that shall be met by the facility in order for authorization to be
16 granted.

17 M. At least ten (10) business days prior to the transfer of
18 inmates who are in the custody of the United States or another state
19 to a private prison facility operating in the State of Oklahoma, the
20 private prison contractor shall provide the Department of
21 Corrections with the following information:

- 22 1. The number of inmates to be transferred;
- 23 2. The name of each inmate to be transferred;
- 24 3. The date of transfer of the inmate;

1 4. The security level of each inmate to be transferred, as
2 determined by the sentencing state;

3 5. The facility to which the inmate shall be transferred; and

4 6. The criminal history and institutional behavioral record for
5 each inmate.

6 The information provided pursuant to this subsection shall not
7 be public record until the transfer of the inmate is complete. The
8 records shall thereafter be made public only to the extent required
9 by state law.

10 N. The Department of Corrections shall have thirty (30) days
11 after receipt of the information required in accordance with
12 subsection M of this section to determine whether an inmate
13 transferred to a private prison facility is compliant with the
14 conditions of subsection A or B of this section. If the Department
15 determines that an inmate housed at a private prison facility is not
16 compliant with the conditions provided for in subsection A or B of
17 this section, the Department shall notify the private prison
18 contractor. Notification by the Department shall include the name
19 of the inmate and reason why the inmate does not qualify to be
20 housed at the facility to which the inmate has been transferred or
21 housed within the State of Oklahoma. The private prison contractor
22 shall either provide supplemental information verifying compliance
23 with subsection A or B of this section, or shall transfer the inmate
24 out of the State of Oklahoma within thirty (30) days of receiving

1 said notification from the Department. Failure of the Department to
2 review the inmate information provided pursuant to subsection M of
3 this section shall not prevent the transfer of inmates into the
4 State of Oklahoma for housing at a private prison facility.

5 O. The provisions of subsection A, paragraphs 1, 2, 3, 4 and 6
6 of subsection D, paragraphs 2, 3, 5 and 6 of subsection M and
7 subsection N of this section shall not apply to a private prison
8 contractor that has a direct contract with the Federal Bureau of
9 Prisons of the United States Department of Justice for a facility
10 that houses federal inmates and is monitored on-site by federal
11 agency staff.

12 SECTION 36. AMENDATORY 57 O.S. 2011, Section 589, is
13 amended to read as follows:

14 Section 589. A. It is unlawful for any person registered
15 pursuant to the Oklahoma Sex Offenders Registration Act or the Mary
16 Rippey Violent Crime Offenders Registration Act to work with or
17 provide services to children or to work on school premises, or for
18 any person or business which contracts for work to be performed on
19 school premises to knowingly and willfully allow any employee to
20 work with children or to work on school premises who is registered
21 pursuant to the Oklahoma Sex Offenders Registration Act or the Mary
22 Rippey Violent Crime Offenders Registration Act. Upon conviction for
23 any violation of the provisions of this subsection, the violator
24 shall be guilty of a misdemeanor punishable by a fine not to exceed

1 One Thousand Dollars (\$1,000.00). In addition, the violator may be
2 liable for civil damages.

3 B. 1. A person or business who offers or provides services to
4 children shall ensure compliance with subsection A of this section
5 by conducting a name search of employees at least annually against
6 the registries maintained pursuant to the Oklahoma Sex Offenders
7 Registration Act and the Mary Rippy Violent Crime Offenders
8 Registration Act while such person is working with or serving
9 children. All persons working with or providing services to
10 children shall be required to sign a statement declaring that he or
11 she is not currently required to register under the provisions of
12 the Oklahoma Sex Offenders Registration Act or the Mary Rippy
13 Violent Crime Offenders Registration Act. Compliance with the
14 signed statement shall be mandatory for all persons working with or
15 providing services to children, and there shall be no liability or
16 obligation placed upon any person or business to ascertain the
17 truthfulness of the affidavit. Any person or business having a
18 contract with a school shall ensure compliance as provided by
19 Section 6-101.48 of Title 70 of the Oklahoma Statutes.

20 2. Failure of any person or business who works with or provides
21 services to children to conduct the annual name search of each
22 person employed shall be a misdemeanor. Upon conviction for failure
23 to conduct a name search, the violator shall be guilty of a
24 misdemeanor punishable by a fine not to exceed One Thousand Dollars

1 (\$1,000.00). Refusal of any person who is employed to work with or
2 provide services to children to sign a statement declaring they have
3 no requirement to register as provided in this section shall be a
4 misdemeanor, upon conviction, punishable by a fine not to exceed One
5 Thousand Dollars (\$1,000.00), and the person shall be immediately
6 terminated from employment. Any person discovering an employment or
7 registration violation as required by any provision of law for any
8 person currently employed to work with or provide services to
9 children has a duty to and shall immediately report such findings to
10 the district attorney.

11 C. It is unlawful for any law enforcement agency to employ any
12 person as a peace officer or criminal investigator who has received
13 a verdict of guilty or pled guilty or nolo contendere to any offense
14 required to register pursuant to the Sex Offenders Registration Act
15 or the Mary Rippy Violent Crime Offenders Registration Act,
16 including those receiving a verdict of guilt, pleading guilty or
17 nolo contendere as part of a deferred judgment or other provision of
18 law authorizing a delayed or suspended judgment or sentence. Every
19 person receiving a verdict of guilty or pleading guilty or nolo
20 contendere to any offense required to register pursuant to the Sex
21 Offenders Registration Act or the Mary Rippy Violent Crime Offenders
22 Registration Act shall be prohibited from being certified by the
23 ~~Council on~~ Law Enforcement Education and Training Division of the
24 Department of Public Safety ~~(CLEET)~~ as a peace officer, private

1 investigator, or security guard, and if at the time of the verdict
2 or plea such person has been previously ~~CLEET~~ certified such
3 certification shall be revoked. Any violator shall be guilty of a
4 misdemeanor upon conviction of noncompliance with the provisions of
5 this subsection.

6 SECTION 37. AMENDATORY 59 O.S. 2011, Section 161.6, as
7 last amended by Section 3, Chapter 213, O.S.L. 2019 (59 O.S. Supp.
8 2019, Section 161.6), is amended to read as follows:

9 Section 161.6. A. Pursuant to and in compliance with Article I
10 of the Administrative Procedures Act, the Board of Chiropractic
11 Examiners shall have the power to formulate, adopt and promulgate
12 rules as may be necessary to regulate the practice of chiropractic
13 in this state and to implement and enforce the provisions of the
14 Oklahoma Chiropractic Practice Act.

15 B. The Board is authorized and empowered to:

16 1. Establish and maintain a procedure or system for the
17 certification or accreditation of chiropractic physicians who are
18 qualified in chiropractic post-doctorate Diplomate and all other
19 chiropractic specialties;

20 2. Establish a registration system and adopt and enforce
21 standards for the education and training of chiropractic physicians
22 who engage in the business of issuing professional opinions on the
23 condition, prognosis or treatment of a patient;

1 3. Adopt and enforce standards governing the professional
2 conduct of chiropractic physicians, consistent with the provisions
3 of the Oklahoma Chiropractic Practice Act, for the purpose of
4 establishing and maintaining a high standard of honesty, dignity,
5 integrity and proficiency in the profession;

6 4. Lease office space for the purpose of operating and
7 maintaining a state office, and pay the rent thereon; provided,
8 however, such state office shall not be located in or directly
9 adjacent to the office of any practicing chiropractic physician;

10 5. Purchase office furniture, equipment and supplies;

11 6. Employ an Executive Director who shall serve as the Chief
12 Administrative Officer of the agency. The Executive Director shall
13 have the authority to employ other persons as necessary to maintain
14 the operations of the Board and shall perform such other duties as
15 the Board may prescribe;

16 7. Employ legal counsel, as needed, to represent the Board in
17 all legal matters and to assist authorized state officers in
18 prosecuting or restraining violations of the Oklahoma Chiropractic
19 Practice Act, and pay the fees for such services;

20 8. Order or subpoena the attendance of witnesses, the
21 inspection of records and premises and the production of relevant
22 books and papers for the investigation of matters that may come
23 before the Board;

1 9. Employ or contract with one or more investigators, as
2 needed, for the sole purpose of investigating written complaints
3 regarding the conduct of chiropractic physicians, and fix and pay
4 their salaries or wages. Any investigator shall be certified as a
5 peace officer by the ~~Council on~~ Law Enforcement Education and
6 Training Division of the Department of Public Safety and shall have
7 statewide jurisdiction to perform the duties authorized by this
8 section;

9 10. Pay the costs of such research programs in chiropractic as
10 in the determination of the Board would be beneficial to the
11 chiropractic physicians in this state;

12 11. Establish minimum standards for continuing education
13 programs administered by chiropractic associations pursuant to
14 Section 161.11 of this title;

15 12. Make such other expenditures as may be necessary in the
16 performance of its duties;

17 13. Establish appropriate fees and charges to implement the
18 provisions of the Oklahoma Chiropractic Practice Act;

19 14. Establish policies for Board operations;

20 15. Determine and direct Board operating administrative,
21 personnel and budget policies and procedures in accordance with
22 applicable statutes;

23 16. Provide travel expenses for at least the Executive Director
24 and provide travel expenses for members of the Board to attend an

1 annual national conference. The Board shall give each member the
2 opportunity to attend the annual national conference;

3 17. Require applicants for an original license to submit to a
4 national criminal history record check pursuant to Section 150.9 of
5 Title 74 of the Oklahoma Statutes. The costs associated with the
6 national criminal history record check shall be paid directly by the
7 applicant;

8 18. Out-of-state licensed chiropractic physicians may travel
9 into Oklahoma to treat patients for special events including, but
10 not limited to, sporting events and state emergencies, and to assist
11 in treating patients for those chiropractic physicians who are
12 unable to practice for medical reasons within the borders of
13 Oklahoma after properly registering with the Board of Chiropractic
14 Examiners; and

15 19. The Board of Chiropractic Examiners, by rule, shall
16 promulgate a code of ethics.

17 C. The Board shall promulgate rules regarding continuing
18 education seminars or courses or license renewal seminars or courses
19 including, but not limited to, the qualifications of an applicant,
20 association or entity seeking to sponsor a seminar or course, where
21 the association or entity is domiciled, whether the association or
22 entity is classified as a nonprofit organization, and the
23 educational experience of instructors applying to conduct a seminar
24

1 or course. The Board shall also promulgate rules regarding
2 certified chiropractic assistants.

3 D. 1. The Board shall appoint an Advisory Committee of a
4 minimum of four and no more than six chiropractic physicians and one
5 lay member representing the public who may advise and assist the
6 Board in:

7 a. investigating the qualifications of applicants for an
8 original license to practice chiropractic in this
9 state,

10 b. investigating written complaints regarding the conduct
11 of chiropractic physicians, including alleged
12 violations of the Oklahoma Chiropractic Practice Act
13 or of the rules of the Board, and

14 c. such other matters as the Board shall delegate to
15 them.

16 2. The Advisory Committee shall be selected from a list of ten
17 chiropractic physicians and three lay persons submitted by each
18 chiropractic association or society in this state or any
19 unaffiliated chiropractic physician desiring to submit a list. The
20 term of service for members of the Advisory Committee shall be
21 determined by the Board. Members of the Advisory Committee shall be
22 reimbursed for all actual and necessary expenses incurred in the
23 performance of their duties in accordance with the State Travel
24 Reimbursement Act.

1 E. 1. After an initial complaint is received by the Board, the
2 Executive Director and the Chair of the Advisory Committee, or
3 designee, shall determine whether the complaint merits further
4 investigation. If a determination is made that the complaint merits
5 further investigation, the Executive Director, in consultation with
6 the Chair of the Advisory Committee, or designee, shall assign the
7 complaint to an investigator. The focus and scope of an
8 investigation shall pertain only to the subject of the complaint.

9 2. The complaint and findings of the investigator shall be
10 presented to the Advisory Committee for review. The Advisory
11 Committee, in consultation with the Board's prosecuting attorney,
12 shall make an informal recommendation for disposition of the
13 complaint to the Board.

14 F. 1. The Board, its employees, appointed committee members,
15 independent contractors or other agents of the Board shall keep
16 confidential the complaint and information obtained during an
17 investigation into violations of the Oklahoma Chiropractic Practice
18 Act; provided, however, such information may be introduced by the
19 state in administrative proceedings before the Board and the
20 information then becomes a public record.

21 2. The complaint and information obtained during the
22 investigation but not introduced in administrative proceedings shall
23 not be subject to subpoena or discovery in any civil or criminal
24 proceedings, except that the Board may give such information to law
25

1 enforcement and other state agencies as necessary and appropriate in
2 the discharge of the duties of that agency and only under
3 circumstances that ensure against unauthorized access to the
4 information.

5 3. The respondent may acquire information obtained during an
6 investigation, unless the disclosure of the information is otherwise
7 prohibited, except for the investigative report, if the respondent
8 signs a protective order whereby the respondent agrees to use the
9 information solely for the purpose of defense in the Board
10 proceeding and in any appeal therefrom and agrees not to otherwise
11 disclose the information.

12 G. The Board shall promulgate rules regarding the issuance of
13 field citations and the assessment of administrative penalties no
14 later than July 1, 2012. Administrative penalties for field
15 citations shall not exceed Two Hundred Fifty Dollars (\$250.00) for a
16 first offense and One Thousand Dollars (\$1,000.00) for a second or
17 subsequent offense.

18 H. The forfeiture, nonrenewal, surrender or voluntary
19 relinquishment of a license by a licensee shall not bar jurisdiction
20 by the Board to proceed with any investigation, action or proceeding
21 to revoke, suspend, condition or limit the licensee's license or
22 fine the licensee.

23 SECTION 38. AMENDATORY 59 O.S. 2011, Section 328.15A, is
24 amended to read as follows:

1 Section 328.15A. A. Investigators for the Board shall be
2 authorized to:

3 1. Perform such services as are necessary in the investigation
4 of criminal activity or preparation of administrative actions; and

5 2. Investigate and inspect records of all licenses in order to
6 determine whether licensees are in compliance with applicable
7 narcotics and dangerous drug laws and regulations.

8 B. Board investigators certified as peace officers by the
9 ~~Council on Law Enforcement Education and Training~~ Division of the
10 Department of Public Safety shall have statewide jurisdiction to
11 perform the duties authorized by subsection A of this subsection.
12 Such investigators shall have the powers now or hereafter vested in
13 law to peace officers.

14 C. Upon retirement, a Board investigator shall be entitled to
15 receive the continued custody and possession of the sidearm and
16 badge he or she carried immediately prior to retirement.

17 SECTION 39. AMENDATORY 59 O.S. 2011, Section 512, as
18 last amended by Section 10, Chapter 492, O.S.L. 2019 (59 O.S. Supp.
19 2019, Section 512), is amended to read as follows:

20 Section 512. A. The secretary of the State Board of Medical
21 Licensure and Supervision shall be paid an annual salary in an
22 amount fixed by the Board. The Board shall have the authority to
23 expend such funds as are necessary in carrying out the duties of the
24 Board and shall have the authority to hire all necessary personnel,

1 at salaries to be fixed by the Board, as the Board shall deem
2 necessary. The Board shall have the authority to hire attorneys to
3 represent the Board in all legal matters and to assist authorized
4 state and county officers in prosecuting or restraining violations
5 of Section 481 et seq. of this title, and to fix the salaries or per
6 diem of the attorneys.

7 B. The Board shall have the authority to hire one or more
8 investigators as may be necessary to carry out the provisions of the
9 Oklahoma Allopathic Medical and Surgical Licensure and Supervision
10 Act at an annual salary to be fixed by the Board. Such
11 investigators may be commissioned peace officers of this state. In
12 addition such investigators shall have the authority and duty to
13 investigate and inspect the records of all persons in order to
14 determine whether or not a disciplinary action for unprofessional
15 misconduct is warranted or whether the narcotic laws or the
16 dangerous drug laws have been complied with.

17 C. 1. For purposes of this section, investigators shall be
18 peace officers certified by the ~~Council on~~ Law Enforcement Education
19 and Training Division of the Department of Public Safety and shall
20 have statewide jurisdiction to perform the duties authorized by this
21 section. In addition, the investigators shall have all the powers
22 now or hereafter vested by law in peace officers.

23 2. Investigators for the Oklahoma State Board of Medical
24 Licensure and Supervision shall perform such services as are

1 necessary in the investigation of criminal activity or preparation
2 of administrative actions.

3 3. Any licensee or applicant for license subject to the
4 provisions of the Oklahoma Allopathic Medical and Surgical Licensure
5 and Supervision Act shall be deemed to have given consent to any
6 duly authorized investigator of the Board to access, enter or
7 inspect the records, either on-site or at the Board office, or
8 facilities of such licensee or applicant subject to the Oklahoma
9 Allopathic Medical and Surgical Licensure and Supervision Act.

10 Refusal to allow such access, entry or inspection may constitute
11 grounds for the denial, nonrenewal, suspension or revocation of a
12 license. Upon refusal of such access, entry or inspection, pursuant
13 to this section, the Board or a duly authorized representative may
14 make application for and obtain a search warrant from the district
15 court where the facility or records are located to allow such
16 access, entry or inspection.

17 D. 1. The Board is specifically authorized to contract with
18 state agencies or other bodies to perform investigative services or
19 other administrative services at a rate set by the Board.

20 2. The Board is authorized to pay the travel expenses of Board
21 employees and members in accordance with the State Travel
22 Reimbursement Act.

1 3. The expenditures authorized herein to include capital
2 purchases shall not be a charge against the state, but the same
3 shall be paid solely from the Board's depository fund.

4 SECTION 40. AMENDATORY 59 O.S. 2011, Section 626, as
5 amended by Section 3, Chapter 83, O.S.L. 2014 (59 O.S. Supp. 2019,
6 Section 626), is amended to read as follows:

7 Section 626. A. 1. The State Board of Osteopathic Examiners
8 shall, immediately after the members have qualified, elect a
9 president, vice-president and secretary-treasurer.

10 2. The president of said Board shall preside at all meetings of
11 the Board and perform such other duties as the Board by its rule may
12 prescribe.

13 3. The vice-president shall perform all the duties of the
14 president, during the president's absence or disability.

15 4. The secretary-treasurer shall keep a record of all
16 proceedings of the Board and perform such other duties as are
17 prescribed in the Oklahoma Osteopathic Medicine Act, or which may be
18 prescribed by said Board. It shall be the duty of the secretary-
19 treasurer to receive and care for all monies coming into the hands
20 of said Board, and to pay out the same upon orders of the Board.

21 B. The State Board and such employees as determined by the
22 Board shall be bonded as required by Sections 85.26 through 85.31 of
23 Title 74 of the Oklahoma Statutes.

1 C. The State Board may expend such funds as are necessary in
2 implementing the duties of the Board. The Board may hire:

3 1. An executive director and all necessary administrative,
4 clerical and stenographic assistance as the Board shall deem
5 necessary at a salary to be fixed by the Board;

6 2. An attorney, on a case-by-case basis, to represent the Board
7 in legal matters and to assist authorized state and county officers
8 in prosecuting or restraining violations of the provisions of the
9 Oklahoma Osteopathic Medicine Act. The Board shall fix the
10 compensation of said attorney; and

11 3. One or more investigators at least one of whom shall be
12 certified by the ~~Council on~~ Law Enforcement Education and Training
13 Division of the Department of Public Safety as a peace officer, as
14 may be necessary to implement the provisions of the Oklahoma
15 Osteopathic Medicine Act at an annual salary to be fixed by the
16 Board, and may authorize necessary expenses. In addition, the
17 investigators may investigate and inspect the nonfinancial business
18 records of all persons licensed pursuant to the Oklahoma Osteopathic
19 Medicine Act in order to determine whether or not licensees are in
20 compliance with the Oklahoma Osteopathic Medicine Act and the
21 Uniform Controlled Dangerous Substances Act or any other law, rule
22 of the State of Oklahoma or any federal law or rule affecting the
23 practice of osteopathic medicine.

1 D. Any licensee or applicant for license subject to the
2 provisions of the Oklahoma Osteopathic Medicine Act shall be deemed
3 to have given consent to any duly authorized employee or agent of
4 the Board to access, enter, or inspect the records, either on-site
5 or at the Board office, or facilities of such licensee or applicant
6 subject to the Oklahoma Osteopathic Medicine Act. Refusal to allow
7 such access, entry, or inspection may constitute grounds for the
8 denial, nonrenewal, suspension, or revocation of a license. Upon
9 refusal of such access, entry, or inspection, pursuant to this
10 section, the Board or a duly authorized representative may make
11 application for and obtain a search warrant from the district court
12 where the facility or records are located to allow such access,
13 entry, or inspection.

14 SECTION 41. AMENDATORY 59 O.S. 2011, Section 698.5a, is
15 amended to read as follows:

16 Section 698.5a. A. 1. Investigators for the State Board of
17 Veterinary Medical Examiners shall perform such services as are
18 necessary in the investigation of criminal activity or preparation
19 of administrative actions.

20 2. In addition, investigators shall have the authority and duty
21 to investigate and inspect the records of all licensees in order to
22 determine whether the licensee is in compliance with applicable
23 narcotics and dangerous drug laws and regulations.
24

1 B. Any investigator certified as a peace officer by the ~~Council~~
2 ~~on~~ Law Enforcement Education and Training Division of the Department
3 of Public Safety shall have statewide jurisdiction to perform the
4 duties authorized by this section. In addition, the investigator
5 shall be considered a peace officer and shall have the powers now or
6 hereafter vested by law in peace officers.

7 SECTION 42. AMENDATORY Section 2, Chapter 407, O.S.L.
8 2013 (59 O.S. Supp. 2019, Section 1350.1), is amended to read as
9 follows:

10 Section 1350.1. As used in the Bail Enforcement and Licensing
11 Act:

12 1. "Armed bail enforcer" means a bail enforcer having a valid
13 license issued by the ~~Council~~ ~~on~~ Law Enforcement Education and
14 Training Division of the Department of Public Safety authorizing the
15 holder to carry an approved pistol or weapon in the recovery of a
16 defendant pursuant to the Bail Enforcement and Licensing Act;

17 2. "Bail enforcer" means a person who acts, engages in,
18 solicits or offers services to:

- 19 a. execute a prior to breach recovery of a defendant on
20 an undertaking or bail bond contract, or
21 b. execute a recovery of a defendant for failure to
22 appear on an undertaking or bail bond contract issued
23 in this state, another state or the United States.

1 The term "bail enforcer" does not include any law enforcement
2 officer actively employed by a law enforcement agency recognized in
3 this state, or any of its political subdivisions, another state or
4 the United States, while such officer is engaged in the lawful
5 performance of duties authorized by his or her employing law
6 enforcement agency, a bondsman licensed in this state and acting
7 under the authority of his or her undertaking or bail contract or a
8 licensed bondsman appointed by an insurer in this state with regard
9 to a defendant on a bond posted by that insurer;

10 3. "Bail recovery contract" or "client contract" means an
11 agreement to perform the services of a bail enforcer for a client.
12 Only a bail enforcer licensed by the ~~Council~~ Department may enter
13 into a client contract to perform the services of a bail enforcer.
14 A bail enforcer is liable for his or her acts and omissions while
15 executing a recovery of a defendant pursuant to a client contract;

16 4. "Client" means a bondsman or surety on an undertaking or
17 bail bond contract issued in this state, another state or the United
18 States that enters into a contract for the services of a bail
19 enforcer;

20 5. "~~Council~~ Department" or "~~CLEET~~" means the ~~Council on~~ Law
21 Enforcement Education and Training Division of the Department of
22 Public Safety;

23 6. "Defendant" means the principal on an undertaking or bail
24 bond contract;

1 7. "License" means authorization issued by the ~~Council~~
2 Department pursuant to the Bail Enforcement and Licensing Act
3 permitting the holder to perform functions and services as a bail
4 enforcer;

5 8. "Weapon" means taser, stun gun, baton, night stick or any
6 other device used to subdue a defendant, or any noxious substances
7 as defined in paragraph 10 of this subsection;

8 9. "Recovery" or "surrender" means the presentation of a
9 defendant to the public officer competent to receive the defendant
10 into custody; and

11 10. "Noxious substance" means OC spray, pepper spray, mace or
12 any substance used as a physiological irritant.

13 SECTION 43. AMENDATORY Section 3, Chapter 407, O.S.L.
14 2013, as amended by Section 2, Chapter 373, O.S.L. 2014 (59 O.S.
15 Supp. 2019, Section 1350.2), is amended to read as follows:

16 Section 1350.2. A. On and after February 1, 2015, no person
17 shall act or engage in, solicit or offer services, or represent
18 himself or herself, as a bail enforcer as defined by the Bail
19 Enforcement and Licensing Act without first having been issued a
20 valid license by the ~~Council~~ on Law Enforcement Education and
21 Training Division of the Department of Public Safety.

22 B. On or after February 1, 2015, any person who shall act or
23 engage in, solicit or offer services, or represent himself or
24 herself, as a bail enforcer without a valid license issued by the

1 ~~Council~~ Department shall be guilty of a felony, upon conviction,
2 punishable by a fine in an amount not exceeding Ten Thousand Dollars
3 (\$10,000.00), or by imprisonment in the custody of the Department of
4 Corrections for a term of not more than three (3) years, or by both
5 such fine and imprisonment.

6 C. Any person violating the provisions of subsection B of this
7 section while having in his or her possession or under his or her
8 control any firearm or weapon, including a firearm under the
9 authority of the Oklahoma Self-Defense Act, shall be punished, upon
10 conviction, by an additional fine in an amount not exceeding Five
11 Thousand Dollars (\$5,000.00), or by an additional term of
12 imprisonment up to three (3) years, or by both such fine and
13 imprisonment. In addition, the authority to carry the firearm may
14 be permanently revoked by the issuing authority.

15 SECTION 44. AMENDATORY Section 8, Chapter 407, O.S.L.
16 2013 (59 O.S. Supp. 2019, Section 1350.7), is amended to read as
17 follows:

18 Section 1350.7. A. ~~The Director of the Council on Law~~
19 ~~Enforcement Education and Training~~ Commissioner of the Department of
20 Public Safety, and any staff member designated by the ~~Director~~
21 Commissioner, shall have all the powers and authority of peace
22 officers of this state for the purposes of enforcing the provisions
23 of the Bail Enforcement and Licensing Act, and all other duties
24 which are or may be conferred upon the ~~Council~~ Department by the

1 Bail Enforcement and Licensing Act. The powers and duties conferred
2 on the ~~Director~~ Commissioner or any staff member appointed by the
3 ~~Director~~ Commissioner as a peace officer shall not limit the powers
4 and duties of other peace officers of this state or any political
5 subdivision thereof. Nothing in the Bail Enforcement and Licensing
6 Act shall be construed to restrict the Director from appointing the
7 same staff members as peace officers to enforce both the Oklahoma
8 Security Guard and Private Investigator Act and the Bail Enforcement
9 and Licensing Act.

10 B. The ~~Council~~ Department shall have the following powers and
11 duties:

12 1. To promulgate rules and forms to implement, enforce and
13 carry out the purposes of the Bail Enforcement and Licensing Act;

14 2. To establish and enforce standards governing the training of
15 persons required to be licensed pursuant to the Bail Enforcement and
16 Licensing Act with respect to:

17 a. issuing, denying, or revoking certificates of approval
18 to bail enforcement training schools, and programs
19 administered by the state, a county, a municipality, a
20 private corporation, or an individual,

21 b. certifying instructors at approved bail enforcement
22 training schools,

1 c. establishing minimum requirements for bail enforcement
2 training schools and periodically reviewing these
3 standards, and

4 d. providing for periodic inspection of all bail
5 enforcement training schools or programs;

6 3. To establish minimum curriculum requirements for training as
7 the ~~Council~~ Department may require for bail enforcers and armed bail
8 enforcers. Training requirements for unarmed bail enforcers shall
9 be not less than forty (40) hours of instruction which shall be in
10 addition to the Phase I, II, and III training requirements.

