

1 **SENATE FLOOR VERSION**

2 March 30, 2017

3 ENGROSSED HOUSE
4 BILL NO. 1671

By: Thomsen of the House

5 and

6 McCortney of the Senate

7
8 An Act relating to schools; amending 70 O.S. 2011,
9 Section 3311, as last amended by Section 1, Chapter
10 376, O.S.L. 2016 (70 O.S. Supp. 2016, Section 3311),
11 which relates to the Council on Law Enforcement
Education and Training; directing CLEET-certified
officers to submit certain notification; and
providing an effective date.

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

15 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
16 last amended by Section 1, Chapter 376, O.S.L. 2016 (70 O.S. Supp.
17 2016, Section 3311), is amended to read as follows:

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

1 Oklahoma. These rights, privileges and functions include, but are
2 not limited to, those specified in Sections 3311 through ~~3311.14~~
3 3311.15 of this title and in the Oklahoma Security Guard and Private
4 Investigator Act and the Oklahoma Bail Enforcement and Licensing
5 Act. The Council shall be composed of thirteen (13) members as
6 follows:

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

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

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

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

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

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

23 7. One member appointed by the Oklahoma Association of Police
24 Chiefs who shall be a chief of police representing a municipality

1 with a population over ten thousand (10,000), as determined by the
2 latest Federal Decennial Census;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16 19. Summarily suspend a certification of a peace officer,
17 without prior notice but otherwise subject to administrative
18 proceedings, if CLEET finds that the actions of the certified peace
19 officer may present a danger to the peace officer, the public, a
20 family or household member, or involve a crime against a minor. A
21 certified copy of the information or indictment charging such a
22 crime shall be considered clear and convincing evidence of the
23 charge; and
24

1 20. Approve law enforcement agencies and police departments in
2 accordance with the following:

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

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

14 (1) the need for the law enforcement agency or police
15 department in the community,

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

21 (3) the physical resources available to officers,

22 (4) the physical facilities that the law enforcement
23 agency or police department will operate,
24 including descriptions of the evidence room,

1 dispatch area, restroom facilities, and public
2 area,

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

6 (a) use of force,

7 (b) vehicle pursuit,

8 (c) mental health,

9 (d) professional conduct of officers,

10 (e) domestic abuse,

11 (f) response to missing persons,

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

13 (h) impartial policing,

14 (6) the administrative structure of the law
15 enforcement agency or police department,

16 (7) liability insurance, and

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

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

1 d. in cases of denial, the entity may appeal the decision
2 of the Executive Director to the full CLEET Council.
3 The Executive Director shall ensure that the final
4 report is provided to all members of the Council. The
5 Council shall review and make recommendations
6 concerning the report at the first meeting of the
7 Council to occur after all members of the Council have
8 received the report. The Council may, by majority
9 vote:

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

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

1 or device issued to a person by a business organization which
2 permits such person to obtain access to or activate a consumer
3 banking electronic facility. The Council shall determine which
4 nationally recognized credit or debit cards will be accepted as
5 payment for fees.

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

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

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

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

22 E. 1. No person shall be eligible for employment as a peace
23 officer or reserve peace officer until the employing law enforcement
24

1 agency has conducted a background investigation of such person
2 consisting of the following:

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

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

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

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

18 e. such person is not participating in a deferred
19 sentence agreement for a felony, a crime involving
20 moral turpitude or a crime of domestic violence, and
21 does not have any criminal charges pending in any
22 court in this state, another state, in tribal court or
23 pursuant to the United States Code,
24

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

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

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

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

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

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

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

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

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

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

18 Beginning January 1, 2014, any reserve peace officer who has
19 completed the two-hundred-forty-hour reserve peace officer
20 certification program, and who has been in active service in that
21 capacity for the past two (2) consecutive years, shall be eligible
22 to attend a three-hundred-sixty-hour basic full-time training
23 academy to become certified as a full-time police or peace officer.
24

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

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

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

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

22 4. The Council may certify officers who have completed a course
23 of study in another state deemed by the Council to meet standards
24 for Oklahoma peace officers providing the officer's certification in

1 the other state has not been revoked or voluntarily surrendered and
2 is not currently under suspension.

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

17 F. No person shall be certified as a police or peace officer by
18 the Council or be employed by the state, a county, a city, or any
19 political subdivision thereof, who is currently subject to an order
20 of the Council revoking, suspending, or accepting a voluntary
21 surrender of peace officer certification or who has been convicted
22 of a felony, a crime involving moral turpitude, or a crime of
23 domestic violence, unless a full pardon has been granted by the
24 proper agency; however, any person who has been trained and

1 certified by the Council on Law Enforcement Education and Training
2 and is actively employed as a full-time peace officer as of November
3 1, 1985, shall not be subject to the provisions of this subsection
4 for convictions occurring prior to November 1, 1985.

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

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

18 2. An employing agency shall not be liable in any action
19 arising out of the release of contents of personnel information
20 relevant to the qualifications or ability of a person to perform the
21 duties of a police or peace officer when such information is
22 released pursuant to written authorization for release of
23 information signed by such person and is provided to another
24

1 employing agency which has employed or has received an application
2 for employment from such person.