11 Training requirements for armed bail enforcers shall be the same as
12 for unarmed bail enforcers plus Phase IV firearm and weapons
13 training;

14 4. To establish minimum requirements for a mandatory continuing
15 education program for all licensed bail enforcers which shall
16 include, but not be limited to:

17 a. establishing a designated minimum number of clock
18 hours of required attendance, not less than twenty-
19 four (24) clock hours during the licensing period, at
20 accredited educational functions,

21 b. establishing the penalties to be imposed upon a
22 licensee for failure to comply with the continuing
23 education requirements, and

1 c. providing that the expense of such continuing
2 education shall be paid by the licensee participating
3 therein;

4 5. To grant a waiver of any training requirement, except
5 firearms training and weapons training which shall be required for
6 an armed bail enforcer license, unless the applicant has completed
7 at least one (1) year of full-time employment as an armed security
8 guard, armed private investigator, or ~~CLEET~~-certified law
9 enforcement officer within the three-year period immediately
10 preceding the date of application and the applicant provides
11 sufficient documentation thereof as may be required by the ~~Council~~
12 Department;

13 6. To grant an applicant credit for fulfilling any prescribed
14 course or courses of training, including firearms training, upon
15 submission of acceptable documentation of comparable training. The
16 ~~Council~~ Department may grant or refuse any such credit at its
17 discretion;

18 7. To issue the licenses and identification cards provided for
19 in the Bail Enforcement and Licensing Act;

20 8. To investigate alleged violations of the Bail Enforcement
21 and Licensing Act, or rules promulgated pursuant thereto, and to
22 deny, suspend, or revoke licenses and identification cards if
23 necessary, or to issue notices of reprimand to licensees with or
24

1 without probation under the rules promulgated by the ~~Council~~
2 Department;

3 9. To investigate alleged violations of the Bail Enforcement
4 and Licensing Act by persons not licensed in this state as bail
5 enforcers and to impose administrative sanctions pursuant to rule,
6 to seek injunctions pursuant to Section 1750.2A of ~~Title 59 of the~~
7 ~~Oklahoma Statutes~~ this title, or seek criminal prosecution, or any
8 and all of the foregoing;

9 10. To provide all forms for applications, identification
10 cards, badges, and licenses required by the Bail Enforcement and
11 Licensing Act;

12 11. To immediately suspend a license if a licensee's actions
13 present a danger to the licensee or to the public; and

14 12. To require additional testing for continuation or
15 reinstatement of a license if a licensee exhibits an inability to
16 exercise reasonable judgment, skill, or safety.

17 C. The ~~Council~~ Department may use staff and resources
18 established for the Oklahoma Security Guard and Private Investigator
19 Act to implement, administer and enforce the Bail Enforcement and
20 Licensing Act and shall use funds available from the ~~CLEET~~ Bail
21 Enforcement Revolving Fund created pursuant to Section ~~21 of this~~
22 ~~act~~ 1350.20 of this title for necessary financial support for the
23 Bail Enforcement and Licensing Act.

1 D. Nothing in the Bail Enforcement and Licensing Act or the
2 Oklahoma Security Guard and Private Investigator Act shall be
3 construed to prohibit the ~~Council~~ Department from authorizing
4 approved training schools or individuals to conduct combined
5 education or training for security guards, private investigators and
6 bail enforcers, including Phases I, II, III and IV training.

7 SECTION 45. AMENDATORY Section 9, Chapter 407, O.S.L.
8 2013 (59 O.S. Supp. 2019, Section 1350.8), is amended to read as
9 follows:

10 Section 1350.8. A. Each applicant for a bail enforcer license
11 shall be administered any current standard form of the Minnesota
12 Multiphasic Personality Inventory (MMPI), or other psychological
13 evaluation instrument approved by the ~~Council on~~ Law Enforcement
14 Education and Training Division of Department of Public Safety,
15 which shall be administered in conjunction with training in Phase I
16 required by the Bail Enforcement and Licensing Act. The bail
17 enforcer training school administering such instrument shall forward
18 the response data to a psychologist licensed by the State Board of
19 Examiners of Psychologists for evaluation. The licensed
20 psychologist shall be of the applicant's choice. It shall be the
21 responsibility of the applicant to bear the cost of the
22 psychological evaluation. No bail enforcer license shall be issued
23 unless the applicant meets the standards established by the ~~Council~~
24 Department for psychological evaluation.

1 B. If the licensed psychologist is unable to certify the
2 applicant's psychological capability to exercise appropriate
3 judgment, restraint, and self-control, after evaluating the data,
4 the psychologist shall employ whatever other psychological measuring
5 instruments or techniques deemed necessary to form a professional
6 opinion. The use of any psychological measuring instruments or
7 techniques shall require a full and complete written explanation to
8 the Council.

9 C. The psychologist shall forward a written psychological
10 evaluation, on a form prescribed by the ~~Council~~ Department, to the
11 ~~Council~~ Department within fifteen (15) days of the evaluation, even
12 if the applicant is found to be psychologically at risk. The
13 ~~Council~~ Department may utilize the results of the psychological
14 evaluation for up to six (6) months from the date of the evaluation
15 after which the applicant shall be reexamined. No person who has
16 been found psychologically at risk in the exercise of appropriate
17 judgment, restraint, or self-control shall reapply for certification
18 until one (1) year from the date of being found psychologically at
19 risk.

20 D. 1. Retired peace officers who have been certified by the
21 ~~Council~~ Department shall be exempt from the provisions of this
22 section for a period of one (1) year from retirement; provided there
23 is no evidence of an inability to exercise appropriate judgment,
24

1 restraint, and self-control during prior active duty as a law
2 enforcement officer and upon subsequent retirement.

3 2. Retired peace officers who are not exempt from this section
4 and who have previously undergone treatment for a mental illness,
5 condition, or disorder which required medication or supervision, as
6 defined by paragraph 7 of Section 1290.10 of Title 21 of the
7 Oklahoma Statutes, shall not be eligible to apply for a bail
8 enforcer license except upon presentation of a certified statement
9 from a licensed physician stating that the person is no longer
10 disabled by any mental or psychiatric illness, condition, or
11 disorder.

12 SECTION 46. AMENDATORY Section 10, Chapter 407, O.S.L.
13 2013, as last amended by Section 48, Chapter 363, O.S.L. 2019 (59
14 O.S. Supp. 2019, Section 1350.9), is amended to read as follows:

15 Section 1350.9. A. Except as prohibited by Section 1350.3 of
16 this title, a bail enforcer license or an armed bail enforcer
17 license may be issued to an applicant meeting the following
18 qualifications. The applicant shall:

19 1. Be a citizen of the United States or an alien legally
20 residing in the United States and have a minimum of six (6) months
21 legal residence documented in this state;

22 2. Be at least twenty-one (21) years of age;

23 3. Have a high school diploma or GED, or offer proof sufficient
24 to CLEET of equivalent GED qualifications, and have successfully

1 completed the training and psychological evaluation requirements for
2 the license applied for, as prescribed by the ~~Council on~~ Law
3 Enforcement Education and Training Division of the Department of
4 Public Safety;

5 4. Have no final victim protection orders issued in any state
6 as a defendant;

7 5. Have no record of a felony conviction or any expungement or
8 a deferred judgment or suspended sentence for a felony offense,
9 unless at least fifteen (15) years have passed since the completion
10 of the sentence and no other convictions have occurred or are
11 pending. Provided, no person convicted of a felony offense shall be
12 eligible for an armed bail enforcer license;

13 6. Have no record of conviction for assault or battery,
14 aggravated assault or battery, larceny, theft, false pretense,
15 fraud, embezzlement, false personation of an officer, any offense
16 involving a minor as a victim, any nonconsensual sex offense, any
17 offense involving the possession, use, distribution, or sale of a
18 controlled dangerous substance, any offense of driving while
19 intoxicated or driving under the influence of intoxicating
20 substance, any offense involving a firearm, or any other offense as
21 prescribed by the ~~Council~~ Department.

22 a. If any conviction which disqualifies an applicant
23 occurred more than five (5) years prior to the
24 application date and the ~~Council~~ Department is

1 convinced the offense constituted an isolated incident
2 and the applicant has been rehabilitated, the ~~Council~~
3 Department may, in its discretion, waive the
4 conviction disqualification as provided for in this
5 paragraph and issue an unarmed bail enforcer license,
6 but shall not issue an armed bail enforcer license if
7 the offense involved the use of a firearm, was violent
8 in nature, or was a felony offense other than a
9 driving offense.

10 b. Under oath, the applicant shall certify that he or she
11 has no disqualifying convictions as specified in the
12 Bail Enforcement and Licensing Act or by rule of the
13 ~~Council~~ Department, or that more than five (5) years
14 have lapsed since the completion of the sentence for a
15 disqualifying conviction.

16 c. The applicant shall further meet all other
17 qualifications, including, but not limited to, the
18 requirement to provide ~~CLEET~~ the Department and the
19 Oklahoma State Bureau of Investigation with individual
20 fingerprints for a state and national criminal history
21 records search and a current individual photograph
22 with the completed ~~CLEET~~ application for a bail
23 enforcer license.

1 d. If upon completion of the required background
2 investigation it is discovered that a disqualifying
3 conviction exists, the ~~Council~~ Department shall
4 immediately revoke or deny the bail enforcer license
5 of the applicant;

6 7. Make a statement that the applicant is not currently
7 undergoing treatment for a mental illness, condition, or disorder,
8 make a statement whether the applicant has ever been adjudicated
9 incompetent or committed to a mental institution, and make a
10 statement regarding any history of illegal drug use or alcohol
11 abuse. Upon presentation by the ~~Council~~ Law Enforcement Education
12 and Training Division of the Department of Public Safety of the
13 name, gender, date of birth, and address of the applicant to the
14 Department of Mental Health and Substance Abuse Services, the
15 Department of Mental Health and Substance Abuse Services shall
16 notify ~~the Council~~ the Department within ten (10) days whether the
17 computerized records of the Department of Mental Health and
18 Substance Abuse Services indicate the applicant has ever been
19 involuntarily committed to an Oklahoma state mental institution.
20 For purposes of this subsection, "currently undergoing treatment for
21 a mental illness, condition, or disorder" means the person has been
22 diagnosed by a licensed physician or psychologist as being afflicted
23 with a substantial disorder of thought, mood, perception,
24 psychological orientation, or memory that significantly impairs

1 judgment, behavior, capacity to recognize reality, or ability to
2 meet the ordinary demands of life and such condition continues to
3 exist;

4 8. Make a statement regarding any misdemeanor domestic violence
5 charges;

6 9. Provide proof of liability insurance or an individual bond
7 in a minimum amount established by the Bail Enforcement and
8 Licensing Act; and

9 10. Provide a statement of self-employment as a sole proprietor
10 bail enforcer.

11 B. 1. A bail enforcer shall be required to maintain a physical
12 address and phone number publically available and published in the
13 city or county where the physical address is located. Only a
14 licensed bail enforcer may accept a client contract to perform the
15 services of a bail enforcer.

16 2. A licensed bail enforcer shall be required to maintain
17 complete records of all clients, defendants and apprehensions, and
18 agree such records shall be available to ~~CLEET~~ the Department for
19 inspection at any time during regular business hours.

20 C. 1. All bail enforcers shall obtain and maintain either a
21 liability insurance policy or a surety bond that allows persons to
22 recover for actionable injuries, loss, or damage as a result of the
23 willful, or wrongful acts or omissions of the licensee and protects
24 this state, its agents, officers and employees from judgments

1 against the licensee, and is further conditioned upon the faithful
2 and honest conduct of the licensee.

3 2. The liability insurance policy or surety bond required in
4 this subsection shall be in the minimum amount of Ten Thousand
5 Dollars (\$10,000.00).

6 3. Liability insurance policies or bonds issued pursuant to
7 this subsection shall not be modified or canceled unless ten (10)
8 days' prior written notice is given to the ~~Council~~ Department. All
9 persons insured or bonded pursuant to this subsection shall be
10 insured by an insurance carrier or bonded by a surety company
11 licensed and authorized to do business in the state. Failure to
12 obtain and maintain sufficient liability insurance or bond as
13 provided in the Bail Enforcement and Licensing Act shall be grounds
14 for revocation of a license.

15 D. Upon written notice, any license may be placed on inactive
16 status.

17 SECTION 47. AMENDATORY Section 11, Chapter 407, O.S.L.
18 2013, as last amended by Section 1, Chapter 246, O.S.L. 2019 (59
19 O.S. Supp. 2019, Section 1350.10), is amended to read as follows:

20 Section 1350.10. A. 1. Application for a bail enforcer
21 license shall be made on forms provided by the ~~Council on~~ Law
22 Enforcement Education and Training Division of the Department of
23 Public Safety and shall be submitted in writing by the applicant
24 under oath. The application shall require the applicant to furnish

1 information reasonably required by the ~~Council~~ Department to
2 implement the provisions of the Bail Enforcement and Licensing Act,
3 including classifiable fingerprints to enable the search of criminal
4 indices for evidence of a prior criminal record, including, but not
5 limited to, a national criminal history record check as defined by
6 Section 150.9 of Title 74 of the Oklahoma Statutes.

7 2. Upon request of the ~~Council~~ Department, the Oklahoma State
8 Bureau of Investigation and other state and local law enforcement
9 agencies shall furnish a copy of any existent criminal history data
10 relating to an applicant to enable the ~~Council~~ Department to
11 determine the qualifications and fitness of such applicant for a
12 license.

13 B. 1. On and after February 1, 2015, the original application
14 and any license renewal shall be accompanied by a fee of:

- 15 a. Three Hundred Dollars (\$300.00) for an unarmed bail
16 enforcer license, or
- 17 b. Four Hundred Dollars (\$400.00) for an armed bail
18 enforcer license.

19 If an individual does not qualify for the type of license or
20 renewal license requested, the ~~Council~~ Department shall retain
21 twenty percent (20%) of the licensing fee as a processing fee and
22 refund the remaining amount to the individual or agency submitting
23 payment. In addition to the fees provided in this subsection, the
24 original application for a bail enforcer license shall be

1 accompanied by a nonrefundable fee for a national criminal history
2 record check with fingerprint analysis, as provided in Section 150.9
3 of Title 74 of the Oklahoma Statutes.

4 2. A licensee whose license has been suspended may apply for
5 reinstatement of license after the term of the suspension has
6 passed, if otherwise qualified. Any application for reinstatement
7 following a suspension of licensure shall be accompanied by a
8 nonrefundable fee of:

- 9 a. One Hundred Dollars (\$100.00) for the reinstatement of
10 an unarmed bail enforcer license, or
11 b. One Hundred Fifty Dollars (\$150.00) for an armed bail
12 enforcer license.

13 A revoked license shall not be reinstated.

14 3. Any renewal application of a license received after the
15 expiration date of the license shall be accompanied by a
16 nonrefundable late fee of Fifty Dollars (\$50.00) for an unarmed bail
17 enforcer license and a late fee of One Hundred Dollars (\$100.00) for
18 an armed bail enforcer license. A license application received more
19 than thirty (30) days after the expiration date is not renewable and
20 the applicant must complete a new application.

21 4. The fees charged and collected, including portions of fees
22 retained as processing fees, pursuant to the provisions of this
23 section shall be deposited to the credit of the ~~CLEET~~ Bail
24

1 Enforcement Revolving Fund created pursuant to Section 1350.20 of
2 this title.

3 C. On and after February 1, 2015, a bail enforcer license or
4 armed bail enforcer license shall be valid for a period of three (3)
5 years and may be renewed for additional three-year terms.

6 D. The ~~Council~~ Department shall devise a system for issuance of
7 licenses for the purpose of evenly distributing the expiration dates
8 of the licenses.

9 E. Pursuant to rule, the ~~Council~~ Department may issue a
10 duplicate license to a person licensed pursuant to the provisions of
11 the Bail Enforcement and Licensing Act. On and after February 1,
12 2015, the Council may assess a fee of Twenty-five Dollars (\$25.00)
13 for the issuance of a duplicate license. The fee shall accompany
14 the request for a duplicate license. All duplicate license fees
15 shall be deposited to the credit of the ~~CLEET~~ Bail Enforcement
16 Revolving Fund created pursuant to Section 1350.20 of this title.

17 SECTION 48. AMENDATORY Section 12, Chapter 407, O.S.L.
18 2013, as last amended by Section 49, Chapter 363, O.S.L. 2019 (59
19 O.S. Supp. 2019, Section 1350.11), is amended to read as follows:

20 Section 1350.11. A. A bail enforcer license or armed bail
21 enforcer license shall be subject to denial, suspension, or
22 revocation and/or disciplinary action or administrative fine by the
23 ~~Council on~~ Law Enforcement Education and Training Division of the
24 Department of Public Safety subject to the Administrative Procedures

1 Act for, but not limited to, the following reasons by clear and
2 convincing evidence:

3 1. Falsification or a willful misrepresentation of information
4 in an employment application, application to the ~~Council on~~ Law
5 Enforcement Education and Training Division of the Department of
6 Public Safety, records of evidence or in testimony under oath;

7 2. Failure to successfully complete any prescribed phase or
8 course of training as required by the ~~Council~~ Department;

9 3. Violation of any provision of the Bail Enforcement and
10 Licensing Act or any rule promulgated pursuant thereto;

11 4. A conviction, entry of a plea of guilty or nolo contendere
12 or an "Alford" plea or any plea other than a not guilty plea for
13 assault or battery, aggravated assault or battery, larceny, theft,
14 false pretense, fraud, embezzlement, false personation of an
15 officer, any offense involving a minor as a victim, any
16 nonconsensual sex offense, any offense involving the possession,
17 use, distribution, or sale of a controlled dangerous substance, any
18 offense of driving while intoxicated or driving under the influence
19 of intoxicating substance, any offense involving a firearm, any
20 felony or any other offense as proscribed by the ~~Council~~ Department;

21 5. Use of beverages containing alcohol while armed with a
22 firearm;

23 6. Knowingly impersonating a law enforcement officer;

1 7. Improper use of force pursuant to the Bail Enforcement and
2 Licensing Act;

3 8. Failure to carry and possess proper license, identification
4 or documents required by the Bail Enforcement and Licensing Act or
5 any rules promulgated pursuant thereto;

6 9. Improper apparel or vehicle pursuant to the Bail Enforcement
7 and Licensing Act;

8 10. Improper carry, display or use of a firearm, weapon or
9 noxious substance;

10 11. Unlawful entry into a dwelling house, structure, property
11 or vehicle or improper detention of any person;

12 12. Employing, authorizing, or permitting an unlicensed person
13 to perform or engage in services as a bail enforcer;

14 13. Permitting a person to perform or engage in services as a
15 bail enforcer knowing the person has committed any offense
16 prohibited by the Bail Enforcement and Licensing Act;

17 14. Revocation or voluntary surrender of police or peace
18 officer certification, private security guard license, private
19 investigator license, or bail enforcer license in another state for
20 a violation of any law or rule or in settlement of any disciplinary
21 action in such state; or

22 15. If an applicant is the defendant in a criminal prosecution
23 that is pending, no license will be issued until final resolution of
24 the criminal prosecution. If an applicant is the subject of an
25

1 order deferring imposition of judgment and sentence, no license will
2 be issued until completion of the deferred sentence and dismissal of
3 the criminal prosecution without a finding of guilt.

4 B. Upon the effective date of suspension or revocation of any
5 license pursuant to the Bail Enforcement and Licensing Act, the
6 licensee shall have the duty to surrender the license and any
7 identification card issued pursuant thereto to the ~~Council~~
8 Department.

9 SECTION 49. AMENDATORY Section 14, Chapter 407, O.S.L.
10 2013, as amended by Section 8, Chapter 373, O.S.L. 2014 (59 O.S.
11 Supp. 2019, Section 1350.13), is amended to read as follows:

12 Section 1350.13. No person licensed as a bail enforcer shall:

13 1. Invade the privacy of a defendant without lawful authority
14 or divulge any information gained by him or her in the course of
15 employment except as the client may direct as permitted by law, or
16 as may be required by law to be disclosed;

17 2. Willfully make a false report to any person;

18 3. Attempt any location, recovery or surrender of a defendant
19 without having in his or her possession a written client contract;

20 4. Attempt any location, recovery or surrender of a defendant
21 without having in his or her possession a certified copy of the
22 undertaking or bail bond contract;

1 5. Wear any apparel, badges, shields, ballistic vest or helmet
2 during the recovery of a defendant unless such item is clearly
3 marked "Bail Enforcer" or "Bail Enforcement";

4 6. Carry any firearm or weapon in the recovery of a defendant
5 without a valid armed bail enforcer license, or carry any firearm or
6 weapon when wearing bail enforcer apparel and not actively engaged
7 in the recovery of a defendant;

8 7. Point, display or discharge a firearm or weapon or
9 administer a noxious substance as defined by the Bail Enforcement
10 and Licensing Act in the recovery of a defendant without lawful
11 authority and training as provided by the rules promulgated by the
12 ~~Council on~~ Law Enforcement Education and Training Division of the
13 Department of Public Safety;

14 8. Wear any uniform or use any title, insignia, badge or
15 identification card or make any statements that would lead a person
16 to believe that he or she is connected in any way with the federal
17 government, a state government, or any political subdivision of a
18 state government, or law enforcement agency, or to permit another
19 person assisting in a recovery of a defendant to do such prohibited
20 acts;

21 9. Unlawfully enter into the dwelling house, structure,
22 property or vehicle of a defendant or third party;

23 10. Improperly use force against a defendant or third party;

1 11. Disobey any local ordinance, state or federal law,
2 including traffic laws, in attempting to locate, recover or
3 surrender a defendant;

4 12. Use a fictitious name in the recovery of a defendant;

5 13. Use or modify any vehicle for purposes of bail enforcement
6 that resembles or bears markings or exterior equipment similar to
7 those markings or equipment of an authorized law enforcement agency
8 in this state, or any of its political subdivisions, or that bear
9 any fictitious name, emblems, stickers, seals or design that would
10 imply to the public that the vehicle is a law enforcement vehicle
11 from this state, another state, any political subdivision of a
12 state, the United States, or another country or territory; or

13 14. Disobey any rules promulgated for the Bail Enforcement and
14 Licensing Act.

15 A violation of any provision of this subsection shall be
16 punishable as provided in Section 1350.2 of this title. In
17 addition, the ~~Council~~ Department may suspend or revoke the license
18 of the bail enforcer as provided by the rules promulgated pursuant
19 to the Bail Enforcement and Licensing Act.

20 SECTION 50. AMENDATORY Section 15, Chapter 407, O.S.L.
21 2013, as last amended by Section 2, Chapter 246, O.S.L. 2019 (59
22 O.S. Supp. 2019, Section 1350.14), is amended to read as follows:

23 Section 1350.14. The ~~Council on~~ Law Enforcement Education and
24 Training Division of the Department of Public Safety ~~(CLEET)~~ or its

1 employees shall not disclose application information pertaining to
2 applicants or persons licensed pursuant to the Bail Enforcement and
3 Licensing Act, except:

4 1. To verify the current license status of an applicant or
5 licensee to the public;

6 2. As may be necessary to perform duties or comply with rules
7 or law pursuant to the Bail Enforcement and Licensing Act;

8 3. To a bona fide law enforcement agency or judicial authority,
9 upon request;

10 4. To an insurance company licensed in this state for purposes
11 of issuing a bond for licensure or for claims purposes;

12 5. To provide the published name, address and phone number,
13 upon request by the public; provided, however, ~~CLEET~~ the Department
14 may withhold the physical residence address of an applicant or
15 licensee from the public when the applicant or licensee has so
16 requested and has provided ~~CLEET~~ the Department a business or
17 alternative address for public dissemination;

18 6. As required by court order;

19 7. To provide final orders where an applicant or licensee was
20 the respondent in or was the subject of an administrative proceeding
21 initiated by ~~CLEET~~ the Department; or

22 8. To provide information regarding application information to
23 the agency employing a licensee including, but not limited to,
24

1 information and/or documentation requested by ~~CLEET~~ the Department
2 from the applicant or licensee to complete the application process.

3 SECTION 51. AMENDATORY Section 16, Chapter 407, O.S.L.
4 2013 (59 O.S. Supp. 2019, Section 1350.15), is amended to read as
5 follows:

6 Section 1350.15. A. Each bail enforcer licensed pursuant to
7 the Bail Enforcer and Licensing Act shall carry a valid driver
8 license or state-issued photo identification card and the bail
9 enforcer badge authorized or issued by the ~~Council on Law~~
10 Enforcement Education and Training Division of the Department of
11 Public Safety at all times while performing the functions and
12 services of a bail enforcer in this state.

13 B. 1. Each discharge of a firearm by any person during the
14 recovery or surrender of a defendant pursuant to the Bail
15 Enforcement and Licensing Act shall be immediately reported to the
16 law enforcement agency having jurisdiction where such firearm was
17 discharged.

18 2. Each discharge of or use of a firearm or weapon or any
19 noxious substance as defined in the Bail Enforcement and Licensing
20 Act shall be reported to the ~~Council~~ Department who shall keep
21 records of all such occurrences.

22 SECTION 52. AMENDATORY Section 17, Chapter 407, O.S.L.
23 2013, as amended by Section 10, Chapter 373, O.S.L. 2014 (59 O.S.
24 Supp. 2019, Section 1350.16), is amended to read as follows:

1 Section 1350.16. A. The words "Bail Enforcer" or "Bail
2 Enforcement" shall be displayed in bold letters on all clothing worn
3 during the recovery of a defendant and such words together with the
4 person's valid state-issued license number shall be on the badge
5 authorized by or issued by ~~CLEET~~ the Law Enforcement Education and
6 Training Division of the Department of Public Safety, which badge
7 shall be in the possession of and visibly displayed by the bail
8 enforcer during the recovery of a defendant.

9 B. Vehicles used by a bail enforcer, if marked, must bear the
10 words "Bail Enforcer" or "Bail Enforcement". No such vehicle shall
11 be equipped with a siren, a lamp with a red or blue lens, or an
12 overhead light or lights with red or blue lens.

13 C. Any violation of provisions of this section shall be
14 punishable as provided in Section 1350.2 of this title. In
15 addition, the ~~Council on~~ Law Enforcement Education and Training
16 Division of the Department of Public Safety may suspend or revoke
17 the license pursuant to the rules promulgated for such prohibited
18 conduct.

19 SECTION 53. AMENDATORY Section 18, Chapter 407, O.S.L.
20 2013 (59 O.S. Supp. 2019, Section 1350.17), is amended to read as
21 follows:

22 Section 1350.17. A. On and after ~~the effective date of this~~
23 ~~act~~ November 1, 2013, private schools desiring to conduct any or all
24 phases of bail enforcement training shall submit an application for

1 a certificate of approval to the ~~Council on~~ Law Enforcement
2 Education and Training Division of the Department of Public Safety.
3 The application shall be accompanied by a fee of Three Hundred
4 Dollars (\$300.00). The certificate shall be renewed annually by
5 July 1. The renewal fee shall be Three Hundred Dollars (\$300.00).
6 If the school does not qualify for a certificate or renewal
7 certificate, the ~~Council~~ Department shall retain twenty percent
8 (20%) of the fee as a processing fee and refund the balance to the
9 school. The processing fee shall be credited and deposited in the
10 ~~CLEET~~ Bail Enforcement Revolving Fund created pursuant to Section ~~21~~
11 ~~of this act~~ 1350.20 of this title.

12 B. A listing of qualified and certified bail enforcement
13 training schools shall be available from the ~~Council~~ Department.
14 Any certified school may conduct continuing education courses on
15 subjects approved by the ~~Council~~ Department.

16 SECTION 54. AMENDATORY Section 19, Chapter 407, O.S.L.
17 2013 (59 O.S. Supp. 2019, Section 1350.18), is amended to read as
18 follows:

19 Section 1350.18. A. The firearm training for armed bail
20 enforcers may include the reduction targets for weapons fired at
21 fifty (50) feet to simulate weapons fired at seventy-five (75) feet
22 in indoor ranges. All indoor ranges for this training shall have a
23 minimum of three firing lanes and be approved by the ~~Council on~~ Law
24

1 Enforcement Education and Training Division of the Department of
2 Public Safety.

3 B. The ~~Council~~ Department shall approve the standards and
4 curriculum for approved training schools on training and use of
5 tasers, stun guns and other approved weapons and the administration
6 of noxious substances as defined in the Bail Enforcement and
7 Licensing Act. No bail enforcer shall be permitted to carry a
8 weapon or administer noxious substances in the recovery of a
9 defendant without successful completion of the training requirement
10 established by the ~~Council~~ Department for bail enforcers.

11 SECTION 55. AMENDATORY Section 20, Chapter 407, O.S.L.
12 2013 (59 O.S. Supp. 2019, Section 1350.19), is amended to read as
13 follows:

14 Section 1350.19. Every bail enforcer who holds a valid license
15 in this state shall have access to the jails of this state for the
16 purpose of surrendering persons recovered pursuant to the Bail
17 Enforcement and Licensing Act, and the rules adopted by the ~~Council~~
18 ~~on~~ Law Enforcement Education and Training Division of the Department
19 of Public Safety. Each surrender of a person to jail by a licensed
20 bail enforcer shall require presentation of a copy of the bail
21 undertaking, contract for recovery of the defendant by the bail
22 enforcer, or a copy of the warrant for arrest and surrender to
23 custody for failure to appear.

1 SECTION 56. AMENDATORY Section 21, Chapter 407, O.S.L.
2 2013 (59 O.S. Supp. 2019, Section 1350.20), is amended to read as
3 follows:

4 Section 1350.20. There is hereby created in the State Treasury
5 a revolving fund for the ~~Council on~~ Law Enforcement Education and
6 Training Division of the Department of Public Safety to be
7 designated the "~~CLEET~~ Bail Enforcement Revolving Fund". The fund
8 shall be a continuing fund, not subject to fiscal year limitations,
9 and shall consist of all application fees, license fees, renewal
10 fees, late fees, administrative fines, and other funds assessed or
11 collected pursuant to the Bail Enforcement and Licensing Act. All
12 monies accruing to the credit of the fund are hereby appropriated
13 and may be budgeted and expended by the ~~Council~~ Department for the
14 implementation, administration and enforcement of the Bail
15 Enforcement and Licensing Act. Expenditures from the fund shall be
16 made upon warrants issued by the State Treasurer against claims
17 filed as prescribed by law with the Director of the Office of State
18 Finance for approval and payment.

19 SECTION 57. AMENDATORY 59 O.S. 2011, Section 1453, is
20 amended to read as follows:

21 Section 1453. In the Polygraph Examiners Act, unless the
22 context requires a different definition,

- 23 1. "Board" means the Polygraph Examiners Board,
24
25

1 2. "Secretary" means that member of the Polygraph Examiners
2 Board selected by the Board to act as secretary,

3 3. "Internship" means the study of polygraph examination and of
4 the administration of polygraph examinations by a trainee under the
5 personal supervision and control of a polygraph examiner in
6 accordance with a course of study prescribed by the Board at the
7 commencement of such internship,

8 4. "Person" means any natural person, firm, association,
9 copartnership or corporation,

10 5. "Polygraph examiner" means any person who purports to be
11 able to detect deception or verify truth of statements through
12 instrumentation or the use of a mechanical device, and

13 6. "~~Council~~ Department" means the ~~Council on~~ Law Enforcement
14 Education and Training Division of the Department of Public Safety.

15 SECTION 58. AMENDATORY 59 O.S. 2011, Section 1750.2A, as
16 amended by Section 28, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2019,
17 Section 1750.2A), is amended to read as follows:

18 Section 1750.2A. Any person violating or failing to comply with
19 the provisions of the Oklahoma Security Guard and Private
20 Investigator Act or the Bail Enforcement and Licensing Act may be
21 enjoined from such violations or required to comply with such
22 provisions by any district court of competent jurisdiction. The
23 ~~Council on~~ Law Enforcement Education and Training Division of the
24 Department of Public Safety or the Attorney General may apply for an

1 order enjoining such violation or enforcing compliance with law and
2 rule. Upon the filing of a verified petition with the court, the
3 court, if satisfied by the affidavit or otherwise that the person
4 has violated any provisions of the Oklahoma Security Guard and
5 Private Investigator Act or the Bail Enforcement and Licensing Act,
6 may issue a temporary injunction enjoining such continued violation.
7 In case of violation of any order or decree issued by court, the
8 offender may be held in contempt of court. Proceedings under this
9 section shall be in addition to all other remedies and penalties
10 provided by law.

11 SECTION 59. AMENDATORY 59 O.S. 2011, Section 1750.3, as
12 amended by Section 1, Chapter 136, O.S.L. 2014 (59 O.S. Supp. 2019,
13 Section 1750.3), is amended to read as follows:

14 Section 1750.3. A. The ~~director of the Council on Law~~
15 ~~Enforcement Education and Training~~ Commissioner of the Department of
16 Public Safety, and any staff member designated by the ~~director~~
17 Commissioner, shall have all the powers and authority of peace
18 officers of this state for the purposes of enforcing the provisions
19 of the Oklahoma Security Guard and Private Investigator Act, and all
20 other duties which are or may be conferred upon the ~~Council~~
21 Department by the Oklahoma Security Guard and Private Investigator
22 Act. The powers and duties conferred on the ~~director~~ Commissioner
23 or any staff member appointed by the ~~director~~ Commissioner as a
24 peace officer shall not limit the powers and duties of other peace

1 officers of this state or any political subdivision thereof. The
2 ~~director~~ Commissioner, or any staff member appointed by the ~~director~~
3 Commissioner as a peace officer shall, upon request, assist any
4 federal, state, county, or municipal law enforcement agency.

5 B. The ~~Council on~~ Law Enforcement Education and Training
6 Division of the Department of Public Safety shall have the following
7 powers and duties:

8 1. To promulgate rules to carry out the purposes of the
9 Oklahoma Security Guard and Private Investigator Act;

10 2. To establish and enforce standards governing the training of
11 persons required to be licensed pursuant to the Oklahoma Security
12 Guard and Private Investigator Act with respect to:

- 13 a. issuing, denying, or revoking certificates of approval
14 to security training schools, and programs
15 administered by the state, a county, a municipality, a
16 private corporation, or an individual,
- 17 b. certifying instructors at approved security training
18 schools,
- 19 c. establishing minimum requirements for security
20 training schools and periodically reviewing these
21 standards, and
- 22 d. providing for periodic inspection of all security
23 training schools or programs;
- 24

1 3. To establish minimum curriculum requirements for training as
2 the ~~Council~~ Department may require for security guards, armed
3 security guards, and private investigators. Training requirements
4 for unarmed security guards shall not exceed forty (40) hours of
5 instruction;

6 4. To establish minimum requirements for a mandatory continuing
7 education program for all licensed private investigators and
8 security guards which shall include, but not be limited to:

- 9 a. establishing a designated minimum number of clock
10 hours of required attendance, not to exceed twenty-
11 four (24) clock hours during the licensing period, at
12 accredited educational functions,
- 13 b. establishing the penalties to be imposed upon a
14 licensee for failure to comply with the continuing
15 education requirements,
- 16 c. designating the Private Security Advisory Committee to
17 assist the ~~Council~~ Department in establishing the
18 criteria for determining the qualifications of
19 proposed continuing education programs that would be
20 submitted to the ~~Council~~ Department for accreditation
21 to meet this requirement, and
- 22 d. providing that the expense of such continuing
23 education shall be paid by the licensee participating
24 therein;

1 5. To grant a waiver of any training requirement, except
2 firearms training which shall be required for an armed security
3 guard license, if the applicant has completed not less than one (1)
4 year of full-time employment as a security guard, armed security
5 guard, private investigator, or law enforcement officer within a
6 three-year period immediately preceding the date of application and
7 the applicant provides sufficient documentation thereof as may be
8 required by the ~~Council~~ Department;

9 6. To grant an applicant credit for fulfilling any prescribed
10 course or courses of training, including firearms training, upon
11 submission of acceptable documentation of comparable training. The
12 ~~Council~~ Department may grant or refuse any such credit at its
13 discretion;

14 7. To issue the licenses and identification cards provided for
15 in the Oklahoma Security Guard and Private Investigator Act;

16 8. To investigate alleged violations of the Oklahoma Security
17 Guard and Private Investigator Act or rules relating thereto and to
18 deny, suspend, or revoke licenses and identification cards if
19 necessary, or to issue notices of reprimand to licensees with or
20 without probation under rules to be prescribed by the ~~Council~~
21 Department;

22 9. To investigate alleged violations of the Oklahoma Security
23 Guard and Private Investigator Act by persons not licensed pursuant
24

1 to such act and to impose administrative sanctions pursuant to rules
2 or to seek an injunction pursuant to Section 1750.2A of this title;

3 10. To provide all forms for applications, identification
4 cards, and licenses required by the Oklahoma Security Guard and
5 Private Investigator Act;

6 11. To enter into reciprocal agreements with officials of other
7 states;

8 12. To immediately suspend a license if a licensee's actions
9 present a danger to the licensee or to the public, a family
10 household member, or involve a crime against a minor; and

11 13. To require additional testing for continuation or
12 reinstatement of a license if a licensee exhibits an inability to
13 exercise reasonable judgment, skill, or safety.

14 SECTION 60. AMENDATORY 59 O.S. 2011, Section 1750.2, is
15 amended to read as follows:

16 Section 1750.2. As used in the Oklahoma Security Guard and
17 Private Investigator Act:

18 1. "Client" means any person or legal entity having a contract
19 with a person or entity licensed pursuant to the Oklahoma Security
20 Guard and Private Investigator Act, which contract authorizes
21 services to be performed in return for financial or other
22 considerations;

23 2. "~~Council~~ Department" means the ~~Council on~~ Law Enforcement
24 Education and Training Division of the Department of Public Safety;

1 3. "License" means authorization issued by the ~~Council~~
2 Department pursuant to the Oklahoma Security Guard and Private
3 Investigator Act permitting the holder to perform the functions of a
4 security guard, armed security guard, private investigator,
5 investigative agency, or security agency;

6 4. "Private investigator" means a person who is self-employed,
7 or contracts with, or is employed by an investigative agency for the
8 purpose of conducting a private investigation and reporting the
9 results to the employer or client of the employer relating to:

- 10 a. potential or pending litigation, civil, or criminal,
- 11 b. divorce or other domestic investigations,
- 12 c. missing persons or missing property, or
- 13 d. other lawful investigations, but shall not include:

14 (1) a person authorized or employed by the United
15 States Government, any state government, or any
16 agency, department, or political subdivision
17 thereof while engaged in the performance of
18 official duties,

19 (2) a person or employee of a firm, corporation or
20 other legal entity engaged exclusively in a
21 profession licensed by any board, commission,
22 department or court of this state, or

23 (3) a bona fide, salaried, full-time employee of a
24 firm, corporation or other legal entity not in
25

1 the primary business of soliciting and providing
2 private investigations, who conducts
3 investigations that are exclusive to and
4 incidental to the primary business of said firm,
5 corporation or entity, and when the costs of such
6 investigations are not charged directly back to
7 the particular client or customer who directly
8 benefits from the investigation;

9 5. "Armed private investigator" means a private investigator
10 authorized to carry a firearm;

11 6. "Security agency" means a person, firm, corporation, or
12 other private legal entity in the business of security guard
13 services or armed security guards for hire;

14 7. "Security guard" means an individual contracting with or
15 employed by a security agency, private business or person to prevent
16 trespass, theft, misappropriation, wrongful concealment of
17 merchandise, goods, money or other tangible items, or engaged as a
18 bodyguard or as a private watchman to protect persons or property,
19 but shall not include:

- 20 a. for individuals operating unarmed, any person employed
21 as a private watchman or security guard by one
22 employer only in connection with the affairs of such
23 employer where there exists an employer-employee
24 relationship,

1 b. a full-time certified peace officer of the United
2 States, this state, or any political subdivision of
3 either,

4 (1) while such peace officer is engaged in the
5 performance of his or her official duties within
6 the course and scope of his or her employment
7 with the United States, this state, or any
8 political subdivision of either,

9 (2) while such peace officer is engaged in the
10 performance of his or her duties as a railroad
11 police officer,

12 (3) who receives compensation for private employment
13 on an individual or an individual independent
14 contractual basis as a patrolman, guard, or
15 watchman if such person is employed in an
16 employer-employee relationship or is employed on
17 an individual contractual basis, or

18 (4) who receives compensation from an employer-
19 employee relationship or an individual
20 independent contractor basis with any licensed
21 security agency as defined in this section or any
22 private business or person to perform security or
23 investigative services,

1 c. any person whose terms of employment as a security
2 guard are governed by a collective bargaining
3 agreement on May 9, 1989, and

4 d. any person who is employed as a full-time security
5 guard by a financial institution on May 9, 1989;

6 8. "Armed security guard" means a security guard authorized to
7 carry a firearm;

8 9. "Investigative agency" means a self-employed private
9 investigator, a firm, a corporation, or other private legal entity
10 in the business of soliciting the business of private investigation
11 and/or providing private investigations and investigators;

12 10. "Special event" means a public activity in the form of an
13 athletic contest, charity event, exposition or similar event that
14 occurs only on an annual or noncontinuing basis; and

15 11. "Special event license" means a temporary license issued
16 pursuant to the Oklahoma Security Guard and Private Investigator Act
17 which restricts the license holder to employment as a security guard
18 only for the duration of a particular event.

19 SECTION 61. AMENDATORY 59 O.S. 2011, Section 1750.3A, as
20 amended by Section 3, Chapter 246, O.S.L. 2019 (59 O.S. Supp. 2019,
21 Section 1750.3A), is amended to read as follows:

22 Section 1750.3A. A. Each applicant for an armed security guard
23 license or armed private investigator license shall be administered
24 any current standard form of the Minnesota Multiphasic Personality
25

1 Inventory (MMPI), or other psychological evaluation instrument
2 approved by the ~~Council on~~ Law Enforcement Education and Training
3 Division of the Department of Public Safety, which shall be
4 administered during the firearms training phase required by Section
5 1750.3 of this title. The security training school administering
6 such instrument shall forward the response data to a psychologist
7 licensed by the Oklahoma State Board of Examiners of Psychologists
8 for evaluation. The licensed psychologist shall be of the
9 applicant's choice. Applicants with comparable training shall
10 complete the psychological test and evaluation requirements prior to
11 licensing. It shall be the responsibility of the applicant to bear
12 the cost of the psychological evaluation.

13 B. If the licensed psychologist is unable to certify the
14 applicant's psychological capability to exercise appropriate
15 judgment, restraint, and self-control, after evaluating the data,
16 the psychologist shall employ whatever other psychological measuring
17 instruments or techniques deemed necessary to form a professional
18 opinion. The use of any psychological measuring instruments or
19 techniques shall require a full and complete written explanation to
20 the ~~Council on~~ Law Enforcement Education and Training Division of
21 the Department of Public Safety.

22 C. The psychologist shall forward a written psychological
23 evaluation, on a form prescribed by the ~~Council~~ Department, to the
24 ~~Council~~ Department within fifteen (15) days of the evaluation, even

1 if the applicant is found to be psychologically at risk. The
2 ~~Council~~ Department may utilize the results of the psychological
3 evaluation for up to six (6) months from the date of the evaluation
4 after which the applicant shall be reexamined. No person who has
5 been found psychologically at risk in the exercise of appropriate
6 judgment, restraint, or self-control shall reapply for licensing
7 until one (1) year from the date of being found psychologically at
8 risk.

9 D. 1. Active full-time peace officers who have been certified
10 as full-time peace officers by the ~~Council on Law Enforcement~~
11 ~~Education and Training~~ Department shall be exempt from the
12 provisions of this section.

13 2. Retired full-time peace officers who have been certified as
14 full-time peace officers by the ~~Council on Law Enforcement Education~~
15 ~~and Training~~ Department shall be exempt from the provisions of this
16 section for a period of one (1) year from retirement.

17 3. Retired peace officers who are not exempt from this section
18 and who have previously undergone treatment for a mental illness,
19 condition, or disorder which required medication or supervision, as
20 defined by paragraph 7 of Section 1290.10 of Title 21 of the
21 Oklahoma Statutes may apply for an armed security guard license or
22 armed private investigator license only after three (3) years from
23 the last date of treatment or upon presentation of a certified
24 statement from a licensed physician stating that the person is

1 either no longer disabled by any mental or psychiatric illness,
2 condition, or disorder or that the person has been stabilized on
3 medication for ten (10) years or more.

4 E. ~~The Council on Law Enforcement Education and Training~~
5 Department shall not issue or renew an armed security guard license,
6 armed private investigator license, armed bail enforcer license or
7 any other license permitting a person to carry a firearm or weapon
8 if the applicant has been involuntarily committed for a mental
9 illness, condition or disorder pursuant to the provisions of Section
10 5-410 of Title 43A of the Oklahoma Statutes or any involuntary
11 commitment in another state pursuant to the provisions of law of
12 that state. The preclusive period shall be permanent as provided by
13 Section 922(g) (4) of Title 18 of the United States Code, unless the
14 person has been granted relief from the disqualifying disability
15 pursuant to Section 1290.27 of Title 21 of the Oklahoma Statutes.

16 SECTION 62. AMENDATORY 59 O.S. 2011, Section 1750.4, is
17 amended to read as follows:

18 Section 1750.4. On and after January 1, 1988, no person may be
19 employed or operate as a security guard, private investigator,
20 security agency, or investigative agency until a license therefor
21 has been issued by the ~~Council on~~ Law Enforcement Education and
22 Training Division of the Department of Public Safety pursuant to the
23 Oklahoma Security Guard and Private Investigator Act.

1 SECTION 63. AMENDATORY 59 O.S. 2011, Section 1750.4a, is
2 amended to read as follows:

3 Section 1750.4a. On and after July 1, 1988, no person may be
4 employed or operate as an armed security guard until a license
5 therefor has been issued by the ~~Council on~~ Law Enforcement Education
6 and Training Division of the Department of Public Safety pursuant to
7 the Oklahoma Security Guard and Private Investigator Act.

8 SECTION 64. AMENDATORY 59 O.S. 2011, Section 1750.5, as
9 last amended by Section 57, Chapter 363, O.S.L. 2019 (59 O.S. Supp.
10 2019, Section 1750.5), is amended to read as follows:

11 Section 1750.5. A. Licenses authorized to be issued by the
12 ~~Council on~~ Law Enforcement Education and Training Division of the
13 Department of Public Safety ~~(CLEET)~~ shall be as follows:

- 14 1. Security Agency License;
- 15 2. Investigative Agency License;
- 16 3. Private Investigator License (unarmed);
- 17 4. Security Guard License (unarmed);
- 18 5. Armed Security Guard License;
- 19 6. Special Event License (unarmed);
- 20 7. Armed Private Investigator License;
- 21 8. Bail Enforcer License; and
- 22 9. Armed Bail Enforcer License.

23 B. Any qualified applicant meeting the requirements for more
24 than one of the positions of private investigator, security guard,

1 armed security guard, bail enforcer, or armed bail enforcer may be
2 issued a separate license for each position for which qualified, or
3 in the discretion of the ~~Council~~ Department, a combination license
4 provided the required license fees are paid.

5 C. 1. A private investigator may carry a firearm, if the
6 private investigator also performs the functions of an armed
7 security guard, under the authority of the armed security guard
8 license.

9 2. If the private investigator performs no functions of an
10 armed security guard, the ~~Council~~ Department may issue an armed
11 private investigator license. If a person has been issued an armed
12 private investigator license, the ~~Council~~ Departmnt may issue an
13 armed bail enforcer license if the applicant is otherwise eligible
14 and qualified. The applicant for an armed private investigator
15 license must complete Phase I, III and IV training and pass the
16 psychological examination and state test; provided however, active
17 certified peace officers and retired certified peace officers shall
18 be exempt from the psychological examination as provided in Section
19 1750.3A of this title, and active certified peace officers of any
20 state, county or municipal law enforcement agency in this state
21 shall be exempt from the Phase I, III and IV training and state test
22 for an armed private investigator. The ~~Council~~ Department will
23 charge the same fee for the armed private investigators license as
24 the cost of the armed security guard license; provided however, an

1 active certified peace officer who is an applicant for an armed
2 private investigator or armed security guard license shall be
3 charged only twenty percent (20%) of the required fee.

4 3. Any person issued an armed private investigator license may
5 carry a concealed or unconcealed firearm when on and off duty,
6 provided the person is in possession of a valid driver license and a
7 valid armed private investigator license.

8 4. Any person issued an armed bail enforcer license may carry a
9 concealed approved pistol, or may open-carry an approved pistol with
10 a visible bail enforcer badge affixed to the holster or belt
11 immediately next to the firearm while wearing clearly marked apparel
12 designating the person as a "Bail Enforcer" or "Bail Enforcement"
13 when actively engaged in the recovery of a defendant, subject to all
14 rules for use and conduct of firearms promulgated by the ~~Council~~
15 Department. An armed bail enforcer shall be permitted to carry a
16 concealed pistol when not actively engaged in the recovery of a
17 defendant provided the bail enforcer badge authorized or issued by
18 ~~CLEET~~ the Department and a state-issued driver license or
19 identification card are in the possession of the person while
20 carrying the firearm.

21 D. Any identification card or badge issued to a person meeting
22 the license requirements for an armed security guard, an armed
23 private investigator or armed bail enforcer shall be distinct and
24 shall explicitly state that the person is authorized to carry a

1 firearm pursuant to the provisions of the Oklahoma Security Guard
2 and Private Investigator Act or the Bail Enforcement and Licensing
3 Act. Upon receipt of the license and identification card, the armed
4 security guard, armed private investigator or armed bail enforcer is
5 authorized to carry a firearm subject to the respective provisions
6 of the Oklahoma Security Guard and Private Investigator Act or the
7 Bail Enforcement and Licensing Act and the rules promulgated by the
8 Council.

9 E. The ~~Council~~ Department may issue a conditional license to a
10 person employed by a security or investigative agency as a trainee
11 for a security guard, armed security guard, or private investigator
12 position, when the person has submitted a properly completed
13 application, made under oath, subject to the following conditions:

14 1. A conditional license shall authorize employees to perform
15 the same functions that regular licensees perform, but subject to
16 supervision by the employing agency as the ~~Council~~ Department may
17 prescribe;

18 2. The holder of a conditional license shall complete the
19 necessary training requirements within one hundred eighty (180) days
20 from the effective date of the conditional license, after which the
21 conditional license shall expire;

22 3. The holder of a conditional license as an armed security
23 guard shall not carry a firearm in the performance of duties until
24 after completing a course of firearms training as prescribed by the
25

1 ~~Council~~ Department, and having been issued a regular license by the
2 ~~Council~~ Department;

3 4. A conditional license may be renewed at the discretion of
4 the ~~Council~~ Department, if necessary to allow an applicant to
5 complete any training required for a regular license;

6 5. When the ~~Council~~ Department finds that a conditional license
7 holder has completed the required training and is otherwise
8 qualified for a license pursuant to the provisions of the Oklahoma
9 Security Guard and Private Investigator Act, the ~~Council~~ Department
10 shall issue a regular license; and

11 6. The ~~Council~~ Department shall be prohibited from issuing a
12 conditional license to a bail enforcer under the Bail Enforcement
13 and Licensing Act.

14 F. A Security Agency License may be issued to an individual,
15 corporation, or other legal entity meeting the following
16 qualifications:

17 1. If the license is to be issued in the name of a legal entity
18 other than a natural person, the applicant must furnish proof that
19 the entity is legally recognized, such as the issuance of a
20 corporate charter; and

21 2. The executive officer, manager, or other person in charge of
22 supervising security guards in the performance of their duties shall
23 be a licensed security guard.

1 G. An Investigative Agency License may be issued to an
2 individual, corporation, or other legal entity meeting the following
3 qualifications:

4 1. If the license is to be issued in the name of a legal entity
5 other than a natural person, the applicant must furnish proof that
6 the entity is legally recognized, such as the issuance of a
7 corporate charter;

8 2. Any person, otherwise qualified, may own a private
9 investigation agency; and

10 3. A self-employed private investigator who employs no other
11 investigators shall also be licensed as an investigative agency, but
12 shall only be required to be insured or bonded as a self-employed
13 private investigator.

14 H. A Security Guard License, Armed Security Guard License,
15 Private Investigator License, Armed Private Investigator License, or
16 combination thereof may be issued to an applicant meeting the
17 following qualifications. The applicant shall:

18 1. Be a citizen of the United States or an alien legally
19 residing in the United States;

20 2. Be at least eighteen (18) years of age, except that an
21 applicant for an Armed Security Guard License shall be at least
22 twenty-one (21) years of age;

23 3. Have successfully completed training requirements for the
24 license applied for, as prescribed by the ~~Council~~ Department;

1 4. Not have a record of conviction for a felony crime that
2 substantially relates to the occupation of a security guard or
3 private investigator and poses a reasonable threat to public safety;

4 5. Not have a record of conviction for larceny, theft, false
5 pretense, fraud, embezzlement, false personation of an officer, any
6 offense involving a minor as a victim, any nonconsensual sex
7 offense, any offense involving the possession, use, distribution, or
8 sale of a controlled dangerous substance, any offense involving a
9 firearm, or any other offense as prescribed by the ~~Council~~
10 Department, as provided herein.

11 a. If any conviction which disqualifies an applicant
12 occurred more than five (5) years prior to the
13 application date and the ~~Council~~ Department is
14 convinced the offense constituted an isolated incident
15 and the applicant has been rehabilitated, the ~~Council~~
16 Department may, in its discretion, waive the
17 conviction disqualification as provided for in this
18 paragraph and issue an unarmed security guard license
19 or a private investigator license, but shall not issue
20 an armed guard license to the applicant if the felony
21 involved the use of a firearm or was violent in
22 nature.

23 b. If an Oklahoma State Bureau of Investigation records
24 check and a local records check reveal that there are

1 no felony convictions, or any other disqualifying
2 convictions as specified in the Oklahoma Security
3 Guard and Private Investigator Act or prescribed by
4 the ~~Council~~ Department, then the ~~Council~~ Department
5 may conditionally issue an armed security guard
6 license pending completion of the criminal history and
7 background check.

8 c. Under oath, the applicant shall certify that he or she
9 has no disqualifying convictions as specified in the
10 Oklahoma Security Guard and Private Investigator Act
11 or by the ~~Council~~ Department.

12 d. The applicant shall further meet all other
13 qualifications.

14 e. If upon completion of the required background
15 investigation it is discovered that a disqualifying
16 conviction exists, the ~~Council~~ Department shall
17 immediately revoke the armed guard license of the
18 applicant;

19 6. Make a statement that the applicant is not currently
20 undergoing treatment for a mental illness, condition, or disorder,
21 make a statement whether the applicant has ever been adjudicated
22 incompetent or committed to a mental institution, and make a
23 statement regarding any history of illegal drug use or alcohol
24 abuse. Upon presentation by the ~~Council~~ Law Enforcement

1 Education and Training Division of the Department of Public Safety
2 of the name, gender, date of birth, and address of the applicant to
3 the Department of Mental Health and Substance Abuse Services, the
4 Department of Mental Health and Substance Abuse Services shall
5 notify the ~~Council~~ Department within ten (10) days whether the
6 computerized records of the Department indicate the applicant has
7 ever been involuntarily committed to an Oklahoma state mental
8 institution. For purposes of this subsection, "currently undergoing
9 treatment for a mental illness, condition, or disorder" means the
10 person has been diagnosed by a licensed physician or psychologist as
11 being afflicted with a substantial disorder of thought, mood,
12 perception, psychological orientation, or memory that significantly
13 impairs judgment, behavior, capacity to recognize reality, or
14 ability to meet the ordinary demands of life and such condition
15 continues to exist; and

16 7. Make a statement regarding misdemeanor domestic violence
17 charges.

18 I. A special event license may be issued to an employee of a
19 security agency who is hired on a temporary basis as an unarmed
20 security guard for a particular event. An application for a special
21 event license shall be made by the agency employing the applicant.
22 The agency shall certify to the ~~Council~~ Department that the
23 applicant meets the qualifications for security guards, pursuant to
24 subsection H of this section.