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

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

19 2. A tribal law enforcement agency that has peace officers
20 commissioned by an Oklahoma law enforcement agency pursuant to a
21 cross-deputization agreement with the State of Oklahoma or any
22 political subdivision of the State of Oklahoma pursuant to the
23 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
24 shall report the commissioning, resignation, or termination of

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

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

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

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

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

1 purpose shall retain its confidential character while
2 in the possession of CLEET,

3 g. abuse of office,

4 h. entry of a final order of protection against applicant
5 or officer, or

6 i. any violation of the Oklahoma Private Security
7 Licensing Act.

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

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

15 a. there is reason to believe the person has violated any
16 provision of this subsection or any other provision of
17 law or rule, or

18 b. there is reason to believe the person has been
19 convicted of a felony, a crime involving moral
20 turpitude or a domestic violence offense or is
21 currently participating in a deferred sentence for
22 such offenses.

23 4. When the investigation of a complaint does not find the
24 person has violated any of the provisions of this subsection, or

1 finds that the person is sufficiently rehabilitated as provided in
2 subparagraph b or f of paragraph 1 of this subsection, no
3 disciplinary action shall be required and the person shall remain
4 certified as a police or peace officer. When the investigation of a
5 complaint finds that the person has violated any of the provisions
6 of this subsection, the matter shall be referred for disciplinary
7 proceedings. The disciplinary proceedings shall be in accordance
8 with Articles I and II of the Administrative Procedures Act.

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

24

1 shall be whether the person has been convicted of a felony, a crime
2 involving moral turpitude or a domestic violence offense.

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

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

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

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

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

20 10. a. A police or peace officer may voluntarily surrender
21 and relinquish the peace officer certification to
22 CLEET. Pursuant to such surrender or relinquishment,
23 the person surrendering the certification shall be
24 prohibited from applying to CLEET for reinstatement

1 within five (5) years of the date of the surrender or
2 relinquishment, unless otherwise provided by law for
3 reinstatement.

4 b. No person who has had a police or peace officer
5 certification from another state revoked or
6 voluntarily surrendered and has not been reinstated by
7 that state shall be considered for certification by
8 CLEET.

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

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

1 felony, a crime involving moral turpitude, or a crime of domestic
2 violence in which a plea of guilty, nolo contendere, or an "Alford"
3 plea or any other plea other than a not guilty plea or other finding
4 of guilt is entered by, against or on behalf of a certified police
5 or peace officer to report such plea, agreement, or other finding of
6 guilt to the Council on Law Enforcement Education and Training
7 within ten (10) days of such plea agreement or the finding of guilt.

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

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

20 14. All criminal proceedings initiated against a CLEET-
21 certified peace officer or reserve peace officer shall be reported
22 by the officer to CLEET immediately after arrest or discovery of the
23 filing of such criminal proceeding. All CLEET-certified peace
24 officers and reserve peace officers shall be required to report when

1 a Victim Protective Order has been issued against the officer,
2 including orders issued on an emergency basis and all final orders
3 of protection. Failure to give notice pursuant to the provisions of
4 this paragraph may be cause to initiate an action against the
5 officer by CLEET.

6 15. As used in this subsection:

7 a. "law enforcement agency" means any department or
8 agency of the state, a county, a municipality, or
9 political subdivision thereof, with the duties to
10 maintain public order, make arrests, and enforce the
11 criminal laws of this state or municipal ordinances,
12 which employs CLEET-certified personnel,

13 b. "final order of termination" means a final notice of
14 dismissal from employment provided after all
15 grievance, arbitration, and court actions have been
16 completed, and

17 c. "resignation while under investigation" means the
18 resignation from employment of a peace officer who is
19 under investigation for any felony violation of law, a
20 crime of moral turpitude, a crime of domestic
21 violence, or the resignation from employment of a
22 peace officer as part of an arbitration or plea
23 agreement.

24

1 K. 1. Every canine team in the state trained to detect
2 controlled dangerous substances shall be certified, by test, in the
3 detection of such controlled dangerous substances and shall be
4 recertified annually so long as the canine is used for such
5 detection purposes. The certification test and annual
6 recertification test provisions of this subsection shall not be
7 applicable to canines that are owned by a law enforcement agency and
8 that are certified and annually recertified in the detection of
9 controlled dangerous substances by the United States Customs
10 Service. No employee of CLEET may be involved in the training or
11 testing of a canine team.

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

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

1 d. a sheriff's office, and

2 e. a university or college campus police department.

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

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

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

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

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

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

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

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

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

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

24

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

19 Q. All CLEET records of Bail Enforcers may be released only in
20 compliance with this section and the Oklahoma Bail Enforcement and
21 Licensing Act. All records in CLEET possession concerning other
22 persons or entities shall be released only in compliance with this
23 section and the Oklahoma Open Records Act.

24

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

2 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
3 March 30, 2017 - DO PASS
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