1 J. 1. All persons and agencies shall obtain and maintain
2 liability coverage in accordance with the following minimum
3 standards:

- 4 a. general liability insurance coverage for bodily
5 injury, personal injury, and property damage, with
6 endorsements for personal injury including false
7 arrest, libel, slander, and invasion of privacy, or
8 b. a surety bond that allows persons to recover for
9 actionable injuries, loss, or damage as a result of
10 the willful, or wrongful acts or omissions of the
11 principal and protects this state, its agents,
12 officers and employees from judgments against the
13 principal or insured licensee, and is further
14 conditioned upon the faithful and honest conduct of
15 the principal's business.

16 2. Liability coverages and bonds outlined in this section shall
17 be in the minimum amounts of One Hundred Thousand Dollars
18 (\$100,000.00) for agencies, Ten Thousand Dollars (\$10,000.00) for
19 armed security guards and armed private investigators, or
20 combination armed license; and Five Thousand Dollars (\$5,000.00) for
21 unarmed security guards and self-employed unarmed private
22 investigators who employ no other investigators.
23
24
25

1 3. Security agencies and investigative agencies shall ensure
2 that all employees of these agencies have met the minimum liability
3 coverages as prescribed in this section.

4 4. Insurance policies and bonds issued pursuant to this section
5 shall not be modified or canceled unless ten (10) days' prior
6 written notice is given to the ~~Council~~ Department. All persons and
7 agencies insured or bonded pursuant to this section shall be insured
8 or bonded by an insurance carrier or a surety company licensed in
9 the state in which the insurance or bond was purchased, or in this
10 state.

11 5. In lieu of the requirements of this subsection, the ~~Council~~
12 Department may accept a written statement from a corporation which
13 is registered with the Oklahoma Secretary of State attesting that
14 the corporation self-insures the general operation of business for
15 the types of liability set out in paragraphs 1 and 2 of this
16 subsection.

17 K. Upon written notice, any license may be placed on inactive
18 status.

19 L. Similar or duplicate agency names will not be issued. Each
20 agency name must be distinguishably different.

21 M. As used in this section:

22 1. "Substantially relates" means the nature of criminal conduct
23 for which the person was convicted has a direct bearing on the
24

1 fitness or ability to perform one or more of the duties or
2 responsibilities necessarily related to the occupation; and

3 2. "Poses a reasonable threat" means the nature of criminal
4 conduct for which the person was convicted involved an act or threat
5 of harm against another and has a bearing on the fitness or ability
6 to serve the public or work with others in the occupation.

7 SECTION 65. AMENDATORY 59 O.S. 2011, Section 1750.6, as
8 last amended by Section 5, Chapter 246, O.S.L. 2019 (59 O.S. Supp.
9 2019, Section 1750.6), is amended to read as follows:

10 Section 1750.6. A. 1. Application for a license shall be made
11 on forms provided by the ~~Council on~~ Law Enforcement Education and
12 Training Division of the Department of Public Safety and shall be
13 submitted in writing by the applicant under oath. The application
14 shall require the applicant to furnish information reasonably
15 required by the ~~Council~~ Department to implement the provisions of
16 the Oklahoma Security Guard and Private Investigator Act, including
17 classifiable fingerprints to enable the search of criminal indices
18 for evidence of a prior criminal record, including, but not limited
19 to, a national criminal history record check as defined by Section
20 150.9 of Title 74 of the Oklahoma Statutes.

21 2. Upon request of the ~~Council~~ Department, the Oklahoma State
22 Bureau of Investigation and other state and local law enforcement
23 agencies shall furnish a copy of any existent criminal history data
24 relating to an applicant, including investigation reports which are

1 otherwise required by law to be deemed confidential, to enable the
2 ~~Council~~ Department to determine the qualifications and fitness of
3 such applicant for a license.

4 B. 1. a. An original application and any license renewal shall
5 be accompanied by a fee of Fifty Dollars (\$50.00) for
6 each original application and renewal of a private
7 investigator or an unarmed security guard, One Hundred
8 Dollars (\$100.00) for each original application and
9 renewal of an armed security guard or an armed private
10 investigator; provided however, an active certified
11 peace officer upon application or renewal of an armed
12 security guard or armed private investigator shall be
13 charged only twenty percent (20%) of the required fee,
14 Seven Dollars (\$7.00) for each special event license,
15 and Three Hundred Dollars (\$300.00) for either the
16 original application or each renewal for a security
17 agency or investigative agency. If an individual or
18 agency does not qualify for the type of license or
19 renewal license requested, ~~CLEET~~ the Department shall
20 retain twenty percent (20%) of the licensing fee as a
21 processing fee and refund the remaining amount, if
22 any, to the remitter. The individual license fee paid
23 by a licensed agency will be refunded to the agency.

1 b. In addition to the fees provided in this subsection,
2 the original application of an unarmed private
3 investigator, unarmed security guard, armed security
4 guard or armed private investigator shall be
5 accompanied by a nonrefundable fee for a national
6 criminal history record with fingerprint analysis, as
7 provided in Section 150.9 of Title 74 of the Oklahoma
8 Statutes.

9 c. A refund request for any reason other than
10 disqualification or denial shall be made in writing
11 and submitted within six (6) months of the date
12 payment was received.

13 2. A licensee whose license has been suspended may apply for
14 reinstatement of license after the term of the suspension has
15 passed. Any application for reinstatement following a suspension of
16 licensure shall be accompanied by a nonrefundable fee of Twenty-five
17 Dollars (\$25.00) for the reinstatement of a private investigator or
18 unarmed security guard, Fifty Dollars (\$50.00) for the reinstatement
19 of an armed security guard or armed private investigator, and Two
20 Hundred Dollars (\$200.00) for reinstatement of a security or
21 investigative agency.

22 3. A licensee who fails to file a renewal application on or
23 before the expiration of a license shall pay a non-refundable late
24 fee of Twenty-five Dollars (\$25.00) for an individual license and a

1 late fee of One Hundred Dollars (\$100.00) for an agency license. A
2 license application received more than thirty (30) days after the
3 expiration date is not renewable and the applicant must complete a
4 new application.

5 4. The fees charged and collected pursuant to the provisions of
6 this subsection shall be deposited to the credit of the ~~CLEET~~
7 Private Security Revolving Fund. The prevailing fingerprint
8 processing fee for the original application for a private
9 investigator, an unarmed security guard, an armed security guard or
10 an armed private investigator shall be deposited in the OSBI
11 Revolving Fund.

12 C. A Security Guard License, Armed Security Guard License,
13 Private Investigator License, or Armed Private Investigator License
14 shall be valid for a period of three (3) years and may be renewed
15 for additional three-year terms. A Security Agency License or
16 Investigative Agency License shall be valid for a period of five (5)
17 years and may be renewed for additional five-year terms. A special
18 event license shall be valid only for the duration of the event for
19 which it is expressly issued. Any individual may be issued up to
20 two special event licenses during any calendar year.

21 D. The ~~Council~~ Department shall devise a system for issuance of
22 licenses for the purpose of evenly distributing the expiration dates
23 of the licenses.

1 E. Pursuant to its rules, the ~~Council~~ Department may issue a
2 duplicate license to a person licensed pursuant to the provisions of
3 the Oklahoma Security Guard and Private Investigator Act. The
4 ~~Council~~ Department may assess a fee of Ten Dollars (\$10.00) for the
5 issuance of a duplicate license. The fee must accompany the request
6 for a duplicate license.

7 SECTION 66. AMENDATORY 59 O.S. 2011, Section 1750.8, as
8 amended by Section 7, Chapter 246, O.S.L. 2019 (59 O.S. Supp. 2019,
9 Section 1750.8), is amended to read as follows:

10 Section 1750.8. A. No person who is exempt from the provisions
11 of the Oklahoma Security Guard and Private Investigator Act shall
12 display any badge or identification card bearing the words "private
13 investigator" or "private detective", or use any words or phrases
14 that imply that such person is a private investigator or private
15 detective.

16 B. No person licensed as a private investigator shall:

17 1. Divulge any information gained by the private investigator
18 in his or her employment except as the employer of the private
19 investigator may direct or as the private investigator may be
20 required by law to divulge; or

21 2. Willfully make a false report to the employer of the private
22 investigator or to a client.

23 Any violation of this subsection, upon conviction, shall be
24 punishable by a fine of not more than Five Hundred Dollars (\$500.00)

1 or by imprisonment for not more than one (1) year, or by both such
2 fine and imprisonment.

3 C. The ~~Council on~~ Law Enforcement Education and Training
4 Division of the Department of Public Safety or its employees shall
5 not disclose application information pertaining to persons licensed
6 pursuant to ~~this act~~ the Oklahoma Security Guard and Private
7 Investigator Act, except:

8 1. To verify the current license status of any applicant or
9 licensee to the public;

10 2. To perform duties pursuant to the Oklahoma Security Guard
11 and Private Investigator Act;

12 3. To a bona fide law enforcement agency;

13 4. To a licensing authority in another jurisdiction;

14 5. As required by court order;

15 6. To provide final orders where an applicant or licensee was
16 the respondent in or was the subject of an administrative proceeding
17 initiated by the ~~Council~~ Department; or

18 7. To provide information regarding application information to
19 the agency employing a licensee including, but not limited to, the
20 information and/or documentation requested by ~~CLEET~~ the Department
21 from the applicant or licensee to complete the application process.

22 SECTION 67. AMENDATORY 59 O.S. 2011, Section 1750.9, is
23 amended to read as follows:

1 Section 1750.9. A. Each security guard, armed security guard,
2 or private investigator licensed pursuant to ~~this act~~ the Oklahoma
3 Security Guard and Private Investigator Act shall carry a valid
4 driver license or state-issued photo identification card and an
5 identification card issued by the ~~Council on~~ Law Enforcement
6 Education and Training Division of the Department of Public Safety
7 at all times while on duty as a security guard, armed security guard
8 or private investigator, and each security agency and investigative
9 agency shall display in its primary office in this state a valid
10 license therefor issued by the ~~Council~~ Department.

11 B. No licensee or officer, director, partner, or employee of a
12 licensee, may wear a uniform, or use a title, an insignia, badge, or
13 an identification card, or make any statements that would lead a
14 person to believe that he is connected in any way with the federal
15 government, a state government, or any political subdivision of a
16 state government, unless he is authorized by proper authorities to
17 do so.

18 C. Each discharge of a firearm in the performance of his
19 employment by any licensee authorized by ~~this act~~ the Oklahoma
20 Security Guard and Private Investigator Act to carry a firearm,
21 other than for training purposes, shall be reported immediately to
22 the ~~Council~~ Department by ~~said~~ the licensee.

23 SECTION 68. AMENDATORY 59 O.S. 2011, Section 1750.10A,
24 is amended to read as follows:

1 Section 1750.10A. The firearm training for armed security
2 guards may include the reduction targets for weapons fired at fifty
3 (50) feet to simulate weapons fired at seventy-five (75) feet in
4 indoor ranges. All indoor ranges for this training shall have a
5 minimum of three firing lanes and be approved by the ~~Council on~~ Law
6 Enforcement Education and Training Division of the Department of
7 Public Safety.

8 SECTION 69. AMENDATORY 59 O.S. 2011, Section 1750.10B,
9 is amended to read as follows:

10 Section 1750.10B. Beginning July 1, 1990, private schools
11 desiring to conduct any or all phases of private security training
12 shall submit an application for a certificate of approval to the
13 ~~Council on~~ Law Enforcement Education and Training Division of the
14 Department of Public Safety. The application shall be accompanied
15 by a fee of Three Hundred Dollars (\$300.00). The certificate shall
16 be renewed annually by July 1. The renewal fee shall be Three
17 Hundred Dollars (\$300.00). If the school does not qualify for a
18 certificate or renewal certificate, ~~CLEET~~ the Department shall
19 retain twenty percent (20%) of the fee as a processing fee and
20 refund the balance to the school.

21 SECTION 70. AMENDATORY 59 O.S. 2011, Section 1750.11, is
22 amended to read as follows:

23 Section 1750.11. A. Unless otherwise prescribed by law, any
24 person convicted of violating any provision of the Oklahoma Security
25

1 Guard and Private Investigator Act or a rule or regulation
2 promulgated pursuant to the Oklahoma Security Guard and Private
3 Investigator Act shall be guilty of a misdemeanor punishable by
4 imprisonment for not more than sixty (60) days, or by a fine of not
5 more than Two Thousand Dollars (\$2,000.00), or by both such
6 imprisonment and fine.

7 B. Any person who willfully makes a false statement, knowing
8 such statement is false, in any application to the ~~Council on Law~~
9 Enforcement Education and Training Division of the Department of
10 Public Safety for a license pursuant to the Oklahoma Security Guard
11 and Private Investigator Act, or who otherwise commits a fraud in
12 connection with such application, shall be guilty of a felony
13 punishable by a term of imprisonment for not less than two (2) years
14 nor more than five (5) years, or by a fine of not more than Two
15 Thousand Dollars (\$2,000.00), or by both such imprisonment and fine.

16 SECTION 71. AMENDATORY 63 O.S. 2011, Section 1-106, is
17 amended to read as follows:

18 Section 1-106. A. The State Commissioner of Health shall serve
19 at the pleasure of the State Board of Health, and shall have skill
20 and experience in public health duties and sanitary sciences and
21 shall meet at least one of the following qualifications:

22 1. Possession of a Doctor of Medicine Degree and a license to
23 practice medicine in this state;

1 2. Possession of an Osteopathic Medicine Degree and a license
2 to practice medicine in this state;

3 3. Possession of a Doctoral degree in Public Health or Public
4 Health Administration; or

5 4. Possession of a Master of Science Degree and a minimum of
6 five (5) years of supervisory experience in the administration of
7 health services.

8 B. The Commissioner shall have the following powers and duties,
9 unless otherwise directed by the State Board of Health:

10 1. Have general supervision of the health of the citizens of
11 the state; make investigations, inquiries and studies concerning the
12 causes of disease and injury, and especially of epidemics, and the
13 causes of mortality, and the effects of localities, employment,
14 conditions and circumstances on the public health; investigate
15 conditions as to health, sanitation and safety of schools, prisons,
16 public institutions, mines, public conveyances, camps, places of
17 group abode, and all buildings and places of public resort, and
18 recommend, prescribe and enforce such measures of health, sanitation
19 and safety for them as the Commissioner deems advisable; take such
20 measures as deemed necessary by the Commissioner to control or
21 suppress, or to prevent the occurrence or spread of, any
22 communicable, contagious or infectious disease, and provide for the
23 segregation and isolation of persons having or suspected of having
24 any such disease; designate places of quarantine or isolation;

1 advise state and local governments on matters pertaining to health,
2 sanitation and safety; and abate any nuisance affecting injuriously
3 the health of the public or any community. Any health information
4 or data acquired by the Commissioner from any public agency, which
5 information or data is otherwise confidential by state or federal
6 law, shall remain confidential notwithstanding the acquisition of
7 this information by the Commissioner.

8 2. Be the executive officer and supervise the activities of the
9 State Department of Health, and act for the Department in all
10 matters except as may be otherwise provided in this Code; administer
11 oaths at any hearing or investigation conducted pursuant to this
12 Code; and enforce rules and standards adopted by the State Board of
13 Health. All rules adopted by the State Board of Health are subject
14 to the terms and conditions of the Administrative Procedures Act.

15 3. Appoint an Assistant State Commissioner of Health and fix
16 the qualifications, duties and compensation of the Assistant State
17 Commissioner of Health; and employ, appoint and contract with, and
18 fix the qualifications, duties and compensation of, such other
19 assistants, doctors, engineers, attorneys, sanitarians, nurses,
20 laboratory personnel, administrative, clerical and technical help,
21 investigators, aides and other personnel and help, either on a full-
22 time, part-time, fee or contractual basis, as shall be deemed by the
23 Commissioner necessary, expedient, convenient or appropriate to the
24 performance or carrying out of any of the purposes, objectives or

1 provisions of this Code, or to assist the Commissioner in the
2 performance of official duties and functions.

3 4. Cause investigations, inquiries and inspections to be made,
4 and hold hearings and issue orders pursuant to the provisions of the
5 Administrative Procedures Act, to enforce and make effective the
6 provisions of this Code, and all rules and standards adopted by the
7 State Board of Health pursuant to law and the Commissioner or the
8 representative of the Commissioner shall have the right of access to
9 any premises for such purpose at any reasonable time, upon
10 presentation of identification.

11 5. Authorize persons in the State Department of Health to
12 conduct investigations, inquiries and hearings, and to perform other
13 acts that the Commissioner is authorized or required to conduct or
14 perform personally.

15 6. Except as otherwise provided by law, all civil and criminal
16 proceedings under this Code shall be initiated and prosecuted by the
17 district attorney where the violation takes place.

18 7. Issue subpoenas for the attendance of witnesses and the
19 production of books and records at any hearing to be conducted by
20 the Commissioner or the State Board of Health; and if a person
21 disobeys any such subpoena, or refuses to give evidence before, or
22 to allow books and records to be examined by, the Commissioner or
23 the Board after such person is directed to do so, the Commissioner
24 may file a contempt proceeding in the district court of the county

1 in which the premises involved are situated, or, if no premises are
2 involved, of the county in which such person resides or has a
3 principal place of business, and a judge of such court, after a
4 trial de novo, may punish the offending person for contempt.

5 8. Unless otherwise required by the terms of a federal grant,
6 sell, exchange or otherwise dispose of personal property that has
7 been acquired by the State Department of Health, or any of its
8 components, when such property becomes obsolete or is no longer
9 needed; any money derived therefrom shall be deposited in the Public
10 Health Special Fund.

11 9. Sell films, educational materials, biological products and
12 other items produced by the State Department of Health; and all
13 proceeds therefrom shall be deposited in the Public Health Special
14 Fund.

15 10. Revoke or cancel, or suspend for any period up to one (1)
16 year, any license or permit issued under or pursuant to this Code,
17 or by the Commissioner, when the Commissioner determines that ground
18 therefor as prescribed by this Code exists, or that the holder of
19 such license or permit has violated any law, or any of the
20 provisions of this Code, or any rules or standards of the State
21 Board of Health filed with the Secretary of State, but the
22 Commissioner shall first afford the holder an opportunity to show
23 cause why the license or permit should not be revoked, canceled or
24 suspended, notice of such opportunity to be given by certified

1 United States Mail to the holder of the license or permit at the
2 last-known address of such holder.

3 11. Accept, use, disburse and administer grants, allotments,
4 gifts, devises, bequests, appropriations and other monies and
5 property offered or given to the State Department of Health, or any
6 component or agency thereof, by any agency of the federal
7 government, or any corporation or individual.

8 12. Be the official agency of the State of Oklahoma in all
9 matters relating to public health which require or authorize
10 cooperation of the State of Oklahoma with the federal government or
11 any agency thereof; coordinate the activities of the State
12 Department of Health with those of the federal government or any
13 department or agency thereof, and with other states, on matters
14 pertaining to public health, and enter into agreements for such
15 purpose, and may accept, use, disburse and administer, for the
16 office of the Commissioner or for the State Department of Health,
17 for any purpose designated and on the terms and conditions thereof,
18 grants of money, personnel and property from the federal government
19 or any department or agency thereof, or from any state or state
20 agency, or from any other source, to promote and carry on in this
21 state any program relating to the public health or the control of
22 disease, and enter into agreements for such purposes.

23 13. The State Commissioner of Health may appoint commissioned
24 peace officers, certified by the ~~Council on~~ Law Enforcement
25

1 Education and Training Division of the Department of Public Safety,
2 to investigate violations of the Public Health Code and to provide
3 security to Department facilities.

4 SECTION 72. AMENDATORY 63 O.S. 2011, Section 1-227.9, is
5 amended to read as follows:

6 Section 1-227.9. A. There is hereby created the Child Abuse
7 Training and Coordination Council.

8 B. The Oklahoma Commission on Children and Youth shall appoint
9 a Child Abuse Training and Coordination Council which shall be
10 composed of twenty-two (22) members, as follows:

11 1. One member shall be a representative of child welfare
12 services within the Department of Human Services;

13 2. One member shall be a representative of juvenile services
14 within the Office of Juvenile Affairs;

15 3. One member shall be a representative of maternal and child
16 health services within the State Department of Health;

17 4. One member shall be a representative of the State Department
18 of Health;

19 5. One member shall be a representative of the State Department
20 of Education;

21 6. One member shall be a representative of the Department of
22 Mental Health and Substance Abuse Services;

1 7. One member shall be a representative of a statewide medical
2 association and shall be a member of a state chapter of a national
3 academy of pediatrics;

4 8. One member shall be a representative of the judiciary;

5 9. One member shall be a representative of a statewide
6 association of osteopathic physicians and shall be a pediatric
7 osteopathic physician;

8 10. One member shall be a representative of a statewide
9 coalition on domestic violence and sexual assault;

10 11. One member shall be a representative of the District
11 Attorneys Council;

12 12. One member shall be a representative of the ~~Council on~~ Law
13 Enforcement Education and Training Division of the Department of
14 Public Safety;

15 13. One member shall be a representative of the Department of
16 Corrections;

17 14. One member shall be a representative of Court Appointed
18 Special Advocates;

19 15. One member shall be a representative of the Oklahoma Bar
20 Association;

21 16. One member shall be a representative of a statewide
22 association of psychologists;

23 17. One member shall be a representative of a local chapter of
24 a national association of social workers;

1 18. One member shall be a representative of a statewide
2 association of youth services agencies;

3 19. One member shall be a representative of an Indian child
4 welfare association;

5 20. One member shall be a representative of an advisory task
6 force on child abuse and neglect;

7 21. One member shall be a representative of a postadjudication
8 review board program; and

9 22. One member shall be a representative of nationally
10 accredited child advocacy centers nominated to the Oklahoma
11 Commission for Children and Youth. Eligible nominees may be anyone
12 selected by a majority of the members of the nationally accredited
13 child advocacy centers located in Oklahoma.

14 C. Each member of the Child Abuse Training and Coordination
15 Council is authorized to have one designee.

16 D. The appointed members shall be persons having expertise in
17 the dynamics, identification and treatment of child abuse and
18 neglect and child sexual abuse.

19 E. The Child Abuse Training and Coordination Council shall:

20 1. Establish objective criteria and guidelines for
21 multidisciplinary and, as appropriate for each discipline,
22 discipline-specific training on child abuse and neglect for
23 professionals with responsibilities affecting children, youth and
24 families;

1 2. Review curricula and make recommendations to state agencies
2 and professional organizations and associations regarding available
3 curricula and curricula having high standards of professional merit;

4 3. Review curricula regarding child abuse and neglect used in
5 law enforcement officer training by the ~~Oklahoma Council on Law~~
6 Enforcement Education and Training Division of the Department of
7 Public Safety ~~(CLEET)~~ and make recommendations regarding the
8 curricula to ~~CLEET~~ the Department;

9 4. Cooperate with and assist professional organizations and
10 associations in the development and implementation of ongoing
11 training programs and strategies to encourage professionals to
12 participate in such training programs;

13 5. Make reports and recommendations regarding the continued
14 development and improvement of such training programs to the State
15 Commissioner of Health, the Oklahoma Commission on Children and
16 Youth, and each affected agency, organization and association;

17 6. Prepare and issue a model protocol for multidisciplinary
18 teams regarding the investigation and prosecution of child sexual
19 abuse, child physical abuse and neglect cases;

20 7. Review and approve protocols prepared by the local
21 multidisciplinary teams;

22 8. Advise multidisciplinary teams on team development;

23 9. Collect data on the operation and cases reviewed by the
24 multidisciplinary teams;

1 10. Issue annual reports; and

2 11. Annually approve the list of functioning multidisciplinary
3 teams in the state.

4 SECTION 73. AMENDATORY 63 O.S. 2011, Section 2-110, as
5 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2019,
6 Section 2-110), is amended to read as follows:

7 Section 2-110. The Director of the Oklahoma State Bureau of
8 Narcotics and Dangerous Drugs Control may employ attorneys, who
9 shall be unclassified employees of the state, or contract with
10 attorneys, as needed. These attorneys may advise the Director, the
11 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
12 Commission and Bureau personnel on all legal matters and shall
13 appear for and represent the Director, the Commission and Bureau
14 personnel in all administrative hearings and all litigation or other
15 proceedings which may arise in the discharge of their duties. At
16 the request of the Oklahoma State Bureau of Narcotics and Dangerous
17 Drugs Control Commission, such attorney shall assist the district
18 attorney in prosecuting charges of violators of the Uniform
19 Controlled Dangerous Substances Act or any felony relating to or
20 arising from a violation of the Uniform Controlled Dangerous
21 Substances Act. Attorneys for the Bureau who have been certified by
22 the ~~Council on~~ Law Enforcement Education and Training Division of
23 the Department of Public Safety to carry a weapon or have been
24 issued a handgun license pursuant to the provisions of the Oklahoma

1 Self-Defense Act shall be allowed to carry weapons pursuant to
2 paragraph 3 of subsection A of Section 1272 of Title 21 of the
3 Oklahoma Statutes. These attorneys, pursuant to this provision,
4 shall not be considered eligible to participate in the Oklahoma Law
5 Enforcement Retirement System. If a conflict of interest would be
6 created by such attorney representing the Director, the Commission
7 or Bureau personnel, additional counsel may be hired upon approval
8 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
9 Control Commission.

10 SECTION 74. AMENDATORY 70 O.S. 2011, Section 5-142, as
11 last amended by Section 1, Chapter 199, O.S.L. 2017 (70 O.S. Supp.
12 2019, Section 5-142), is amended to read as follows:

13 Section 5-142. A. Except as otherwise provided for in
14 subsection F of this section, for purposes of employment, a board of
15 education may request in writing to the State Board of Education
16 that a national criminal history record check be conducted of any
17 employee of the school and shall request such information for any
18 person seeking employment with the school; provided that a board of
19 education shall not be required to obtain a new criminal history
20 record check for an individual who has obtained certification from
21 the State Department of Education within the previous twelve (12)
22 months. The Oklahoma State Bureau of Investigation (OSBI) shall
23 obtain fingerprints of the employee or prospective employee and
24 require that the person pay a search fee not to exceed Fifty Dollars

1 (\$50.00) or the cost of the search, whichever is the lesser amount.
2 The fees shall be deposited in the OSBI Revolving Fund. School
3 districts may reimburse employees for the cost of the search. The
4 State Board of Education shall contact the Oklahoma State Bureau of
5 Investigation for any national criminal history record of the person
6 within fourteen (14) working days of receiving a written request
7 from the board of education.

8 B. The Oklahoma State Bureau of Investigation shall provide the
9 national criminal history record check requested by the State Board
10 of Education within fourteen (14) working days from the receipt of
11 the request. The Bureau may contact the Federal Bureau of
12 Investigation to obtain the information requested.

13 C. The State Board of Education shall provide the information
14 received from the Oklahoma State Bureau of Investigation to the
15 board of education within fourteen (14) days from the receipt of the
16 information. The State Board of Education shall provide any follow-
17 up information received from the OSBI concerning a person for which
18 a national criminal history record check was requested to the
19 employing board of education.

20 D. For the purpose of this section:

21 1. "Board of education" includes both public and private boards
22 of education within or outside this state;

23 2. "Employing agency" means a political subdivision or law
24 enforcement agency in this state;

1 3. "Law enforcement officer" means a peace or police officer
2 who is certified by the ~~Council on~~ Law Enforcement Education and
3 Training Division of the Department of Public Safety;

4 4. "National criminal history record check" means a national
5 criminal history record check as defined in Section 150.9 of Title
6 74 of the Oklahoma Statutes; and

7 5. "Prospective employee" means an individual who has received
8 an offer of temporary employment by a school district pending the
9 results of the national criminal history record check.

10 E. Each public board of education within this state shall
11 promulgate a statement regarding the felony record search policy for
12 that school district. The policy may permit temporary employment of
13 prospective employees for a maximum of sixty (60) days pending
14 receipt of results of national criminal history record check
15 requests. The temporary employment of the prospective employee
16 shall terminate after sixty (60) days unless the school district
17 receives the results of the national criminal history record check.
18 The sixty-day temporary employment period shall begin on the first
19 day the prospective employee reports for duty at the employing
20 school district. Prospective employees shall be notified of the
21 requirement, the fee and the reimbursement policy when first
22 interviewed concerning employment. The school district's
23 reimbursement policy shall provide, at the minimum, that employees
24 shall be promptly reimbursed in full for the fee if employed by the

1 district at the time the national criminal history record check
2 request is made unless the person was employed pending receipt of
3 results as set forth above.

4 F. 1. Any person who has been employed as a full-time teacher
5 by a school district in this state and applies for employment as a
6 full-time teacher in another school district in this state may not
7 be required to have a national criminal history record check if the
8 teacher produces a copy of a national criminal history record check
9 completed within the preceding five (5) years and a letter from the
10 school district in which the teacher was employed stating the
11 teacher left in good standing.

12 2. For any person applying for employment as a substitute
13 teacher, a national criminal history record check shall be required
14 for the school year; provided however, a board of education may
15 choose whether to require a national criminal history record check
16 from a prospective substitute teacher who has been employed by the
17 school district in the last year. Any person applying for
18 employment as a substitute teacher in more than one school district
19 shall only be required to have one national criminal history record
20 check, and, upon the request of the substitute teacher, that record
21 check shall be sent to all other school districts in which the
22 substitute teacher is applying to teach.

23 3. Any person employed as a full-time teacher by a school
24 district in this state in the five (5) years immediately preceding
25

1 an application for employment as a substitute teacher may not be
2 required to have a national criminal history record check, if the
3 teacher produces a copy of a national criminal history record check
4 completed within the preceding five (5) years and a letter from the
5 school district in which the teacher was last employed stating the
6 teacher left in good standing.

7 4. Any person employed as a substitute teacher by a school
8 district in this state for a minimum of five (5) years immediately
9 preceding an application for employment as a full-time teacher in a
10 school district in this state may not be required to have a national
11 criminal history record check if the teacher produces a copy of a
12 national criminal history record check completed within the
13 preceding five (5) years and a letter from the school district in
14 which the teacher was employed as a substitute teacher stating the
15 teacher left in good standing.

16 5. Any person employed as a full-time teacher by a school
17 district in this state for ten (10) or more consecutive years
18 immediately preceding an application for employment as a substitute
19 teacher in the same school district may not be required to have a
20 national criminal history record check for as long as the person
21 remains employed for consecutive years by that school district as a
22 substitute teacher, if the teacher left full-time employment in good
23 standing. If the teacher applies for employment as a substitute
24

1 teacher in another school district, a national criminal history
2 record check shall be required.

3 G. The provisions of this section shall not apply to technology
4 center employees hired on a part-time or temporary basis for the
5 instruction of adult students only.

6 H. The provisions of this section shall not apply to law
7 enforcement officers who are employed by an employing agency at the
8 time of application for employment at a public school district.

9 I. Nothing in this section shall be construed to impose
10 liability on school districts, except in negligence, for employing
11 prospective employees within the sixty-day temporary employment
12 window pending the results of the national criminal history record
13 check.

14 SECTION 75. AMENDATORY Section 3, Chapter 310, O.S.L.
15 2015 (70 O.S. Supp. 2019, Section 5-149.2), is amended to read as
16 follows:

17 Section 5-149.2. A. The board of education of a school
18 district may, through a majority vote of the board, designate school
19 personnel who have been issued a handgun license pursuant to the
20 Oklahoma Self-Defense Act to attend an armed security guard training
21 program, as provided for in Section 1750.5 of Title 59 of the
22 Oklahoma Statutes, or a reserve peace officer certification program,
23 as provided for in Section 3311 of ~~Title 70 of the Oklahoma Statutes~~
24 this title, provided and developed by the ~~Council on~~ Law Enforcement

1 Education and Training Division of the Department of Public Safety

2 ~~(CLEET)~~. Nothing in this section shall be construed to prohibit or
3 limit the board of education of a school district from requiring
4 ongoing education and training.

5 B. Participation in either the armed security guard training
6 program or the reserve peace officer certification program shall be
7 voluntary and shall not in any way be considered a requirement for
8 continued employment with the school district. The board of
9 education of a school district shall have the final authority to
10 determine and designate the school personnel who will be authorized
11 to obtain and use an armed security guard license or reserve peace
12 officer certification in conjunction with their employment as school
13 personnel.

14 C. The board of education of a school district that authorizes
15 school personnel to participate in either the armed security guard
16 program or the reserve peace officer program may pay all necessary
17 training, meal and lodging expenses associated with the training.

18 D. When carrying a firearm pursuant to the provisions of this
19 ~~act~~ section, the person shall at all times carry the firearm on his
20 or her person or the firearm shall be stored in a locked and secure
21 location.

22 E. Any school personnel who have successfully completed either
23 training and while acting in good faith shall be immune from civil
24 and criminal liability for any injury resulting from the carrying of
25

1 a handgun onto public school property as provided for in this ~~act~~
2 section. Any board of education of a school district or
3 participating local law enforcement agency shall be immune from
4 civil and criminal liability for any injury resulting from any act
5 committed by school personnel who are designated to carry a
6 concealed handgun on public school property pursuant to the
7 provisions of this ~~act~~ section.

8 F. In order to carry out the provisions of this section, the
9 board of education of a school district is authorized to enter into
10 a memorandum of understanding with local law enforcement entities.

11 SECTION 76. AMENDATORY 70 O.S. 2011, Section 3311, as
12 last amended by Section 1, Chapter 245, O.S.L. 2019 (70 O.S. Supp.
13 2019, Section 3311), is amended to read as follows:

14 Section 3311. A. There is hereby created a ~~Council on~~ Law
15 Enforcement Education and Training Division of the Department of
16 Public Safety which shall ~~be, and is hereby declared to be, a~~
17 ~~governmental law enforcement agency of the State of Oklahoma, body~~
18 ~~politic and corporate, with powers of government and with~~ have the
19 authority to exercise the rights, privileges and functions necessary
20 to ensure the professional training and continuing education of law
21 enforcement officers in the State of Oklahoma. These rights,
22 privileges and functions include, but are not limited to, those
23 specified in Sections 3311 through 3311.15 of this title and in the
24 Oklahoma Security Guard and Private Investigator Act and the

1 Oklahoma Bail Enforcement and Licensing Act. The ~~Council~~ Department
2 shall be authorized to require agency employees and the employees of
3 agency contractors in positions to have access to Oklahoma Peace
4 Officer records, Oklahoma Security Guard and Private Investigator
5 records, Oklahoma Bail Enforcement and Licensing Act records, to be
6 subject to a criminal history search by the Oklahoma State Bureau of
7 Investigation, as well as be fingerprinted for submission of the
8 fingerprints through the Oklahoma State Bureau of Investigation to
9 the Federal Bureau of Investigation for a national criminal history
10 check. The ~~Council~~ Department shall be the recipient of the results
11 of the record check. In accordance with Section 150.9 of Title 74
12 of the Oklahoma Statutes, this includes a national criminal record
13 with a finger print analysis. ~~The Council shall be composed of~~
14 ~~thirteen (13) members as follows:~~

15 ~~1. The Commissioner of the Department of Public Safety, or~~
16 ~~designee;~~

17 ~~2. The Director of the Oklahoma State Bureau of Narcotics and~~
18 ~~Dangerous Drugs Control, or designee;~~

19 ~~3. The Director of the Oklahoma State Bureau of Investigation,~~
20 ~~or designee;~~

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

1 ~~5. One member appointed by the Governor who shall be a chief of~~
2 ~~police of a municipality with a population over one hundred thousand~~
3 ~~(100,000), as determined by the latest Federal Decennial Census;~~

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

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

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

16 ~~9. One member appointed by the Board of Directors of the~~
17 ~~Fraternal Order of Police who shall have experience as a training~~
18 ~~officer;~~

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

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

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

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

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

21 ~~B. The Council on Law Enforcement Education and Training~~
22 ~~Commissioner of the Department of Public Safety is hereby authorized~~
23 ~~and directed to:~~

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

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

12 ~~3. Authorize research, basic and advanced courses, and seminars~~
13 ~~to assist in program planning directly and through subcommittees;~~

14 ~~4. Authorize additional staff and services necessary for~~
15 ~~program expansion;~~

16 ~~5.~~ 2. Recommend legislation necessary to upgrade Oklahoma law
17 enforcement to professional status;

18 ~~6.~~ 3. Establish policies and regulations concerning the number,
19 geographic and police unit distribution, and admission requirements
20 of those receiving tuition or scholarship aid available through the
21 ~~Council~~ Department. Such waiver of costs shall be limited to duly
22 appointed members of legally constituted local, county, and state
23 law enforcement agencies on the basis of educational and financial
24 need;

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

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

22 ~~8. 4.~~ Enter into contracts and agreements for the payment of
23 classroom space, food, and lodging expenses as may be necessary for
24 law enforcement officers attending any official course of

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

11 ~~9.~~ 5. a. Certify canine teams, consisting of a dog and a
12 handler working together as a team, trained to detect:

- 13 (1) controlled dangerous substances, or
14 (2) explosives, explosive materials, explosive
15 devices, or materials which could be used to
16 construct an explosive device;

17 provided, the dog of a certified canine team shall not
18 be certified at any time as both a drug dog and a bomb
19 dog, and any dog of a certified canine team who has
20 been previously certified as either a drug dog or a
21 bomb dog shall not be eligible at any time to be
22 certified in the other category.

23 b. Upon retiring the dog from the service it was
24 certified to perform, the law enforcement department

1 that handled the dog shall retain possession of the
2 dog. The handler shall have first option of adopting
3 the dog. If that option is not exercised, the law
4 enforcement department shall provide for its adoption.
5 Once adopted the dog shall not be placed back into
6 active service;

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

1 ~~11.~~ 7. Accept gifts, bequests, devises, contributions and
2 grants, public or private, of real or personal property;

3 ~~12.~~ 8. Appoint an advisory committee composed of
4 representatives from security guard and private investigative
5 agencies to advise the ~~Council~~ Commissioner concerning necessary
6 research, minimum standards for licensure, education, and other
7 matters related to licensure of security guards, security guard
8 agencies, private investigators, and private investigative agencies;

9 ~~13.~~ 9. Enter into agreements with individuals, educational
10 institutions, agencies, and business and tribal entities for
11 professional services, the use of facilities and supplies, and staff
12 overtime costs incurred as a result of the user's requests to
13 schedule functions after-hours, on weekends, or anytime such
14 requests extend staff beyond its normal capacity, whereby
15 contracting individuals, educational institutions, agencies, and
16 business and tribal entities shall pay a fee to be determined by the
17 ~~Council~~ Department by rule. All fees collected pursuant to
18 facilities usage shall be deposited to the credit of the ~~C.L.E.E.T.~~
19 Training Center Revolving Fund created pursuant to Section 3311.6 of
20 this title. All other fees collected pursuant to these agreements
21 shall be deposited to the credit of the Peace Officer Revolving Fund
22 created pursuant to Section 3311.7 of this title. The ~~Council~~
23 Commissioner is authorized to promulgate emergency rules to
24 effectuate the provisions of this paragraph;

1 ~~14.~~ 10. Promulgate rules to establish a state firearms
2 requalification standard for active peace officers and meet any
3 requirements imposed on the ~~Council~~ Department by the federal Law
4 Enforcement Officers Safety Act of 2004;

5 ~~15.~~ 11. Set minimal criteria relating to qualifications for
6 chief of police administrative training pursuant to Section 34-102
7 of Title 11 of the Oklahoma Statutes, assist in developing a course
8 of training for a Police Chief Administrative School, and approve
9 all police chief administrative training offered in this state;

10 ~~16.~~ 12. Appoint a Curriculum Review Board to be composed of six
11 (6) members as follows:

- 12 a. one member shall be selected by the Chancellor for
13 Higher Education, who possesses a background of
14 creation and review of curriculum and experience
15 teaching criminal justice or law enforcement courses,
16 who shall serve an initial term of one (1) year,
- 17 b. one member shall represent a municipal jurisdiction
18 with a population of fifty thousand (50,000) or more
19 and who shall be a management-level ~~CLEET~~ Department-
20 certified training officer, who shall serve an initial
21 term of two (2) years,
- 22 c. one member shall represent a county jurisdiction with
23 a population of fifty thousand (50,000) or more and
24 who shall be a management-level ~~CLEET~~ Department-

1 certified training officer, who shall serve an initial
2 term of three (3) years,

3 d. one member shall represent a municipal jurisdiction
4 with a population of less than fifty thousand (50,000)
5 and who shall be a ~~CLEET~~ Department-certified training
6 officer, who shall serve an initial term of two (2)
7 years,

8 e. one member shall represent a county jurisdiction with
9 a population of less than fifty thousand (50,000) and
10 who shall be a ~~CLEET~~ Department-certified training
11 officer, who shall serve an initial term of one (1)
12 year, and

13 f. one member selected by the Oklahoma Department of
14 Career and Technology Education from the Curriculum
15 Material and Instructional Material Center, who shall
16 serve an initial term of three (3) years.

17 After the initial terms of office, all members shall be
18 appointed to serve three-year terms. Any member may be reappointed
19 to serve consecutive terms. Members shall serve without
20 compensation, but may be reimbursed for travel expenses pursuant to
21 the State Travel Reimbursement Act. The Board shall review and
22 establish curriculum for all ~~CLEET~~ law enforcement academies and
23 training courses pursuant to procedures established by the ~~Council~~
24 ~~on Law Enforcement Education and Training~~ Department;

1 ~~17.~~ 13. Conduct review and verification of any records relating
2 to the statutory duties of ~~CLEET~~ the Law Enforcement, Education and
3 Training division of the Department;

4 ~~18.~~ 14. Receive requested reports including investigative
5 reports, court documents, statements, or other applicable
6 information from local, county and state agencies and other agencies
7 for use in actions where a certification or license issued by ~~CLEET~~
8 the Law Enforcement, Education and Training division of the
9 Department may be subject to disciplinary or other actions provided
10 by law;

11 ~~19.~~ 15. Summarily suspend a certification of a peace officer,
12 without prior notice but otherwise subject to administrative
13 proceedings, if ~~CLEET~~ the Law Enforcement, Education and Training
14 division of the Department finds that the actions of the certified
15 peace officer may present a danger to the peace officer, the public,
16 a family or household member, or involve a crime against a minor. A
17 certified copy of the information or indictment charging such a
18 crime shall be considered clear and convincing evidence of the
19 charge; and

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

- 22 a. this section applies only to an entity authorized by
23 statute or by the Constitution to create a law
24 enforcement agency or police department and

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

6 b. the entity shall submit to ~~CLEET~~ the Law Enforcement,
7 Education and Training division of the Department, a
8 minimum of sixty (60) days prior to creation of the
9 law enforcement agency or police department,
10 information regarding:

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

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

18 (3) the physical resources available to officers,

19 (4) the physical facilities that the law enforcement
20 agency or police department will operate,
21 including descriptions of the evidence room,
22 dispatch area, restroom facilities, and public
23 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~~ the Law Enforcement,
16 Education and Training division of the Department
17 requires by rule, and

18 c. within sixty (60) days of receiving an entity's
19 request, ~~CLEET~~ the Law Enforcement, Education and
20 Training division of the Department will forward to
21 the entity by certified mail, return receipt
22 requested, a letter of authorization or denial to
23 create a law enforcement agency or police department
24

1 and commission, appoint, or employ officers, signed by
2 the ~~Executive Director of CLEET Commissioner,~~ and
3 ~~d. in cases of denial, the entity may appeal the decision~~
4 ~~of the Executive Director to the full CLEET Council.~~
5 ~~The Executive Director shall ensure that the final~~
6 ~~report is provided to all members of the Council. The~~
7 ~~Council shall review and make recommendations~~
8 ~~concerning the report at the first meeting of the~~
9 ~~Council to occur after all members of the Council have~~
10 ~~received the report. The Council may, by majority~~
11 ~~vote:~~

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

16 C. 1. Payment of any fee provided for in this section may be
17 made by a nationally recognized credit or debit card issued to the
18 applicant. The ~~Council~~ the Law Enforcement, Education and Training
19 Division of the Department may publicly post and collect a fee for
20 the acceptance of the nationally recognized credit or debit card not
21 to exceed five percent (5%) of the amount of the payment. For
22 purposes of this subsection, "nationally recognized credit card"
23 means any instrument or device, whether known as a credit card,
24 credit plate, charge plate, or by any other name, issued with or

1 without fee by an issuer for the use of the cardholder in obtaining
2 goods, services, or anything else of value and which is accepted by
3 over one thousand merchants in this state. "Debit card" means an
4 identification card or device issued to a person by a business
5 organization which permits such person to obtain access to or
6 activate a consumer banking electronic facility. The ~~Council~~
7 Commissioner shall determine which nationally recognized credit or
8 debit cards will be accepted as payment for fees.

9 2. Payment for any fee provided for in this title may be made
10 by a business check. The ~~Council~~ Department 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, and
23 does not have any criminal charges pending in any
24

1 court in this state, another state, in tribal court or
2 pursuant to the United States Code,

3 f. such person is not currently subject to an order of
4 the ~~Council~~ Department revoking, suspending, or
5 accepting a voluntary surrender of peace officer
6 certification,

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

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

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

23 i. such person has provided proof of United States
24 citizenship or resident alien status, pursuant to an

1 employment eligibility verification form from the
2 United States Citizenship and Immigration Services.

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

23 a. Any person found not to be suitable for employment or
24 certification by the ~~Council~~ Department shall not be

1 employed, retained in employment as a peace officer,
2 or certified by the ~~Council~~ Department for at least
3 one (1) year, at which time the employee or applicant
4 may be reevaluated by a psychologist licensed by the
5 State of Oklahoma. This section shall also be
6 applicable to all reserve peace officers in the State
7 of Oklahoma.

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

20 c. All persons seeking certification shall have their
21 name, gender, date of birth, and address of such
22 person submitted to the Department of Mental Health
23 and Substance Abuse Services by the ~~Council~~ Law
24 Enforcement, Education and Training Division of the

1 Department of Public Safety. The Department of Mental
2 Health and Substance Abuse Services shall respond to
3 the ~~Council~~ Law Enforcement, Education and Training
4 Division of the Department of Public Safety within ten
5 (10) days whether the computerized records of the
6 Department indicate the applicant has ever been
7 involuntarily committed to an Oklahoma state mental
8 institution. In the event that the Department of
9 Mental Health and Substance Abuse Services reports to
10 the ~~Council~~ Law Enforcement, Education and Training
11 Division of the Department of Public Safety that the
12 applicant has been involuntarily committed, the
13 ~~Council~~ Law Enforcement, Education and Training
14 Division of the Department of Public Safety shall
15 immediately inform the employing agency.

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

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

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

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

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

20 a. The ~~Council~~ Department may extend the time requirement
21 specified in this paragraph for good cause as
22 determined by the ~~Council~~ Commissioner.

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

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

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

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

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

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

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

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

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

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

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

H. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the Council Department within ten (10) days. Failure to comply with the provisions of this subsection may disqualify a law enforcement

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

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

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

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

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

- 17 a. conviction of a felony or a crime of domestic
18 violence,
- 19 b. conviction of a misdemeanor involving moral turpitude;
20 provided, if the conviction is a single isolated
21 incident that occurred more than five (5) years ago
22 and the ~~Council~~ Department is satisfied that the
23 person has been sufficiently rehabilitated, the
24 ~~Council~~ Department may, in its discretion, certify

1 such person providing that all other statutory
2 requirements have been met,

3 c. a verdict of guilt or entry of a plea of guilty or
4 nolo contendere or an "Alford" plea or any plea other
5 than a not guilty plea for a felony offense, a crime
6 of moral turpitude, or a crime of domestic violence,

7 d. falsification or a willful misrepresentation of
8 information in an employment application or
9 application to the ~~Council on~~ Law Enforcement
10 Education and Training Division of the Department of
11 Public Safety, records of evidence, or in testimony
12 under oath,

13 e. revocation or voluntary surrender of police or peace
14 officer certification in another state for a violation
15 of any law or rule or in settlement of any
16 disciplinary action in such state,

17 f. involuntary commitment of a reserve or peace officer
18 in a mental institution or licensed private mental
19 health facility for any mental illness, condition or
20 disorder that is diagnosed by a licensed physician,
21 psychologist or a licensed mental health professional
22 as a substantial disorder of thought, mood,
23 perception, psychological orientation, or memory that
24 significantly impairs judgment, behavior, capacity to

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

- 22 g. abuse of office,
- 23 h. entry of a final order of protection against applicant
- 24 or officer, or

1 i. any violation of the Oklahoma Private Security
2 Licensing Act.

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

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

10 a. there is reason to believe the person has violated any
11 provision of this subsection or any other provision of
12 law or rule, or

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

18 4. When the investigation of a complaint does not find the
19 person has violated any of the provisions of this subsection, or
20 finds that the person is sufficiently rehabilitated as provided in
21 subparagraph b or f of paragraph 1 of this subsection, no
22 disciplinary action shall be required and the person shall remain
23 certified as a police or peace officer. When the investigation of a
24 complaint finds that the person has violated any of the provisions

1 of this subsection, the matter shall be referred for disciplinary
2 proceedings. The disciplinary proceedings shall be in accordance
3 with Articles I and II of the Administrative Procedures Act.

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

23 6. The ~~Council~~ Commissioner shall revoke the certification of
24 any person upon determining that such person has received a deferred

1 sentence for a felony, a crime involving moral turpitude or a
2 domestic violence offense.

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

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

1 are grounds for such actions pursuant to this section and the peace
2 officer in question has been provided with notice and an opportunity
3 for a hearing pursuant to the Administrative Procedures Act.

4 Suspension or revocation of ~~CLEET~~ Department certification pursuant
5 to this paragraph shall be reported to the district attorney for the
6 jurisdiction in which the peace officer was employed, to the
7 liability insurance company of the law enforcement agency that
8 employed the peace officer, the chief elected official of the
9 governing body of the law enforcement agency and the chief law
10 enforcement officer of the law enforcement agency.

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

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

1 b. No person who has had a police or peace officer
2 certification from another state revoked or
3 voluntarily surrendered and has not been reinstated by
4 that state shall be considered for certification by
5 ~~CLEET~~ the Department.

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

19 11. A duty is hereby imposed upon the district attorney who, on
20 behalf of the State of Oklahoma, prosecutes a person holding police
21 or peace officer or reserve peace officer certification for a
22 felony, a crime involving moral turpitude, or a crime of domestic
23 violence in which a plea of guilty, nolo contendere, or an "Alford"
24 plea or any other plea other than a not guilty plea or other finding

1 of guilt is entered by, against or on behalf of a certified police
2 or peace officer to report such plea, agreement, or other finding of
3 guilt to the ~~Council on Law Enforcement Education and Training~~
4 Department within ten (10) days of such plea agreement or the
5 finding of guilt.

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

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

18 14. All criminal proceedings initiated against a ~~CLEET~~
19 Department-certified peace officer or reserve peace officer shall be
20 reported by the officer to ~~CLEET~~ the Department immediately after
21 arrest or discovery of the filing of such criminal proceeding. All
22 ~~CLEET~~ Department-certified peace officers and reserve peace officers
23 shall be required to report when a Victim Protective Order has been
24 issued against the officer, including orders issued on an emergency

1 basis and all final orders of protection. Failure to give notice
2 pursuant to the provisions of this paragraph may be cause to
3 initiate an action against the officer by ~~CLEET~~ the Department.

4 15. As used in this subsection:

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

22 K. 1. Every canine team in the state trained to detect
23 controlled dangerous substances shall be certified, by test, in the
24 detection of such controlled dangerous substances and shall be

1 recertified annually so long as the canine is used for such
2 detection purposes. The certification test and annual
3 recertification test provisions of this subsection shall not be
4 applicable to canines that are owned by a law enforcement agency and
5 that are certified and annually recertified in the detection of
6 controlled dangerous substances by the United States Customs
7 Service. No employee of ~~CLEET~~ the Department may be involved in the
8 training or testing of a canine team.

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

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

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

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

21 2. The ~~Council~~ Commissioner shall appoint a Bomb Dog Advisory
22 Council to make recommendations concerning minimum standards,
23 educational needs, and other matters imperative to the certification
24 of canines and canine teams trained to detect explosives, explosive

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

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

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

20 M. All tribal police officers of any Indian tribe or nation who
21 have been commissioned by an Oklahoma law enforcement agency
22 pursuant to a cross-deputization agreement with the State of
23 Oklahoma or any political subdivision of the State of Oklahoma
24 pursuant to the provisions of Section 1221 of Title 74 of the

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

12 N. If an employing law enforcement agency in this state has
13 paid for ~~CLEET~~ law enforcement training and the salary of a person
14 while that person is completing in this state a basic police course
15 approved by the ~~Council~~ the Department and if within one (1) year
16 after initial employment with the original employing agency that
17 person resigns and is hired by another law enforcement agency in
18 this state, the second agency or the person receiving the training
19 shall reimburse the original employing agency for the cost of ~~CLEET~~
20 law enforcement training and salary paid to the person while
21 completing the basic police course by the original employing agency.
22 If the person leaves the original employing agency later than one
23 (1) year, but less than two (2) years, after the initial employment,
24 the second agency or the person receiving the training shall

1 reimburse the original employing agency fifty percent (50%) of the
2 cost of ~~CLEET~~ law enforcement training and salary paid to the person
3 while completing the basic police course by the original employing
4 agency. ~~CLEET~~ The Department shall not be a party to any court
5 action based on this provision.

6 O. ~~The Council on Law Enforcement Education and Training~~
7 Commissioner, in ~~its~~ their discretion, may waive all or part of any
8 moneys due to the ~~Council~~ Department for law enforcement training,
9 if deemed uncollectable by the ~~Council~~ Department.

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

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

5 Q. All ~~CLEET~~ law enforcement and training records of Bail
6 Enforcers may be released only in compliance with this section and
7 the Oklahoma Bail Enforcement and Licensing Act. All records in
8 ~~CLEET~~ the Departments' possession concerning other persons or
9 entities shall be released only in compliance with this section and
10 the Oklahoma Open Records Act.

11 SECTION 77. AMENDATORY 70 O.S. 2011, Section 3311.2, is
12 amended to read as follows:

13 Section 3311.2. A. In addition to the other powers and duties
14 imposed by law, the ~~Council~~on Law Enforcement Education and
15 Training Division of the Department of Public Safety shall have the
16 powers, duties and responsibilities as are specified by the
17 Polygraph Examiners Act. In addition, the ~~Council~~ Department shall
18 designate a representative of the ~~Council~~ Department to attend any
19 meeting held by the Polygraph Examiners Board. It shall be the duty
20 of the ~~Council~~ Department to provide telephone and mailing services
21 for the Polygraph Examiners Board, and such secretarial duties and
22 administrative functions as are designated by the Polygraph
23 Examiners Board which are necessary to effectuate the Polygraph
24 Examiners Act.

1 B. ~~The Council on Law Enforcement Education and Training~~
2 Commissioner of the Department of Public Safety is authorized to
3 appoint and fix the duties and compensation pursuant to law of the
4 employees necessary to carry out the duties imposed upon the ~~Council~~
5 Department by this section and the Polygraph Examiners Act.

6 SECTION 78. AMENDATORY 70 O.S. 2011, Section 3311.3, as
7 amended by Section 628, Chapter 304, O.S.L. 2012 (70 O.S. Supp.
8 2019, Section 3311.3), is amended to read as follows:

9 Section 3311.3. There is hereby created a petty cash fund not
10 to exceed One Thousand Dollars (\$1,000.00) for the ~~Council on Law~~
11 Enforcement Education and Training Division of the Department of
12 Public Safety to be used as a cash drawer change fund and for the
13 purchase of or reimbursement for expenditures of less than One
14 Hundred Dollars (\$100.00) pursuant to the rules and procedures
15 established by the Director of the Office of Management and
16 Enterprise Services.

17 SECTION 79. AMENDATORY 70 O.S. 2011, Section 3311.4, as
18 last amended by Section 1, Chapter 339, O.S.L. 2019 (70 O.S. Supp.
19 2019, Section 3311.4), is amended to read as follows:

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

1 of continuing law enforcement training accredited or provided by
2 ~~CLEET~~ the Department which shall include a mandatory two (2) hours
3 on mental health issues. Effective November 1, 2019, ~~CLEET~~ the
4 Department shall establish appropriate training resources which
5 shall include the policies and protocols for responding to sexual
6 assault calls, guidelines for the collection and maintenance of
7 sexual assault kits and continuing education on trauma-informed
8 sexual assault response and intervention, and shall require all
9 ~~CLEET~~ Department-certified law enforcement officers to complete such
10 training on a regular basis to be determined by ~~CLEET~~ the
11 Department. ~~CLEET~~ The Commissioner shall promulgate rules to
12 enforce the provisions of this section and shall enter into
13 contracts and agreements for the payment of classroom space,
14 training, food, and lodging expenses as may be necessary for law
15 enforcement officers attending such training in accordance with
16 subsection B of Section 3311 of this title. Such training and
17 seminars shall be conducted in all areas of this state at technology
18 center schools, institutions of higher education, or other approved
19 sites.

20 B. Beginning January 1, 2017, and annually thereafter, every
21 active reserve peace officer, certified by ~~CLEET~~ the Department
22 pursuant to Section 3311 of this title, shall attend and complete a
23 minimum of eight (8) hours of continuing law enforcement training
24

1 accredited or provided by ~~CLEET~~ the department which shall include a
2 mandatory one (1) hour on mental health issues.

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

19 D. Every tribal officer who is commissioned by an Oklahoma law
20 enforcement agency pursuant to a cross-deputization agreement with
21 the State of Oklahoma or any political subdivision of the State of
22 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
23 the Oklahoma Statutes shall comply with the provisions of this
24 section.

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

1 F. All certified, active full-time or reserve peace officers
2 employed, commissioned or appointed for a period of ninety (90) days
3 in a calendar year, who become inactive prior to the end of a
4 calendar year, are responsible for meeting mandatory continuing
5 education requirements as set forth in this section upon return to
6 active full-time or reserve peace officer status within sixty (60)
7 days of the date of return to employment, commission or appointment.
8 Failure to complete the mandatory continuing education within sixty
9 (60) days may result in disciplinary action as set forth in CLEET
10 Rules at OAC 390:2. Full-time or reserve certified peace officers
11 who return to active status within the calendar year they become
12 inactive must complete the annual mandatory continuing education
13 requirements outlined in this section within the remaining portion
14 of the calendar year.

15 G. Peace officers with full-time certification who worked
16 during a calendar year only as a reserve officer are required to
17 complete only the training requirements for reserve certification.
18 For purposes of the requirements outlined in subsection F of this
19 section, full-time peace officers who worked both in the capacity of
20 a full-time peace officer and reserve officer in a calendar year
21 must complete full-time continuing education requirements.

22 SECTION 80. AMENDATORY 70 O.S. 2011, Section 3311.5, as
23 last amended by Section 2, Chapter 339, O.S.L. 2019 (70 O.S. Supp.
24 2019, Section 3311.5), is amended to read as follows:

1 Section 3311.5. A. On and after November 1, 2007, the ~~Council~~
2 ~~on~~ Law Enforcement Education and Training ~~(CLEET)~~ Division of the
3 Department of Public Safety, pursuant to its authority granted by
4 Section 3311 of this title, shall include in its required basic
5 training courses for law enforcement certification a minimum of four
6 (4) hours of education and training relating to recognizing and
7 managing a person appearing to require mental health treatment or
8 services. The ~~Council~~ Department shall further offer a minimum of
9 four (4) hours of education and training on specific mental health
10 issues pursuant to Section 3311.4 of this title to meet the annual
11 requirement for continuing education in the areas of mental health
12 issues.

13 B. By January 1, 2008, ~~CLEET~~ the Department, pursuant to its
14 authority granted by Sections 3311 and 3311.4 of this title, shall
15 include in its required courses of study for law enforcement
16 certification a minimum of six (6) hours of evidence-based sexual
17 assault and sexual violence training. A portion of the sexual
18 assault and sexual violence training shall include instruction
19 presented by a certified sexual assault service provider.

20 C. By January 1, 2012, every active full-time peace officer,
21 previously certified by CLEET pursuant to Section 3311 of this
22 title, shall be required to attend and complete the evidence-based
23 sexual assault and sexual violence training provided in subsection B
24 of this section.

1 D. ~~CLEET~~ The Department shall promulgate rules to enforce the
2 provisions of subsections B and C of this section and shall, with
3 the assistance of certified sexual assault service providers,
4 establish a comprehensive integrated curriculum for the teaching of
5 evidence-based sexual assault and sexual violence issues.

6 E. The ~~Council~~ Department is required to update that block of
7 training or course materials relating to legal issues, concepts, and
8 state laws annually, but not later than ninety (90) days following
9 the adjournment of any legislative session.

10 F. By January 1, 2009, ~~CLEET~~ the Department, pursuant to its
11 authority granted by Sections 3311 and 3311.4 of this title, shall
12 include in its required courses of study for law enforcement
13 certification oil field equipment theft training.

14 G. By January 1, 2012, ~~CLEET~~ the Department, pursuant to its
15 authority granted by Sections 3311 and 3311.4 of this title, shall
16 establish and include in its required courses of study for law
17 enforcement certification a minimum of eight (8) hours of evidence-
18 based domestic violence and stalking investigation training. The
19 training should include, at a minimum, the importance of reporting
20 domestic violence incidents, determining the predominant aggressor,
21 evidence-based investigation of domestic violence and stalking,
22 lethality assessment, and personal safety planning necessary at the
23 pretrial stages of a potential criminal case. A portion of the
24 training shall include instruction presented by an expert victim

1 advocate selected from recommendations provided by the Office of the
2 Attorney General or the Domestic Violence Fatality Review Board.

3 The training shall be developed in collaboration with the Domestic
4 Violence Fatality Review Board, and where applicable, shall replace
5 existing domestic violence and stalking courses currently required.

6 H. By January 1, 2012, the evidence-based domestic violence and
7 stalking investigation curriculum developed in collaboration with
8 the Domestic Violence Fatality Review Board shall be submitted to
9 the ~~Council~~ Department for approval.

10 I. ~~CLEET~~ The Department shall establish the training provided
11 in subsection G of this section as a part of ~~CLEET's~~ the
12 Department's peace officer continuing education program and develop
13 a plan to train full-time peace officers previously certified by
14 ~~CLEET~~ the Department pursuant to Section 3311 of this title where
15 applicable. The Office of the Attorney General shall provide a list
16 of expert victim advocates that are available to assist in the
17 training.

18 J. The ~~Council~~ Commissioner of the Department of Public Safety
19 is authorized to pay for and send training staff and employees to
20 one or more training and education courses in jurisdictions outside
21 this state for the purpose of expanding curriculum, training skill
22 development, and general knowledge within the field of law
23 enforcement education and training.

1 K. On and after November 1, 2013, ~~CLEET~~ the Department,
2 pursuant to its authority granted by Section 3311 of this title,
3 shall include in its required basic training courses for law
4 enforcement certification a minimum of two (2) hours of education
5 and training relating to recognizing and managing a person
6 experiencing dementia or Alzheimer's disease.

7 L. By November 1, 2019, ~~CLEET~~ the Department shall establish
8 appropriate training resources focused on protocol for handling and
9 processing sexual assault calls. The training shall include, but
10 not be limited to:

- 11 1. How to handle the sexual assault call upon first contact;
- 12 2. Determining when the assault occurred;
- 13 3. Where to take the victim;
- 14 4. Questioning witnesses and collecting evidence; and
- 15 5. Informing and assisting the victim in accessing resources,
16 help and information.

17 M. The ~~Council~~ Commissioner shall promulgate rules to evaluate
18 and approve municipalities and counties that are deemed capable of
19 conducting separate basic law enforcement training academies in
20 their jurisdiction and to certify officers successfully completing
21 such academy training courses. Upon application to the ~~Council~~
22 Department, any municipality with a population of sixty-five
23 thousand (65,000) or more or any county with a population of five
24 hundred thousand (500,000) or more shall be authorized to operate a

1 basic law enforcement academy. The ~~Council~~ Department shall approve
2 an application when the municipality or county making the
3 application meets the criteria for a separate training academy and
4 demonstrates to the satisfaction of the ~~Council~~ Commissioner that
5 the academy has sufficient resources to conduct the training, the
6 instructional staff is appropriately trained and qualified to teach
7 the course materials, the curriculum is composed of comparable or
8 higher quality course segments to the ~~CLEET~~ law enforcement and
9 education academy curriculum, and the facilities where the academy
10 will be conducted are safe and sufficient for law enforcement
11 training purposes. Any municipality or county authorized to operate
12 a basic law enforcement academy after November 1, 2007, shall not be
13 eligible to receive funds pursuant to subsection E of Section 1313.2
14 of Title 20 of the Oklahoma Statutes. The ~~Council~~ Commissioner
15 shall not provide any funding for the operation of any separate
16 training academy authorized by this subsection.

17 N. Any municipality or county that, prior to November 1, 2007,
18 was authorized to conduct a basic law enforcement academy shall
19 continue to receive funding pursuant to subsection E of Section
20 1313.2 of Title 20 of the Oklahoma Statutes.

21 SECTION 81. AMENDATORY 70 O.S. 2011, Section 3311.6, as
22 amended by Section 629, Chapter 304, O.S.L. 2012 (70 O.S. Supp.
23 2019, Section 3311.6), is amended to read as follows:
24

1 Section 3311.6. There is hereby created in the State Treasury a
2 revolving fund for the ~~Council on~~ Law Enforcement Education and
3 Training Division of the Department of Public Safety to be
4 designated the "~~C.L.E.E.T.~~ Law Enforcement Training Center Revolving
5 Fund". The fund shall be a continuing fund, not subject to fiscal
6 year limitations, and shall consist of all monies deposited to the
7 credit of the fund pursuant to subsection D of Section 1313.2 of
8 Title 20 of the Oklahoma Statutes. All monies accruing to the
9 credit of the fund are hereby appropriated and may be budgeted and
10 expended by the ~~Council on Law Enforcement Education and Training~~
11 Department of Public Safety for the purpose of acquiring and
12 constructing a statewide law enforcement training center and for
13 operation and maintenance of such center. Expenditures from the
14 fund shall be made upon warrants issued by the State Treasurer
15 against claims filed as prescribed by law with the Director of the
16 Office of Management and Enterprise Services for approval and
17 payment.

18 SECTION 82. AMENDATORY 70 O.S. 2011, Section 3311.7, as
19 amended by Section 630, Chapter 304, O.S.L. 2012 (70 O.S. Supp.
20 2019, Section 3311.7), is amended to read as follows:

21 Section 3311.7. A. There is hereby created in the State
22 Treasury a fund for the ~~Council on~~ Law Enforcement Education and
23 Training Division of the Department of Public Safety to be
24 designated the "Peace Officer Revolving Fund".

1 B. The fund shall be a continuing fund, not subject to fiscal
2 year limitations, and shall consist of any monies received from
3 public, private, state or federal sources, grants or award monies,
4 to include any state matching funds required by the federal
5 government which are not designated for deposit in the ~~C.I.E.E.T.~~
6 Law Enforcement Education and Training Fund created pursuant to
7 Section 1313.2 of Title 20 of the Oklahoma Statutes.

8 C. All monies accruing to the credit of said fund are hereby
9 appropriated and may be budgeted and expended by the ~~Council on Law~~
10 ~~Enforcement Education and Training~~ Commissioner of the Department of
11 Public Safety for the purpose of fulfilling any grant or award
12 provisions, providing special training programs and attendant
13 equipment and supplies, and providing facility construction and
14 furnishings and/or rental of facilities for special training
15 programs.

16 D. Expenditures from said fund shall be made upon warrants
17 issued by the State Treasurer against claims filed as prescribed by
18 law with the Director of the Office of Management and Enterprise
19 Services for approval and payment.

20 SECTION 83. AMENDATORY 70 O.S. 2011, Section 3311.8, as
21 amended by Section 631, Chapter 304, O.S.L. 2012 (70 O.S. Supp.
22 2019, Section 3311.8), is amended to read as follows:

23 Section 3311.8. There is hereby created in the State Treasury a
24 revolving fund for the ~~Council on~~ Law Enforcement Education and
25

1 Training Division of the Department of Public Safety to be
2 designated the "~~CLEET~~ Law Enforcement Education and Training
3 Cafeteria Revolving Fund". The fund shall be a continuing fund, not
4 subject to fiscal year limitations, and shall consist of all monies
5 received by the ~~Council on~~ Law Enforcement Education and Training
6 Division of the Department of Public Safety from cafeteria food
7 sales. All monies accruing to the credit of said fund are hereby
8 appropriated and may be budgeted and expended by the ~~Council on Law~~
9 ~~Enforcement Education and Training~~ Department for the purpose of
10 operating a cafeteria. Expenditures from said fund shall be made
11 upon warrants issued by the State Treasurer against claims filed as
12 prescribed by law with the Director of the Office of Management and
13 Enterprise Services for approval and payment.

14 SECTION 84. AMENDATORY 70 O.S. 2011, Section 3311.9, is
15 amended to read as follows:

16 Section 3311.9. There is hereby created a petty cash fund not
17 to exceed Two Hundred Dollars (\$200.00) for the ~~Council on~~ Law
18 Enforcement Education and Training Division of the Department of
19 Public Safety to be used as a cash drawer change fund in the
20 operation of a cafeteria.

21 SECTION 85. AMENDATORY 70 O.S. 2011, Section 3311.10, is
22 amended to read as follows:

23 Section 3311.10. Notwithstanding any other provision of state
24 law, the ~~Council on~~ Law Enforcement Education and Training Division

1 of the Department of Public Safety is hereby authorized to purchase
2 passenger automobiles or buses for use as training vehicles in the
3 same manner as other state agencies authorized by law to purchase
4 passenger automobiles or buses.

5 SECTION 86. AMENDATORY 70 O.S. 2011, Section 3311.11, as
6 last amended by Section 1, Chapter 139, O.S.L. 2016 (70 O.S. Supp.
7 2019, Section 3311.11), is amended to read as follows:

8 Section 3311.11. A. Any person or peace officer who desires to
9 attend a basic law enforcement academy conducted by the ~~Council on~~
10 Law Enforcement Education and Training ~~(CLEET)~~ Division of the
11 Department of Public Safety shall within ninety (90) days of hire
12 and prior to ~~CLEET~~ law enforcement training admission, be required
13 to score a minimum of seventy percent (70%) on a reading and writing
14 comprehension examination approved by ~~CLEET~~ Commissioner to assure
15 the applicant can read and write on a level necessary to perform the
16 requirements of the ~~CLEET~~ law enforcement training academy. Any
17 person or any peace officer who desires to attend a an ~~CLEET~~
18 approved reserve basic law enforcement academy shall, within ninety
19 (90) days of hire and prior to reserve basic law enforcement academy
20 admission, be required to score a minimum of seventy percent (70%)
21 on a reading and writing comprehension examination approved by ~~CLEET~~
22 the Commissioner to assure the applicant can read and write at a
23 level necessary to perform the requirements of the reserve academy.

1 B. Beginning November 1, 2009, any person or peace officer who
2 desires to attend the basic law enforcement academy conducted by
3 ~~CLEET~~ the Department shall, prior to admission, be required to
4 provide proof of a score of a minimum of seventy percent (70%) on a
5 physical agility test approved by ~~CLEET~~ the Commissioner to assure
6 the applicant is in sufficient physical condition to avoid
7 unnecessary injury during the basic law enforcement academy
8 training.

9 C. Beginning November 1, 2009, any person or peace officer,
10 upon employment by a law enforcement agency and prior to attending a
11 basic law enforcement academy conducted by ~~CLEET~~ the Department,
12 shall execute a promissory note for academy training expenses
13 payable to ~~CLEET~~ the Department whereby the person or peace officer
14 promises to repay the note by remaining within the law enforcement
15 profession in the State of Oklahoma in a position approved by rules
16 and regulations of ~~CLEET~~ the Department for four (4) years following
17 graduation from the basic law enforcement academy.

18 D. The amounts due pursuant to subsection C of this section
19 shall be reduced at a rate of Three Dollars (\$3.00) per calendar day
20 beginning the first day after graduation from the basic law
21 enforcement academy and continuing until the end of one thousand
22 four hundred sixty (1,460) days. If for any reason a peace officer
23 leaves the employment of a law enforcement agency and does not
24 reemploy with an approved law enforcement agency within ninety (90)

1 days of the date of becoming inactive the obligation shall be
2 considered due. Upon default of the note, if no agreement for
3 payment or payment schedule has been agreed upon, the certification
4 of the peace officer shall be suspended. For purposes of repayment,
5 periods of time where a peace officer is inactive shall not be
6 included in the one-thousand-four-hundred-sixty-day employment
7 period.

8 E. The amount of a promissory note for academy training
9 expenses that is cancelled under the provisions of this section
10 shall not be considered income for the purposes of Oklahoma State
11 Income Tax.

12 F. The ~~Director of CLEET~~ Commissioner may waive any or all
13 promissory note obligations for academy training expenses in
14 instances where in the sole opinion of the ~~Director~~ Commissioner, a
15 waiver is in the best interests of law enforcement.

16 G. Violation of the provisions of subsection D of this section
17 or the terms of the promissory note for academy training expenses
18 entered into pursuant to this section shall give rise to a cause of
19 action and suit may be commenced by ~~CLEET~~ the Department for and on
20 behalf of the State of Oklahoma for restitution of any and all sums
21 plus interest at the statutory rate, costs and reasonable attorney
22 fees. All promissory notes for academy training expenses, interest
23 and fees collected pursuant to this section shall be deposited into
24 the Peace Officer Revolving Fund provided for in Section 3311.7 of

1 Title 70 of the Oklahoma Statutes. The provisions of this section
2 shall not apply to persons who volunteer or are drafted into active
3 military service subsequent to receiving ~~CLEET~~ law enforcement
4 training at state expense.

5 SECTION 87. AMENDATORY 70 O.S. 2011, Section 3311.12, is
6 amended to read as follows:

7 Section 3311.12. The ~~Council on~~ Law Enforcement Education and
8 Training ~~(CLEET)~~ Division of the Department of Public Safety is
9 authorized to establish and host law enforcement youth camps at the
10 ~~CLEET~~ law enforcement and training statewide training facility.

11 SECTION 88. AMENDATORY 70 O.S. 2011, Section 3311.13, as
12 amended by Section 632, Chapter 304, O.S.L. 2012 (70 O.S. Supp.
13 2019, Section 3311.13), is amended to read as follows:

14 Section 3311.13. There is hereby created in the State Treasury
15 a revolving fund for the ~~Council on~~ Law Enforcement Education and
16 Training Division of the Department of Public Safety to be
17 designated the "~~CLEET~~ Law Enforcement and Training Private Security
18 Revolving Fund". The fund shall be a continuing fund, not subject
19 to fiscal year limitations, and shall consist of all monies received
20 by the ~~Council on~~ Law Enforcement Education and Training Division of
21 the Department of Public Safety from the issuance of licenses to
22 security guards, security guard agencies, private investigators and
23 private investigative agencies. All monies accruing to the credit
24 of said fund are hereby appropriated and may be budgeted and

1 expended by the ~~Council on Law Enforcement Education and Training~~
2 Department for the purpose of fulfilling all statutory obligations
3 pursuant to the provisions of the Oklahoma Security Guard and
4 Private Investigator Act and providing training and education
5 programs for security guards, security guard agencies, private
6 investigators and private investigative agencies. Expenditures from
7 said fund shall be made upon warrants issued by the State Treasurer
8 against claims filed as prescribed by law with the Director of the
9 Office of Management and Enterprise Services for approval and
10 payment.

11 SECTION 89. AMENDATORY Section 2, Chapter 315, O.S.L.
12 2013, as amended by Section 4, Chapter 368, O.S.L. 2014 (70 O.S.
13 Supp. 2019, Section 3311.14), is amended to read as follows:

14 Section 3311.14. Upon completion of a handgun qualification
15 course for court officials developed by the ~~Council on Law~~
16 Enforcement Education and Training Division of the Department of
17 Public Safety, the Attorney General and any assistant attorney
18 general may carry a firearm on his or her person anywhere in this
19 state for personal protection only. The ~~Council on Law Enforcement~~
20 Education and Training Division of the Department of Public Safety
21 may provide for an identification card to be issued to the Attorney
22 General or assistant attorney general and may provide application
23 forms. If the person issued an identification card is no longer
24 eligible, that person shall immediately return the identification

1 card to the ~~Council on Law Enforcement Education and Training~~
2 Department.

3 SECTION 90. AMENDATORY Section 3, Chapter 376, O.S.L.
4 2016, as amended by Section 1, Chapter 320, O.S.L. 2017 (70 O.S.
5 Supp. 2019, Section 3311.15), is amended to read as follows:

6 Section 3311.15. Notwithstanding any other provision of law,
7 the ~~Council on~~ Law Enforcement Education and Training ~~(CLEET)~~
8 Division of the Department of Public Safety is hereby authorized to
9 assess a registration fee not to exceed Thirty Dollars (\$30.00) per
10 day to any Oklahoma Law Enforcement Agency to cover the costs of
11 breakfast, lunch and dinner meals provided by ~~CLEET~~ the Department,
12 during the training of agency peace officers. Failure to timely pay
13 these charges will preclude future participation of any employee of
14 the law enforcement agency in the ~~CLEET~~ law enforcement Basic
15 Academy. All moneys from charges assessed for these purposes shall
16 be deposited in the Peace Officer Revolving Fund created in Section
17 3311.7 of this title.

18 SECTION 91. AMENDATORY Section 1, Chapter 168, O.S.L.
19 2018 (70 O.S. Supp. 2019, Section 3311.16), is amended to read as
20 follows:

21 Section 3311.16. A. The ~~Council on~~ Law Enforcement Education
22 and Training ~~(CLEET)~~ Division of the Department of Public Safety is
23 authorized to conduct full-time Basic Peace Officer Certification
24 Academies and other law enforcement related training for individuals

1 not commissioned or appointed by a law enforcement agency under
2 rules established by the ~~Council~~ Commissioner.

3 B. The tuition and/or fees for attending the Basic Peace
4 Officer Certification Academies and/or other law enforcement related
5 training will be at a rate established by ~~CLEET~~ the Department and
6 approved by the ~~Council~~ Commissioner. Tuition and/or fees charged
7 under this section will be deposited in the Peace Officer Revolving
8 Fund established in Section 3311.7 of ~~Title 70 of the Oklahoma~~
9 ~~Statutes~~ this title.

10 C. Individuals not commissioned or appointed by a law
11 enforcement agency who are trained in the Basic Peace Officer
12 Certification Academies will be required to meet minimum
13 requirements established for peace officers as set forth in Section
14 3311 of ~~Title 70 of the Oklahoma Statutes~~ this title. Any fees
15 relating to meeting these requirements shall be the responsibility
16 of the individual. Individuals applying for the Academies will be
17 required to submit a fingerprint check to ~~CLEET~~ the Department prior
18 to acceptance.

19 D. The ~~Council~~ Department is authorized to promulgate emergency
20 rules to effectuate the provisions of this subsection.

21 E. Upon successful completion of the Basic Peace Officer
22 Certification Academy, the individual's ~~CLEET~~ law enforcement
23 certification will become effective upon employment by an Oklahoma
24 law enforcement agency. Employment and certification must be

1 obtained within two (2) years of completion of the Basic Peace
2 Officer Certification Academy.

3 SECTION 92. AMENDATORY Section 1, Chapter 254, O.S.L.
4 2018, as amended by Section 1, Chapter 20, O.S.L. 2019 (70 O.S.
5 Supp. 2019, Section 3311.17), is amended to read as follows:

6 Section 3311.17. A. Any state-supported technology center
7 school in the State of Oklahoma operating under the State Board of
8 Career and Technology Education or any higher education institution
9 in this state shall be authorized to, upon application and approval
10 of the ~~Council on~~ Law Enforcement Education and Training (~~CLEET~~)
11 Division of the Department of Public Safety, offer courses of study
12 for law enforcement certification, basic peace officer certification
13 academies and other law-enforcement-related training. Commissioned
14 and noncommissioned individuals and those individuals appointed or
15 not appointed by a law enforcement agency may attend the courses or
16 training offered by the technology center school or higher education
17 institution. ~~CLEET~~ The Department shall ~~vote to~~ approve or deny an
18 application to offer courses or training offered pursuant to this
19 section. Notice of denial of application shall include a clear and
20 concise statement for which the denial is based. ~~CLEET~~ The
21 Department may authorize up to two new entities each year to offer
22 courses or training. Courses and training offered by authorized
23 entities shall consist of actual classroom training at each entity
24 location. All non-classroom training shall be provided at ~~the CLEET~~

1 law enforcement training facility, unless approved otherwise by
2 ~~CLEET~~ the Department.

3 B. Any courses or training offered pursuant to this section
4 shall meet minimum standards established for peace officers as set
5 forth in Section 3311 of ~~Title 70 of the Oklahoma Statutes~~ this
6 title and meet all applicable eligibility requirements for students
7 to receive benefits pursuant to any of the federal G.I. bills. All
8 participants in any courses or training offered pursuant to this
9 section shall be required to submit all background investigation
10 requirements as set forth in Section 3311 of ~~Title 70 of the~~
11 ~~Oklahoma Statutes~~ this title.

12 C. Any state-supported technology center school in the State of
13 Oklahoma operating under the State Board of Career and Technology
14 Education or any higher education institution in this state shall be
15 authorized to set and administer their own rates for tuition and
16 fees for courses or training offered pursuant to this section.

17 D. Notwithstanding any other provision of law, any materials
18 and records provided by ~~CLEET~~ the Department to any institution of
19 higher education or state-supported technology center school
20 conducting a basic law enforcement training shall remain the
21 property of ~~CLEET~~ the Department and retain confidential status and
22 shall not be released except under the conditions contained in
23 Section 24A.8 of Title 51 of the Oklahoma Statutes. In addition,
24 any materials and records provided by any institution of higher
25

1 education or state-supported technology center school conducting
2 basic law enforcement training to ~~CLEET~~ the Department shall be
3 subject to these same limitations on release. Such materials and
4 records include, but are not limited to, all records maintained
5 pursuant to Section 3311 of this title and records relating to any
6 employed or certified full-time officer, reserve officer, retired
7 officer or other person; teacher lesson plans, tests and other
8 teaching materials; and personal communications concerning
9 individual students except under the circumstances set forth in
10 Section 24A.8 of Title 51 of the Oklahoma Statutes.

11 SECTION 93. AMENDATORY 74 O.S. 2011, Section 18c, as
12 last amended by Section 1, Chapter 80, O.S.L. 2019 (74 O.S. Supp.
13 2019, Section 18c), is amended to read as follows:

14 Section 18c. A. 1. Except as otherwise provided by this
15 subsection, no state officer, board or commission shall have
16 authority to employ or appoint attorneys to advise or represent said
17 officer, board or commission in any matter.

18 2. The provisions of this subsection shall not apply to the
19 Corporation Commission, the ~~Council on~~ Law Enforcement Education and
20 Training Division of the Department of Public Safety, the Consumer
21 Credit Commission, the Board of Managers of the State Insurance
22 Fund, the Oklahoma Tax Commission, the Commissioners of the Land
23 Office, the Oklahoma Public Welfare Commission also known as the
24 Commission for Human Services, the State Board of Corrections, the

1 Oklahoma Health Care Authority, the Department of Public Safety, the
2 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the
3 Alcoholic Beverage Laws Enforcement Commission, the Transportation
4 Commission, the Oklahoma Energy Resources Board, the Oklahoma Merit
5 Protection Commission, the Office of Management and Enterprise
6 Services, the Oklahoma Water Resources Board, the Department of
7 Labor, the Department of Agriculture, Food, and Forestry, the
8 Northeast Oklahoma Public Facilities Authority, the Oklahoma
9 Firefighters Pension and Retirement System, the Oklahoma Public
10 Employees Retirement System, the Uniform Retirement System for
11 Justices and Judges, the Oklahoma Conservation Commission, the
12 Office of Juvenile Affairs, the State Board of Pharmacy and the
13 Oklahoma Department of Veterans Affairs.

14 3. The provisions of paragraph 2 of this subsection shall not
15 be construed to authorize the Office of Juvenile Affairs to employ
16 any attorneys that are not specifically authorized by law.

17 4. All the legal duties of such officer, board or commission
18 shall devolve upon and are hereby vested in the Attorney General;
19 provided that:

20 a. the Governor shall have authority to employ special
21 counsel to protect the rights or interest of the state
22 as provided in Section 6 of this title, and

23 b. liquidation agents of banks shall have the authority
24 to employ local counsel, with the consent of the Bank
25

1 Commissioner and the Attorney General and the approval
2 of the district court.

3 B. At the request of any state officer, board or commission,
4 except the Corporation Commission, the Board of Managers of the
5 CompSource Oklahoma, Oklahoma Tax Commission and the Commissioners
6 of the Land Office, the Grand River Dam Authority, the Oklahoma
7 State Bureau of Narcotics and Dangerous Drugs Control, the Alcoholic
8 Beverage Laws Enforcement Commission, the Oklahoma Firefighters
9 Pension and Retirement System, the Oklahoma Public Employees
10 Retirement System, the Uniform Retirement System for Justices and
11 Judges and the Interstate Oil and Gas Compact Commission, the
12 Attorney General shall defend any action in which they may be sued
13 in their official capacity. At the request of any such state
14 officer, board or commission, the Attorney General shall have
15 authority to institute suits in the name of the State of Oklahoma on
16 their relation, if after investigation the Attorney General is
17 convinced there is sufficient legal merit to justify the action.

18 C. Any officer, board or commission which has the authority to
19 employ or appoint attorneys may request that the Attorney General
20 defend any action arising pursuant to the provisions of The
21 Governmental Tort Claims Act.

22 D. Nothing in this section shall be construed to repeal or
23 affect the provisions of the statutes of this state pertaining to
24 attorneys and legal advisors of the several commissions and
25

1 departments of state specified in subsection B of this section, and
2 all acts and parts of acts pertaining thereto shall be and remain in
3 full force and effect.

4 SECTION 94. AMENDATORY 74 O.S. 2011, Section 51.1, is
5 amended to read as follows:

6 Section 51.1. A. There is hereby created the Oklahoma Office
7 of Homeland Security. The Governor shall be the chief officer of
8 the Office and shall appoint a Homeland Security Director who shall
9 be responsible to the Governor for the operation and administration
10 of the Office. The Governor shall determine the salary for the
11 Director.

12 B. The Oklahoma Homeland Security Director shall possess or
13 obtain a federally recognized Top Secret Level Clearance.

14 1. Any employee of state government appointed to the position
15 of Oklahoma Homeland Security Director shall have a right to return
16 to the previously held classified position of the employee without
17 any loss of rights, privileges, or benefits immediately upon
18 completion of the duties as Oklahoma Homeland Security Director,
19 provided the employee is not otherwise disqualified.

20 2. Any person appointed to the position of Oklahoma Homeland
21 Security Director, if already a member of a state retirement system,
22 shall be eligible to continue participation in that system. If not
23 a member of a state retirement system, the Director shall be
24 eligible to participate in the Oklahoma Public Employees Retirement

1 System. The Oklahoma Homeland Security Director shall be eligible
2 for participation in only one retirement system and shall elect in
3 writing the system in which the Director intends to participate.

4 3. The Commissioner of the Department of Public Safety may
5 commission the Director of Homeland Security as a peace officer if
6 at the time of appointment the Director is certified as a law
7 enforcement officer by the ~~Council on~~ Law Enforcement Education and
8 Training Division of the Department of Public Safety ~~(CLEET)~~ or as a
9 state trooper if at the time of appointment the Director is a ~~CLEET-~~
10 certified officer of the Oklahoma Highway Patrol.

11 C. The Oklahoma Office of Homeland Security shall consist of at
12 least three divisions:

- 13 1. Prevention and Intelligence;
- 14 2. Response and Recovery Planning; and
- 15 3. Awareness and Preparedness.

16 D. The Director shall be authorized to employ personnel
17 necessary to achieve the mission of the Office. Other federal,
18 state, and local personnel may be assigned to the Office of Homeland
19 Security pursuant to an interagency agreement. The Governor shall
20 designate at which appropriate state agency the Oklahoma Office of
21 Homeland Security shall be located. That agency shall provide
22 housing, administrative staff and other support to the Oklahoma
23 Office of Homeland Security. All positions and personnel of the
24 Office of Homeland Security shall be exempt from the full-time-

1 employee limit of the state agency where the Office of Homeland
2 Security is located.

3 E. The Oklahoma Homeland Security Director shall have the duty
4 and responsibility to develop and coordinate the implementation and
5 administration of a comprehensive statewide strategy to secure the
6 State of Oklahoma from the results of acts of terrorism, from a
7 public health emergency, from cyberterrorism, and from weapons of
8 mass destruction as that term is defined in 18 U.S.C., Section
9 2332a, and to perform other duties assigned by the Governor. These
10 duties shall include but not be limited to:

11 1. Representing the State of Oklahoma with federal agencies as
12 the state homeland security director for purposes of accessing
13 federal funds and cooperating with federal agencies in the
14 development and implementation of a nationwide homeland security
15 plan of response; and

16 2. Coordinating the Homeland Security efforts within the State
17 of Oklahoma, including working with the Governor and Legislature,
18 state agencies, and local elected officials and local governments,
19 emergency responder groups, private-sector businesses, educational
20 institutions, volunteer organizations, and the general public.
21 State agencies receiving federal funding for homeland security
22 purposes shall report the amount and intended use of those funds to
23 the Oklahoma Homeland Security Director to ensure efficient use of
24 funds and to avoid duplication of efforts.

1 F. Included in the comprehensive statewide strategy and
2 consistent with the National Strategy for Homeland Security, as
3 promulgated by the Office of the President of the United States, or
4 its successor plan or plans, the Oklahoma Homeland Security Director
5 shall establish the following strategic objectives for Oklahoma:

6 1. To prevent terrorist attacks;

7 2. To reduce vulnerability to terrorism;

8 3. To minimize the damage from and to recover from terrorist
9 attacks; and

10 4. Such other duties as the Governor may prescribe.

11 G. The Oklahoma Office of Homeland Security shall have the
12 following duties:

13 1. Establish a plan for the effective implementation of a
14 statewide emergency All-Hazards response system, including the
15 duties and responsibilities of regional emergency response teams;

16 2. Create, implement, and administer an advisory system;

17 3. Coordinate and prepare applications for federal funds
18 related to homeland security and accessing and distributing the
19 federal funds; and

20 4. Cooperate with federal agencies in the development and
21 implementation of a nationwide homeland security plan or response.

22 H. The Oklahoma Office of Homeland Security and any local
23 government may enter into contracts with each other for equipment
24 and personnel, or both. The contract may include any provisions

1 agreed upon by the parties and as required by any federal or state
2 grant, if applicable.

3 I. All state agencies and political subdivisions of this state
4 and all officers and employees of those agencies and political
5 subdivisions are hereby directed to cooperate with and lend
6 assistance to the Oklahoma Homeland Security Director.

7 SECTION 95. AMENDATORY Section 2, Chapter 46, O.S.L.
8 2019 (74 O.S. Supp. 2019, Section 151.3), is amended to read as
9 follows:

10 Section 151.3. A. As used in this section:

11 1. "Missing person" means any person, including a child under
12 eighteen (18) years of age, reported to Oklahoma law enforcement as
13 missing and unaccounted for from expected and normal activities; and

14 2. "Unidentified person" means any person living or deceased
15 who is unidentified after all available methods have been exhausted.
16 This includes any decedent released to the Office of the Chief
17 Medical Examiner (OCME) where the identity of the decedent cannot be
18 established to the satisfaction of the Chief Medical Examiner.

19 B. Unidentified Persons. The OCME and the Oklahoma State
20 Bureau of Investigation (OSBI) shall input the following data, if
21 available for unidentified persons, into the National Missing and
22 Unidentified Persons System (NamUs), created by the National
23 Institute of Justice of the United States Department of Justice:

1 1. Copies of fingerprints on standardized eight inch by eight
2 inch (8" x 8") fingerprint cards or the equivalent digital image;
3 prints or partial prints of any fingers;

4 2. Any forensic dental report or radiology imaging;

5 3. Detailed personal descriptions;

6 4. Deoxyribonucleic acid (DNA) information;

7 5. Radiology imaging and medical data; and

8 6. All other identifying data, including date and place of
9 death.

10 C. Missing Persons. Once a missing persons report is received,
11 the law enforcement agency shall initiate the following procedures
12 within thirty (30) days of receiving the report:

13 1. Submit the missing persons case to NamUs and to any database
14 of missing persons currently required by the agency, providing all
15 appropriate data;

16 2. Locate and obtain biometric records, including medical and
17 dental records, medical and dental X-rays or other medical imaging,
18 and enter the records into NamUs. All medical and dental records
19 obtained shall be considered confidential and shall not be released
20 to the public;

21 3. Utilize NamUs family reference sample (FRS) submission kits,
22 obtain voluntary DNA samples from appropriate family members to
23 submit to an institution of higher education that specializes in DNA
24 identification for a full genetic profile, including testing of

1 mitochondrial DNA (mtDNA), short tandem repeats on the Y-chromosome
2 (Y-STR) and nuclear analyses, to be documented in the NamUs missing
3 persons file and submitted to the FBI's National DNA Index System
4 (NDIS) using the Combined DNA Index System (CODIS). If necessary,
5 the law enforcement agency may request assistance in obtaining FRS
6 DNA samples; and

7 4. Attempt to locate any fingerprints from available resources
8 and submit those records to NamUs.

9 D. Upon request by local law enforcement, the OSBI shall
10 attempt to locate any fingerprints and photographs from the
11 available resources and submit those records to NamUs.

12 E. No Oklahoma law enforcement agency shall require a delay in
13 the taking of a report of a missing person when reliable information
14 has been provided to the law enforcement agency that the person is
15 missing. No law enforcement agency shall mandate the appearance of
16 a next of kin before initiating a missing persons investigation.

17 F. If the OSBI receives a report of a missing person from
18 another law enforcement agency or medical examiner, the OSBI shall
19 maintain a record of the case file. The OSBI shall promulgate rules
20 relating to the dissemination and retention of the records. The
21 rules shall require that the process of releasing the records shall
22 occur as soon as practicable from the time the OSBI receives a
23 report that a person, for whom there is a previous record, is
24 missing.

1 G. The information contained in the missing persons files of
2 the OSBI shall be available to the OCME and law enforcement agencies
3 attempting to identify unidentified persons.

4 H. No law enforcement agency shall establish or maintain any
5 policy which requires the observance of a waiting period before
6 accepting and investigating a missing child report. Upon receipt of
7 a report of a missing child, a law enforcement agency shall enter
8 the child into the National Crime Information Center (NCIC) pursuant
9 to a mandate by the Federal Bureau of Investigation which requires
10 the name of the missing child to be entered within two (2) hours
11 from the time the child is reported missing to the law enforcement
12 agency.

13 I. When a person previously reported missing has been found or
14 when an unidentified person has been identified, the reporting
15 agency or OCME shall report to NamUs within twenty-four (24) hours
16 that the person has been found and that the case can be archived
17 within NamUs.

18 J. Nothing in this section prohibits a law enforcement agency
19 or the OCME from maintaining case files related to missing persons
20 or unidentified bodies.

21 K. Nothing in this section supersedes the authority of the OCME
22 to obtain dental or medical records, including X-rays, in cases in
23 which these records are necessary for the identification of human
24 remains.

1 L. The ~~Council on~~ Law Enforcement Education and Training
2 Division of the Department of Public Safety ~~(CLEET)~~ shall establish
3 appropriate training resources focused on the investigations of
4 unidentified and missing persons and shall require all ~~CLEET~~
5 certified law enforcement officers to complete such training on a
6 regular basis to be determined by ~~CLEET~~ the Department. Such
7 training may be conducted in conjunction with resources available
8 through NamUs.

9 SECTION 96. AMENDATORY 74 O.S. 2011, Section 324.4, is
10 amended to read as follows:

11 Section 324.4. A. The State Fire Marshal Commission shall
12 appoint a full-time State Fire Marshal. The State Fire Marshal
13 shall administer and enforce the provisions of law pertaining to the
14 Office of the State Fire Marshal to include, but not be limited to,
15 fire and arson investigations, code enforcement, and public
16 education under the supervision of the State Fire Marshal Commission
17 and in accordance with Commission policies. The State Fire Marshal
18 shall be a person of good moral character and a resident of Oklahoma
19 at the time of appointment. The State Fire Marshal must have a
20 minimum of ten (10) years' experience in fire protection, fire
21 prevention, investigation, or criminal justice, which may include
22 experience with any state, county, municipal, federal, military, or
23 industrial fire protection or criminal justice agency. Successful
24 completion of a degree in fire protection and prevention, criminal

1 justice or administration from an accredited college or university,
2 may be substituted for experience on a year-to-year basis. The
3 State Fire Marshal shall possess administrative ability and
4 experience. The State Fire Marshal may be required to obtain
5 certification as a peace officer in the State of Oklahoma from the
6 ~~Council on~~ Law Enforcement Education and Training Division of the
7 Department of Public Safety, and shall be subject to an extensive
8 background investigation, psychological testing, and drug testing.
9 The Commission may also require additional qualifications. The
10 State Fire Marshal must have or be able to obtain a valid Oklahoma
11 driver license and be a citizen of the United States.

12 B. The Commission shall appoint a full-time Assistant State
13 Fire Marshal upon recommendation from the State Fire Marshal. The
14 Assistant State Fire Marshal must have a minimum of seven (7) years
15 experience in fire protection, fire prevention, investigations or
16 criminal justice, which may include experience with any state,
17 county, municipal, federal, military, or industrial fire protection
18 or criminal justice agency. Successful completion of a degree in
19 fire protection and prevention, criminal justice, or administration
20 from an accredited college or university, may be substituted for
21 experience on a year-to-year basis. The Assistant State Fire
22 Marshal shall possess administrative ability and experience. The
23 Assistant State Fire Marshal may be required to obtain certification
24 as a peace officer from the ~~Council on~~ Law Enforcement and Education

1 Training Division of the Department of Public Safety, and shall be
2 subject to an extensive background investigation, psychological
3 testing, and drug testing. The Commission may require additional
4 qualifications. The Assistant State Fire Marshal must have or be
5 able to obtain a valid Oklahoma driver license and be a citizen of
6 the United States.

7 SECTION 97. AMENDATORY 74 O.S. 2011, Section 324.5, is
8 amended to read as follows:

9 Section 324.5. Office of State Fire Marshal agents shall be
10 appointed by and subject to the supervision and control of the State
11 Fire Marshal or designee. All agents are employees of the State of
12 Oklahoma and subject to the provisions of the Oklahoma Merit System
13 of Personnel Administration. All agents shall be required to obtain
14 and maintain peace officer certification from the ~~Council on Law~~
15 Enforcement Education and Training Division of the Department of
16 Public Safety and must have or be able to obtain a valid Oklahoma
17 driver license and be citizens of the United States. The State Fire
18 Marshal Commission shall have the authority to appoint such other
19 employees as shall be necessary in discharging the duties of their
20 office.

21 SECTION 98. AMENDATORY 74 O.S. 2011, Section 360.17, as
22 amended by Section 3, Chapter 48, O.S.L. 2012 (74 O.S. Supp. 2019,
23 Section 360.17), is amended to read as follows:
24
25

1 Section 360.17. A. The jurisdiction of campus police officers
2 includes the campus and pursuant to an agreement authorized by
3 Section 360.15 et seq. of this title, the highways, streets, roads,
4 alleys, easements, and other public ways immediately adjacent to
5 their campus and any other areas authorized by such agreement. This
6 delineation of jurisdiction, however, shall not be understood as
7 limiting the completion of any necessary enforcement activities
8 which began within these jurisdictions and are in compliance with
9 the agreements made with the municipality or county sheriff pursuant
10 to Section 360.15 et seq. of this title. In the absence of an
11 agreement, only those law enforcement activities which began on
12 campus may be completed off campus and such activities must be
13 completed in a timely manner. Such law enforcement activities shall
14 only be authorized if the campus police have coordinated the
15 activities with the local law enforcement agency having jurisdiction
16 in that off campus area. In addition, a campus police officer shall
17 have jurisdiction in other locations pursuant to an agreement
18 authorized by Section 360.15 et seq. of this title. Such agreement
19 may authorize the chief administrative officer of the law
20 enforcement agency to request assistance pursuant to the agreement.
21 Campus police officers, commissioned pursuant to Section 360.15 et
22 seq. of this title, shall have the same powers, liabilities, and
23 immunities as sheriffs or police officers within their jurisdiction.
24

1 B. As limited by law, the provisions of this section, and the
2 governing board, a ~~CLEET~~ Law Enforcement Education and Training
3 Division of the Department of Public Safety certified campus police
4 officer shall have the authority to enforce:

5 1. State criminal statutes;

6 2. Municipal ordinances, if authorized by an agreement with the
7 municipality; and

8 3. Rules and regulations of the school, institution of higher
9 education or airport public trust or its beneficiary employing such
10 campus police officer.

11 C. As limited by law, the provisions of this section, and the
12 governing board, the campus police department shall have the same
13 authority as a municipal police department.

14 D. Campus police departments formed by private institutions of
15 higher education pursuant to Section 360.15 et seq. of this title
16 shall be deemed to be public agencies in the State of Oklahoma for
17 the limited purposes of enforcing the criminal statutes of Oklahoma
18 and making agreements with local law enforcement agencies or
19 political subdivisions of the state pursuant to Section 360.15 et
20 seq. of this title, provided, that the trustees of airport public
21 trusts shall also be deemed to be a public agency of this state as
22 provided in Section 179 of Title 60 of the Oklahoma Statutes.

1 SECTION 99. AMENDATORY 74 O.S. 2011, Section 902, as
2 last amended by Section 20, Chapter 297, O.S.L. 2016 (74 O.S. Supp.
3 2019, Section 902), is amended to read as follows:

4 Section 902. As used in Section 901 et seq. of this title:

5 (1) "System" means the Oklahoma Public Employees Retirement
6 System as established by ~~this act~~ Section 901 et seq. of this title
7 and as it may hereafter be amended;

8 (2) "Accumulated contributions" means the sum of all
9 contributions by a member to the System which shall be credited to
10 the member's account;

11 (3) "Act" means Sections 901 to 932, inclusive, of this title;

12 (4) "Actuarial equivalent" means a deferred income benefit of
13 equal value to the accumulated deposits or benefits when computed
14 upon the basis of the actuarial tables in use by the System;

15 (5) "Actuarial tables" means the actuarial tables approved and
16 in use by the Board at any given time;

17 (6) "Actuary" means the actuary or firm of actuaries employed
18 by the Board at any given time;

19 (7) "Beneficiary" means any person named by a member to receive
20 any benefits as provided for by Section 901 et seq. of this title.
21 If there is no beneficiary living at time of member employee's
22 death, the member's estate shall be the beneficiary;

23 (8) "Board" means the Oklahoma Public Employees Retirement
24 System Board of Trustees;

1 (9) "Compensation" means all salary and wages, as defined by
2 the Board of Trustees, including amounts deferred under deferred
3 compensation agreements entered into between a member and a
4 participating employer, but exclusive of payment for overtime,
5 payable to a member of the System for personal services performed
6 for a participating employer but shall not include compensation or
7 reimbursement for traveling, or moving expenses, or any compensation
8 in excess of the maximum compensation level, provided:

9 (a) For compensation for service prior to January 1, 1988,
10 the maximum compensation level shall be Twenty-five
11 Thousand Dollars (\$25,000.00) per annum.

12 For compensation for service on or after January 1,
13 1988, through June 30, 1994, the maximum compensation
14 level shall be Forty Thousand Dollars (\$40,000.00) per
15 annum.

16 For compensation for service on or after July 1, 1994,
17 through June 30, 1995, the maximum compensation level
18 shall be Fifty Thousand Dollars (\$50,000.00) per
19 annum; for compensation for service on or after July
20 1, 1995, through June 30, 1996, the maximum
21 compensation level shall be Sixty Thousand Dollars
22 (\$60,000.00) per annum; for compensation for service
23 on or after July 1, 1996, through June 30, 1997, the
24 maximum compensation level shall be Seventy Thousand

1 Dollars (\$70,000.00) per annum; and for compensation
2 for service on or after July 1, 1997, through June 30,
3 1998, the maximum compensation level shall be Eighty
4 Thousand Dollars (\$80,000.00) per annum. For
5 compensation for services on or after July 1, 1998,
6 there shall be no maximum compensation level for
7 retirement purposes.

8 (b) Compensation for retirement purposes shall include any
9 amount of elective salary reduction under Section 457
10 of the Internal Revenue Code of 1986 and any amount of
11 nonelective salary reduction under Section 414(h) of
12 the Internal Revenue Code of 1986.

13 (c) Notwithstanding any provision to the contrary, the
14 compensation taken into account for any employee in
15 determining the contribution or benefit accruals for
16 any plan year is limited to the annual compensation
17 limit under Section 401(a)(17) of the federal Internal
18 Revenue Code.

19 (d) Current appointed members of the Oklahoma Tax
20 Commission whose salary is constitutionally limited
21 and is less than the highest salary allowed by law for
22 his or her position shall be allowed, within ninety
23 (90) days from ~~the effective date of this act~~ March
24 21, 2001, to make an election to use the highest

1 salary allowed by law for the position to which the
2 member was appointed for the purposes of making
3 contributions and determination of retirement
4 benefits. Such election shall be irrevocable and be
5 in writing. Reappointment to the same office shall
6 not permit a new election. Members appointed to the
7 Oklahoma Tax Commission after ~~the effective date of~~
8 ~~this act~~ March 21, 2001, shall make such election,
9 pursuant to this subparagraph, within ninety (90) days
10 of taking office;

11 (10) "Credited service" means the sum of participating service,
12 prior service and elected service;

13 (11) "Dependent" means a parent, child, or spouse of a member
14 who is dependent upon the member for at least one-half (1/2) of the
15 member's support;

16 (12) "Effective date" means the date upon which the System
17 becomes effective by operation of law;

18 (13) "Eligible employer" means the state and any county, county
19 hospital, city or town, conservation districts, circuit engineering
20 districts and any public or private trust in which a county, city or
21 town participates and is the primary beneficiary, is to be an
22 eligible employer for the purpose of this act only, whose employees
23 are covered by Social Security and are not covered by or eligible
24 for another retirement plan authorized under the laws of this state

1 which is in operation on the initial entry date. Emergency medical
2 service districts may join the System upon proper application to the
3 Board. Provided affiliation by a county hospital shall be in the
4 form of a resolution adopted by the board of control.

5 (a) If a class or several classes of employees of any
6 above-defined employers are covered by Social Security
7 and are not covered by or eligible for and will not
8 become eligible for another retirement plan authorized
9 under the laws of this state, which is in operation on
10 the effective date, such employer shall be deemed an
11 eligible employer, but only with respect to that class
12 or those classes of employees as defined in this
13 section.

14 (b) A class or several classes of employees who are
15 covered by Social Security and are not covered by or
16 eligible for and will not become eligible for another
17 retirement plan authorized under the laws of this
18 state, which is in operation on the effective date,
19 and when the qualifications for employment in such
20 class or classes are set by state law; and when such
21 class or classes of employees are employed by a county
22 or municipal government pursuant to such
23 qualifications; and when the services provided by such
24 employees are of such nature that they qualify for

1 matching by or contributions from state or federal
2 funds administered by an agency of state government
3 which qualifies as a participating employer, then the
4 agency of state government administering the state or
5 federal funds shall be deemed an eligible employer,
6 but only with respect to that class or those classes
7 of employees as defined in this subsection; provided,
8 that the required contributions to the retirement plan
9 may be withheld from the contributions of state or
10 federal funds administered by the state agency and
11 transmitted to the System on the same basis as the
12 employee and employer contributions are transmitted
13 for the direct employees of the state agency. The
14 retirement or eligibility for retirement under the
15 provisions of law providing pensions for service as a
16 volunteer firefighter shall not render any person
17 ineligible for participation in the benefits provided
18 for in Section 901 et seq. of this title. An employee
19 of any public or private trust in which a county, city
20 or town participates and is the primary beneficiary
21 shall be deemed to be an eligible employee for the
22 purpose of this act only.

23 (c) All employees of the George Nigh Rehabilitation
24 Institute who elected to retain membership in the
25

1 System, pursuant to Section 913.7 of this title, shall
2 continue to be eligible employees for the purposes of
3 this act. The George Nigh Rehabilitation Institute
4 shall be considered a participating employer only for
5 such employees.

6 (d) All employees of CompSource Mutual Insurance Company
7 who retain membership in the Oklahoma Public Employees
8 Retirement System pursuant to Section 913.9 of this
9 title shall continue to be eligible employees for the
10 purposes of the Oklahoma Public Employees Retirement
11 System. CompSource Mutual Insurance Company shall be
12 considered a participating employer only for such
13 employees.

14 (e) All employees of a successor organization, as defined
15 by Section 5-60.12 of Title 2 of the Oklahoma
16 Statutes, who retain membership in the Oklahoma Public
17 Employees Retirement System pursuant to Section 5-
18 60.35 of Title 2 of the Oklahoma Statutes shall
19 continue to be eligible employees for the purposes of
20 the Oklahoma Public Employees Retirement System. A
21 successor organization shall be considered a
22 participating employer only for such employees.

23 (f) A participating employer of the Teachers' Retirement
24 System of Oklahoma, who has one or more employees who

1 have made an election pursuant to enabling legislation
2 to retain membership in the System as a result of
3 change in administration, shall be considered a
4 participating employer of the Oklahoma Public
5 Employees Retirement System only for such employees;

6 (14) "Employee" means any officer or employee of a
7 participating employer, whose employment is not seasonal or
8 temporary and whose employment requires at least one thousand
9 (1,000) hours of work per year and whose salary or wage is equal to
10 the hourly rate of the monthly minimum wage for state employees.
11 For those eligible employers outlined in Section 910 of this title,
12 the rate shall be equal to the hourly rate of the monthly minimum
13 wage for that employer. Each employer, whose minimum wage is less
14 than the state's minimum wage, shall inform the System of the
15 minimum wage for that employer. This notification shall be by
16 resolution of the governing body.

17 (a) Any employee of the county extension agents who is not
18 currently participating in the Teachers' Retirement
19 System of Oklahoma shall be a member of this System.

20 (b) Eligibility shall not include any employee who is a
21 contributing member of the United States Civil Service
22 Retirement System.

23 (c) It shall be mandatory for an officer, appointee or
24 employee of the office of district attorney to become
25

1 a member of this System if he or she is not currently
2 participating in a county retirement system. Provided
3 further, that if an officer, appointee or employee of
4 the office of district attorney is currently
5 participating in such county retirement system, he or
6 she is ineligible for this System as long as he or she
7 is eligible for such county retirement system. Any
8 eligible officer, appointee or employee of the office
9 of district attorney shall be given credit for prior
10 service as defined in this section. The provisions
11 outlined in Section 917 of this title shall apply to
12 those employees who have previously withdrawn their
13 contributions.

14 (d) Eligibility shall also not include any officer or
15 employee of the Oklahoma Employment Security
16 Commission, except for those officers and employees of
17 the Commission electing to transfer to this System
18 pursuant to the provisions of Section 910.1 of this
19 title or any other class of officers or employees
20 specifically exempted by the laws of this state,
21 unless there be a consolidation as provided by Section
22 912 of this title. Employees of the Oklahoma
23 Employment Security Commission who are ineligible for
24 enrollment in the Employment Security Commission

1 Retirement Plan, that was in effect on January 1,
2 1964, shall become members of this System.

3 (e) Any employee employed by the Legislative Service
4 Bureau, State Senate or House of Representatives for
5 the full duration of a regular legislative session
6 shall be eligible for membership in the System
7 regardless of classification as a temporary employee
8 and may participate in the System during the regular
9 legislative session at the option of the employee.
10 For purposes of this subparagraph, the determination
11 of whether an employee is employed for the full
12 duration of a regular legislative session shall be
13 made by the Legislative Service Bureau if such
14 employee is employed by the Legislative Service
15 Bureau, the State Senate if such employee is employed
16 by the State Senate, or by the House of
17 Representatives if such employee is employed by the
18 House of Representatives. Each regular legislative
19 session during which the legislative employee or an
20 employee of the Legislative Service Bureau
21 participates full time shall be counted as six (6)
22 months of full-time participating service.

23 (i) Except as otherwise provided by this
24 subparagraph, once a temporary session employee

1 makes a choice to participate or not, the choice
2 shall be binding for all future legislative
3 sessions during which the employee is employed.

4 (ii) Notwithstanding the provisions of division (i) of
5 this subparagraph, any employee, who is eligible
6 for membership in the System because of the
7 provisions of this subparagraph and who was
8 employed by the State Senate or House of
9 Representatives after January 1, 1989, may file
10 an election, in a manner specified by the Board,
11 to participate as a member of the System prior to
12 September 1, 1989.

13 (iii) Notwithstanding the provisions of division (i) of
14 this subparagraph, a temporary legislative
15 session employee who elected to become a member
16 of the System may withdraw from the System
17 effective the day said employee elected to
18 participate in the System upon written request to
19 the Board. Any such request must be received by
20 the Board prior to October 1, 1990. All employee
21 contributions made by the temporary legislative
22 session employee shall be returned to the
23 employee without interest within four (4) months
24 of receipt of the written request.

- 1 (iv) A member of the System who did not initially
2 elect to participate as a member of the System
3 pursuant to this subparagraph shall be able to
4 acquire service performed as a temporary
5 legislative session employee for periods of
6 service performed prior to the date upon which
7 the person became a member of the System if:
- 8 a. the member files an election with the System
9 not later than December 31, 2000, to
10 purchase the prior service; and
 - 11 b. the member makes payment to the System of
12 the actuarial cost of the service credit
13 pursuant to subsection A of Section 913.5 of
14 this title. The provisions of Section 913.5
15 of this title shall be applicable to the
16 purchase of the service credit, including
17 the provisions for determining service
18 credit in the event of incomplete payment
19 due to cessation of payments, death,
20 termination of employment or retirement, but
21 the payment may extend for a period not to
22 exceed ninety-six (96) months;
- 23
24
25

1 (15) "Entry date" means the date on which an eligible employer
2 joins the System. The first entry date pursuant to Section 901 et
3 seq. of this title shall be January 1, 1964;

4 (16) "Executive Director" means the managing officer of the
5 System employed by the Board under Section 901 et seq. of this
6 title;

7 (17) "Federal Internal Revenue Code" means the federal Internal
8 Revenue Code of 1954 or 1986, as amended and as applicable to a
9 governmental plan as in effect on July 1, 1999;

10 (18) "Final average compensation" means the average annual
11 compensation, including amounts deferred under deferred compensation
12 agreements entered into between a member and a participating
13 employer, up to, but not exceeding the maximum compensation levels
14 as provided in paragraph (9) of this section received during the
15 highest three (3) of the last ten (10) years of participating
16 service immediately preceding retirement or termination of
17 employment and with respect to members whose first participating
18 service occurs on or after July 1, 2013, the compensation received
19 during the highest five (5) of the last ten (10) years of
20 participating service immediately preceding retirement or
21 termination of employment. Provided, no member shall retire with a
22 final average compensation unless the member has made the required
23 contributions on such compensation, as defined by the Board of
24 Trustees;

1 (19) "Fiscal year" means the period commencing July 1 of any
2 year and ending June 30 of the next year. The fiscal year is the
3 plan year for purposes of the federal Internal Revenue Code;
4 however, the calendar year is the limitation year for purposes of
5 Section 415 of the federal Internal Revenue Code;

6 (20) "Fund" means the Oklahoma Public Employees Retirement Fund
7 as created by Section 901 et seq. of this title;

8 (21) "Leave of absence" means a period of absence from
9 employment without pay, authorized and approved by the employer and
10 acknowledged to the Board, and which after the effective date does
11 not exceed two (2) years;

12 (22) "Member" means an eligible employee or elected official
13 who is in the System and is making the required employee or elected
14 official contributions, or any former employee or elected official
15 who shall have made the required contributions to the System and
16 shall have not received a refund or withdrawal;

17 (23) "Military service" means service in the Armed Forces of
18 the United States by an honorably discharged person during the
19 following time periods, as reflected on such person's Defense
20 Department Form 214, not to exceed five (5) years for combined
21 participating and/or prior service, as follows:

22 (a) during the following periods, including the beginning
23 and ending dates, and only for the periods served,
24 from:

- 1 (i) April 6, 1917, to November 11, 1918, commonly
2 referred to as World War I,
- 3 (ii) September 16, 1940, to December 7, 1941, as a
4 member of the 45th Division,
- 5 (iii) December 7, 1941, to December 31, 1946, commonly
6 referred to as World War II,
- 7 (iv) June 27, 1950, to January 31, 1955, commonly
8 referred to as the Korean Conflict or the Korean
9 War,
- 10 (v) February 28, 1961, to May 7, 1975, commonly
11 referred to as the Vietnam era, except that:
- 12 a. for the period from February 28, 1961, to
13 August 4, 1964, military service shall only
14 include service in the Republic of Vietnam
15 during that period, and
- 16 b. for purposes of determining eligibility for
17 education and training benefits, such period
18 shall end on December 31, 1976, or
- 19 (vi) August 1, 1990, to December 31, 1991, commonly
20 referred to as the Gulf War, the Persian Gulf
21 War, or Operation Desert Storm, but excluding any
22 person who served on active duty for training
23 only, unless discharged from such active duty for
24 a service-connected disability;

1 (b) during a period of war or combat military operation
2 other than a conflict, war or era listed in
3 subparagraph (a) of this paragraph, beginning on the
4 date of Congressional authorization, Congressional
5 resolution, or Executive Order of the President of the
6 United States, for the use of the Armed Forces of the
7 United States in a war or combat military operation,
8 if such war or combat military operation lasted for a
9 period of ninety (90) days or more, for a person who
10 served, and only for the period served, in the area of
11 responsibility of the war or combat military
12 operation, but excluding a person who served on active
13 duty for training only, unless discharged from such
14 active duty for a service-connected disability, and
15 provided that the burden of proof of military service
16 during this period shall be with the member, who must
17 present appropriate documentation establishing such
18 service.

19 An eligible member under this paragraph shall include only those
20 persons who shall have served during the times or in the areas
21 prescribed in this paragraph, and only if such person provides
22 appropriate documentation in such time and manner as required by the
23 System to establish such military service prescribed in this
24 paragraph, or for service pursuant to subdivision a of division (v)

1 of subparagraph (a) of this paragraph those persons who were awarded
2 service medals, as authorized by the United States Department of
3 Defense as reflected in the veteran's Defense Department Form 214,
4 related to the Vietnam Conflict for service prior to August 5, 1964;

5 (24) "Normal retirement date" means the date on which a member
6 may retire with full retirement benefits as provided in Section 901
7 et seq. of this title, such date being whichever occurs first:

8 (a) the first day of the month coinciding with or
9 following a member's:

10 (1) sixty-second birthday with respect to members
11 whose first participating service occurs prior to
12 November 1, 2011, or

13 (2) sixty-fifth birthday with respect to members
14 whose first participating service occurs on or
15 after November 1, 2011, or with respect to
16 members whose first participating service occurs
17 on or after November 1, 2011, reaches a minimum
18 age of sixty (60) years and who also reaches a
19 normal retirement date pursuant to subparagraph c
20 of this paragraph,

21 (b) for any person who initially became a member prior to
22 July 1, 1992, and who does not reach a normal
23 retirement date pursuant to division (1) of
24 subparagraph (a) of this paragraph, the first day of
25

1 the month coinciding with or following the date at
2 which the sum of a member's age and number of years of
3 credited service total eighty (80); such a normal
4 retirement date will also apply to any person who
5 became a member of the sending system as defined in
6 Section 901 et seq. of this title, prior to July 1,
7 1992, regardless of whether there were breaks in
8 service after July 1, 1992,

9 (c) for any person who became a member after June 30,
10 1992, but prior to November 1, 2011, and who does not
11 reach a normal retirement date pursuant to division
12 (1) of subparagraph (a) of this paragraph, the first
13 day of the month coinciding with or following the date
14 at which the sum of a member's age and number of years
15 of credited service total ninety (90),

16 (d) in addition to subparagraphs (a), (b) and (c) of this
17 paragraph, the first day of the month coinciding with
18 or following a member's completion of at least twenty
19 (20) years of full-time-equivalent employment as:

20 (i) a correctional or probation and parole officer
21 with the Department of Corrections and at the
22 time of retirement, the member was a correctional
23 or probation and parole officer with the
24 Department of Corrections, or

1 (ii) a correctional officer, probation and parole
2 officer or fugitive apprehension agent with the
3 Department of Corrections who is in such position
4 on June 30, 2004, or who is hired after June 30,
5 2004, and who receives a promotion or change in
6 job classification after June 30, 2004, to
7 another position in the Department of
8 Corrections, so long as such officer or agent has
9 at least five (5) years of service as a
10 correctional officer, probation and parole
11 officer or fugitive apprehension agent with the
12 Department, has twenty (20) years of full-time-
13 equivalent employment with the Department and was
14 employed by the Department at the time of
15 retirement, or

16 (iii) a firefighter with the Oklahoma Military
17 Department either employed for the first time on
18 or after July 1, 2002, or who was employed prior
19 to July 1, 2002, in such position and who makes
20 the election authorized by division (2) of
21 subparagraph b of paragraph (9) of subsection A
22 of Section 915 of this title and at the time of
23 retirement, the member was a firefighter with the
24 Oklahoma Military Department, and such member has

1 at least twenty (20) years of credited service
2 upon which the two and one-half percent (2 1/2%)
3 multiplier will be used in calculating the
4 retirement benefit, or

5 (iv) a public safety officer employed by the Grand
6 River Dam Authority for the first time on or
7 after ~~the effective date of this act~~ July 1,
8 2016,

9 (e) for those fugitive apprehension agents who retire on
10 or after July 1, 2002, the first day of the month
11 coinciding with or following a member's completion of
12 at least twenty (20) years of full-time-equivalent
13 employment as a fugitive apprehension agent with the
14 Department of Corrections and at the time of
15 retirement, the member was a fugitive apprehension
16 agent with the Department of Corrections, or

17 (f) for any member who was continuously employed by an
18 entity or institution within The Oklahoma State System
19 of Higher Education and whose initial employment with
20 such entity or institution was prior to July 1, 1992,
21 and who without a break in service of more than thirty
22 (30) days became employed by an employer participating
23 in the Oklahoma Public Employees Retirement System,
24 the first day of the month coinciding with or

1 following the date at which the sum of the member's
2 age and number of years of credited service total
3 eighty (80);

4 (25) "Participating employer" means an eligible employer who
5 has agreed to make contributions to the System on behalf of its
6 employees;

7 (26) "Participating service" means the period of employment
8 after the entry date for which credit is granted a member;

9 (27) "Prior service" means the period of employment of a member
10 by an eligible employer prior to the member's entry date for which
11 credit is granted a member under Section 901 et seq. of this title;

12 (28) "Retirant" or "retiree" means a member who has retired
13 under the System;

14 (29) "Retirement benefit" means a monthly income with benefits
15 accruing from the first day of the month coinciding with or
16 following retirement and ending on the last day of the month in
17 which death occurs or the actuarial equivalent thereof paid in such
18 manner as specified by the member pursuant to Section 901 et seq. of
19 this title or as otherwise allowed to be paid at the discretion of
20 the Board;

21 (30) "Retirement coordinator" means the individual designated
22 by each participating employer through whom System transactions and
23 communication shall be directed;

1 (31) "Social Security" means the old-age survivors and
2 disability section of the Federal Social Security Act;

3 (32) "Total disability" means a physical or mental disability
4 accepted for disability benefits by the Federal Social Security
5 System;

6 (33) "Service-connected disability benefits" means military
7 service benefits which are for a service-connected disability rated
8 at twenty percent (20%) or more by the Veterans Administration or
9 the Armed Forces of the United States;

10 (34) "Elected official" means a person elected to a state
11 office in the legislative or executive branch of state government or
12 a person elected to a county office for a definite number of years
13 and shall include an individual who is appointed to fill the
14 unexpired term of an elected state official;

15 (35) "Elected service" means the period of service as an
16 elected official;

17 (36) "Limitation year" means the year used in applying the
18 limitations of Section 415 of the Internal Revenue Code of 1986,
19 which year shall be the calendar year; and

20 (37) "Public safety officers of the Grand River Dam Authority"
21 means those persons hired by the Grand River Dam Authority on or
22 after ~~the effective date of this act~~ July 1, 2016, who are certified
23 by the ~~Council on~~ Law Enforcement Education and Training Division of
24 the Department of Public Safety or an equivalent certifying entity

1 for law enforcement personnel training and who perform law
2 enforcement functions as part of their regularly assigned duties and
3 responsibilities on a full-time basis. With respect to any public
4 safety officer hired by the Grand River Dam Authority on or after
5 ~~the effective date of this act~~ July 1, 2016, any earned benefits or
6 credits toward retirement benefits from previous participation
7 within the Oklahoma Public Employees Retirement System or the
8 Oklahoma Law Enforcement Retirement System shall remain within that
9 system.

10 SECTION 100. AMENDATORY Section 6, Chapter 208, O.S.L.
11 2013, as last amended by Section 4, Chapter 476, O.S.L. 2019 (85A
12 O.S. Supp. 2019, Section 6), is amended to read as follows:

13 Section 6. A. 1. a. Any person or entity who makes any material
14 false statement or representation, who willfully and knowingly omits
15 or conceals any material information, or who employs any device,
16 scheme, or artifice, or who aids and abets any person for the
17 purpose of:

- 18 (1) obtaining any benefit or payment,
- 19 (2) increasing any claim for benefit or payment, or
- 20 (3) obtaining workers' compensation coverage under
21 ~~this act~~ Section 1, et seq. of this title,
- 22 shall be guilty of a felony punishable pursuant to
23 Section 1663 of Title 21 of the Oklahoma Statutes.

1 b. A material false statement or representation includes,
2 but is not limited to, attempting to obtain treatment
3 or compensation for body parts that were not injured
4 in the course and scope of employment.

5 c. Fifty percent (50%) of any criminal fine imposed and
6 collected under this section shall be paid and
7 allocated in accordance with applicable law to the
8 Workers' Compensation Commission Revolving Fund.

9 2. Any person or entity with whom any person identified in
10 division (1) of subparagraph a of paragraph 1 of this subsection has
11 conspired to achieve the proscribed ends shall, by reason of such
12 conspiracy, be guilty as a principal of a felony.

13 B. Except for forms submitted through the Electronic Data
14 Interchange system employed by the Commission pursuant to Section
15 101 of this title, a copy of division (1) of subparagraph a of
16 paragraph 1 of subsection A of this section shall be included on all
17 forms prescribed by the Commission for the use of injured employees
18 claiming benefits and for the use of employers in responding to
19 employees' claims under ~~this act~~ Section 1, et seq. of this title.

20 C. If the Workers' Compensation Commission or the Attorney
21 General finds that a violation of division (1) of subparagraph a of
22 paragraph 1 of subsection A of this section has been committed, or
23 that any other criminal violations in furtherance of ~~this act~~
24 Section 1, et seq. of this title were committed, the chair of the

1 Commission or the Attorney General shall refer the matter for
2 appropriate action to the prosecuting attorney having criminal
3 jurisdiction over the matter.

4 D. 1. a. There shall be established within the Office of the
5 Attorney General a Workers' Compensation Fraud
6 Investigation Unit, funded by the Commission. The
7 Attorney General shall appoint a Director of the
8 Workers' Compensation Fraud Investigation Unit, who
9 may also serve as the director of any other designated
10 insurance fraud investigation division within the
11 Attorney General's office.

12 b. (1) The Unit shall investigate workers' compensation
13 fraud, any additional criminal violations that
14 may be related to workers' compensation fraud,
15 and any other insurance fraud matters as may be
16 assigned at the discretion of the Attorney
17 General.

18 (2) The Attorney General shall designate the
19 personnel assigned to the Unit, who, on meeting
20 the qualifications established by the ~~Oklahoma~~
21 ~~Council on~~ Law Enforcement Education and Training
22 Division of the Department of Public Safety,
23 shall have the powers of specialized law
24 enforcement officers of the State of Oklahoma for

1 the purpose of conducting investigations under
2 this subparagraph. Personnel hired as
3 specialized law enforcement officers shall have a
4 minimum of three (3) years of certified law
5 enforcement experience or its equivalent in
6 national or military law enforcement experience
7 as approved by the ~~Oklahoma Council on Law~~
8 Enforcement Education and Training Division of
9 the Department of Public Safety.

10 2. The Attorney General and his or her deputies and assistants
11 and the Director of the Workers' Compensation Fraud Investigation
12 Unit and his or her deputies and assistants shall be vested with the
13 power of enforcing the requirements of this section.

14 3. It shall be the duty of the Unit to assist the Attorney
15 General in the performance of his or her duties. The Unit shall
16 determine the identity of employees in this state who have violated
17 division (1) of subparagraph a of paragraph 1 of subsection A of
18 this section and report the violation to the Office of the Attorney
19 General and the Commission. The Attorney General shall report the
20 violation to the prosecuting attorney having jurisdiction over the
21 matter.

22 4. a. In the course of any investigation being conducted by
23 the Unit, the Attorney General and his or her deputies
24 and assistants and the Director and his or her

1 deputies and assistants shall have the power of
2 subpoena and may:

- 3 (1) subpoena witnesses,
4 (2) administer oaths or affirmations and examine any
5 individual under oath, and
6 (3) require and compel the production of records,
7 books, papers, contracts, and other documents.

8 b. The issuance of subpoenas for witnesses shall be
9 served in the same manner as if issued by a district
10 court.

11 c. (1) Upon application by the commissioner or the
12 Director of the Unit, the district court located
13 in the county where a subpoena was served may
14 issue an order compelling an individual to comply
15 with the subpoena to testify.

16 (2) Any failure to obey the order of the court may be
17 punished as contempt.

18 d. If any person has refused in connection with an
19 investigation by the Director to be examined under
20 oath concerning his or her affairs, then the Director
21 is authorized to conduct and enforce by all
22 appropriate and available means any examination under
23 oath in any state or territory of the United States in
24 which any officer, director, or manager may then

1 presently be to the full extent permitted by the laws
2 of the state or territory.

3 e. In addition to the punishments described in paragraph
4 1 of subsection A of this section, any person
5 providing false testimony under oath or affirmation in
6 this state as to any matter material to any
7 investigation or hearing conducted under this
8 subparagraph, or any workers' compensation hearing,
9 shall upon conviction be guilty of perjury.

10 5. Fees and mileage of the officers serving the subpoenas and
11 of the witnesses in answer to subpoenas shall be as provided by law.

12 6. a. Every carrier or employer who has reason to suspect
13 that a violation of division (1) of subparagraph a of
14 paragraph 1 of subsection A of this section has
15 occurred shall be required to report all pertinent
16 matters to the Unit.

17 b. No carrier or employer who makes a report for a
18 suspected violation of division (1) of subparagraph a
19 of paragraph 1 of subsection A of this section by an
20 employee shall be liable to the employee unless the
21 carrier or employer knowingly and intentionally
22 included false information in the report.

23 c. (1) Any carrier or employer who willfully and
24 knowingly fails to report a violation under
25

1 division (1) of subparagraph a of paragraph 1 of
2 subsection A of this section shall be guilty of a
3 misdemeanor and on conviction shall be punished
4 by a fine not to exceed One Thousand Dollars
5 (\$1,000.00).

6 (2) Fifty percent (50%) of any criminal fine imposed
7 and collected under this subparagraph shall be
8 paid and allocated in accordance with applicable
9 law to the fund administered by the Commission.

10 d. Any employee may report suspected violations of
11 division (1) of subparagraph a of paragraph 1 of
12 subsection A of this section. No employee who makes a
13 report shall be liable to the employee whose suspected
14 violations have been reported.

15 E. 1. For the purpose of imposing criminal sanctions or a fine
16 for violation of the duties of ~~this act~~ Section 1, et seq. of this
17 title, the prosecuting attorney shall have the right and discretion
18 to proceed against any person or organization responsible for such
19 violations, both corporate and individual liability being intended
20 by ~~this act~~ Section 1, et seq. of this title.

21 2. The prosecuting attorney of the district to whom a suspected
22 violation of subsection A of this section, or any other criminal
23 violations that may be related thereto, have been referred shall,
24 for the purpose of assisting him or her in such prosecutions, have
25

1 the authority to appoint as special deputy prosecuting attorneys
2 licensed attorneys-at-law in the employment of the Unit or any other
3 designated insurance fraud investigation division within the
4 Attorney General's office. Such special deputy prosecuting
5 attorneys shall, for the purpose of the prosecutions to which they
6 are assigned, be responsible to and report to the prosecuting
7 attorney.

8 F. Notwithstanding any other provision of law, investigatory
9 files as maintained by the Attorney General's office and by the Unit
10 shall be deemed confidential and privileged. The files may be made
11 open to the public once the investigation is closed by the Director
12 of the Workers' Compensation Fraud Investigation Unit with the
13 consent of the Attorney General.

14 G. The Attorney General, with the cooperation and assistance of
15 the Commission, is authorized to establish rules as may be necessary
16 to carry out the provisions of this section.

17 H. Nothing in this section shall be deemed to create a civil
18 cause of action.

19 I. Except for forms submitted through the Electronic Data
20 Interchange system employed by the Commission pursuant to Section
21 101 of this title, the Commission shall include a statement on all
22 forms for notices and instructions to employees, employers, carriers
23 and third-party administrators that any person who commits workers'
24

1 compensation fraud, upon conviction, shall be guilty of a felony
2 punishable by imprisonment, a fine or both.

3 J. If an injured employee is charged with workers' compensation
4 fraud, any pending workers' compensation proceeding, including
5 benefits, shall be stayed after the preliminary hearing is concluded
6 and the claimant is bound over and shall remain stayed until the
7 final disposition of the criminal case. All notice requirements
8 shall continue during the stay.

9 K. If the Attorney General's Office is in compliance with the
10 discovery provisions of Section 258 of Title 22 of the Oklahoma
11 Statutes, medical records created for the purpose of treatment and
12 medical opinions obtained during the investigation shall be
13 admissible at the preliminary hearing without the appearance of the
14 medical professional creating such records or opinions. However,
15 when material evidence dispositive to the issues of whether there
16 was probable cause the crime was committed and whether the defendant
17 committed the crime, was not included in a report or opinion
18 admitted at preliminary hearing, but might be presented at a
19 pretrial hearing by a medical professional who created such report
20 or opinion, the judge may, upon the motion of either party, order
21 the appearance of the medical professional creating such report or
22 opinion. Questions of fact regarding the conduct of the defendant
23 that conflict with the findings of the medical professional
24 evaluating the defendant shall not constitute material evidence. In

1 the event of such motion, notice shall be given to the Attorney
2 General's Workers' Compensation Fraud and Investigation and
3 Prosecution Unit. A hearing shall be held and, if the motion is
4 granted, the evidence shall not be presented fewer than five (5)
5 days later.

6 L. Any person or entity who, in good faith and exercising due
7 care, reports suspected workers' compensation fraud or insurance
8 fraud, or who allows access to medical records or other information
9 pertaining to suspected workers' compensation or insurance fraud, by
10 persons authorized to investigate a report concerning the workers'
11 compensation and insurance fraud, shall have immunity from any civil
12 or criminal liability for such report or access. Any such person or
13 entity shall have the same immunity with respect to participation in
14 any judicial proceeding resulting from such reports. For purposes
15 of any civil or criminal proceeding, there shall be a presumption of
16 good faith of any person making a report, providing medical records
17 or providing information pertaining to a workers' compensation or
18 insurance fraud investigation by the Attorney General, and
19 participating in a judicial proceeding resulting from a subpoena or
20 a report.

21 SECTION 101. RECODIFICATION 70 O.S. 2011, Section 3311,
22 as amended by Section 76 of this act, shall be recodified as Section
23 2-203 of Title 47 of the Oklahoma Statutes, unless there is created
24 a duplication in numbering.

1 SECTION 102. RECODIFICATION 70 O.S. 2011, Section
2 3311.2, as amended by Section 77 of this act, shall be recodified as
3 Section 2-204 of Title 47 of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 103. RECODIFICATION 70 O.S. 2011, Section
6 3311.3, as amended by Section 78 of this act, shall be recodified as
7 Section 2-205 of Title 47 of the Oklahoma Statutes, unless there is
8 created a duplication in numbering.

9 SECTION 104. RECODIFICATION 70 O.S. 2011, Section
10 3311.4, as amended by Section 79 of this act, shall be recodified as
11 Section 2-206 of Title 47 of the Oklahoma Statutes, unless there is
12 created a duplication in numbering.

13 SECTION 105. RECODIFICATION 70 O.S. 2011, Section
14 3311.5, as amended by Section 80 of this act, shall be recodified as
15 Section 2-207 of Title 47 of the Oklahoma Statutes, unless there is
16 created a duplication in numbering.

17 SECTION 106. RECODIFICATION 70 O.S. 2011, Section
18 3311.6, as amended by Section 81 of this act, shall be recodified as
19 Section 2-208 of Title 47 of the Oklahoma Statutes, unless there is
20 created a duplication in numbering.

21 SECTION 107. RECODIFICATION 70 O.S. 2011, Section
22 3311.7, as amended by Section 82 of this act, shall be recodified as
23 Section 2-209 of Title 47 of the Oklahoma Statutes, unless there is
24 created a duplication in numbering.

1 SECTION 108. RECODIFICATION 70 O.S. 2011, Section
2 3311.8, as amended by Section 83 of this act, shall be recodified as
3 Section 2-210 of Title 47 of the Oklahoma Statutes, unless there is
4 created a duplication in numbering.

5 SECTION 109. RECODIFICATION 70 O.S. 2011, Section
6 3311.9, as amended by Section 84 of this act, shall be recodified as
7 Section 2-211 of Title 47 of the Oklahoma Statutes, unless there is
8 created a duplication in numbering.

9 SECTION 110. RECODIFICATION 70 O.S. 2011, Section
10 3311.10, as amended by Section 85 of this act, shall be recodified
11 as Section 2-212 of Title 47 of the Oklahoma Statutes, unless there
12 is created a duplication in numbering.

13 SECTION 111. RECODIFICATION 70 O.S. 2011, Section
14 3311.11, as amended by Section 86 of this act, shall be recodified
15 as Section 2-213 of Title 47 of the Oklahoma Statutes, unless there
16 is created a duplication in numbering.

17 SECTION 112. RECODIFICATION 70 O.S. 2011, Section
18 3311.12, as amended by Section 87 of this act, shall be recodified
19 as Section 2-214 of Title 47 of the Oklahoma Statutes, unless there
20 is created a duplication in numbering.

21 SECTION 113. RECODIFICATION 70 O.S. 2011, Section
22 3311.13, as amended by Section 88 of this act, shall be recodified
23 as Section 2-215 of Title 47 of the Oklahoma Statutes, unless there
24 is created a duplication in numbering.

1 SECTION 114. RECODIFICATION 70 O.S. 2011, Section
2 3311.14, as amended by Section 89 of this act, shall be recodified
3 as Section 2-216 of Title 47 of the Oklahoma Statutes, unless there
4 is created a duplication in numbering.

5 SECTION 115. RECODIFICATION 70 O.S. 2011, Section
6 3311.15, as amended by Section 90 of this act, shall be recodified
7 as Section 2-217 of Title 47 of the Oklahoma Statutes, unless there
8 is created a duplication in numbering.

9 SECTION 116. RECODIFICATION 70 O.S. 2011, Section
10 3311.16, as amended by Section 91 of this act, shall be recodified
11 as Section 2-218 of Title 47 of the Oklahoma Statutes, unless there
12 is created a duplication in numbering.

13 SECTION 117. RECODIFICATION 70 O.S. 2011, Section
14 3311.17, as amended by Section 92 of this act, shall be recodified
15 as Section 2-219 of Title 47 of the Oklahoma Statutes, unless there
16 is created a duplication in numbering.

17 SECTION 118. This act shall become effective November 1, 2020.

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