

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 HOUSE BILL 2104

By: Turner

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5
6 AS INTRODUCED

7 An Act relating to law enforcement officers; amending
8 11 O.S. 2011, Section 34-101, which relates to police
9 officers; specifying minimum qualifications and
10 requirements for municipal police officers; amending
11 19 O.S. 2011, Section 547, as amended by Section 1,
12 Chapter 38, O.S.L. 2017 (19 O.S. Supp. 2020, Section
13 547), which relates to sheriffs responsibilities for
14 acts of undersheriffs and deputies; specifying
15 minimum qualifications and requirements for deputy
16 sheriffs; amending 70 O.S. 2011, Section 3311, as
17 last amended by Section 1, Chapter 245, O.S.L. 2019
18 (70 O.S. Supp. 2020, Section 3311), which relates to
19 the Council on Law Enforcement Education and
20 Training; modifying minimum qualifications for peace
21 officers and reserve peace officers; and providing an
22 effective date.

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

24 SECTION 1. AMENDATORY 11 O.S. 2011, Section 34-101, is
amended to read as follows:

Section 34-101. A. A municipal police officer shall at all
times have the power to make or order an arrest for any offense
against the laws of this state or the ordinances of the
municipality. The officer shall have such other powers, duties and
functions as may be prescribed by law or ordinance.

1 B. In addition to regular full-time municipal police officers,
2 reserve municipal police officers may also be appointed by the chief
3 of police. Reserve municipal police officers shall have the powers,
4 duties and functions as set forth in law or ordinance for regular
5 full-time municipal police officers, including serving as police
6 officers in another municipality requesting assistance pursuant to
7 Section 34-103 of this title. A reserve municipal police officer
8 shall serve on a part-time basis and shall perform duties only while
9 on authorized duty. Noncompensated reserve municipal police
10 officers may serve as dispatchers or confinement officers at
11 municipal jails. Part-time reserve officers shall serve not more
12 than one hundred forty (140) hours per calendar month.

13 C. Such reserve municipal police officers must meet the minimum
14 requirements of Section 3311 of Title 70 of the Oklahoma Statutes

15 D. Beginning November 1, 2021, in addition to the minimum
16 requirements for certification in Section 3311 of Title 70 of the
17 Oklahoma Statutes, all municipal police officers and reserve
18 municipal police officers shall meet the following qualifications or
19 requirements:

20 1. Be a citizen of the United States or permanent resident
21 alien;

22 2. Have a high school diploma or General Educational
23 Development equivalency certificate;

24 3. Be twenty-five (25) years of age;

1 4. Have no arrests or convictions for a felony crime or crime
2 of domestic violence;

3 5. Have fingerprint clearance from the Oklahoma State Bureau of
4 Investigation and the Federal Bureau of Investigation;

5 6. Have been administered a psychological evaluation by a
6 psychologist licensed by the state of Oklahoma as set forth in
7 Section 34-101.1 of this title; provided, however, polygraph
8 examinations and polygraph test results shall neither replace or
9 supplant the psychological instrument approved by the Council on Law
10 Enforcement Education and Training;

11 7. Have not been involuntarily committed to a mental
12 institution in the state of Oklahoma;

13 8. A test score seventy percent (70%) or above for all exams
14 administered by the Council on Law Enforcement Education and
15 Training; and

16 9. A full and complete statement by the person regarding any
17 involvement in an incident that resulted in a loss of life.

18 SECTION 2. AMENDATORY 19 O.S. 2011, Section 547, as
19 amended by Section 1, Chapter 38, O.S.L. 2017 (19 O.S. Supp. 2020,
20 Section 547), is amended to read as follows:

21 Section 547. A. The sheriff shall be responsible for the
22 official acts of the undersheriff and deputy sheriffs, and may
23 revoke such appointments at the pleasure of the sheriff; provided,
24 however, for counties with a population of five hundred thousand

1 (500,000) or more persons, according to the latest Federal Decennial
2 Census, with the exception of chief deputies and undersheriffs, all
3 deputy sheriffs and detention officers shall serve a five-year
4 probationary period during which the deputy sheriff or detention
5 officer shall be considered an at-will employee. After the five-
6 year probationary period, such deputy sheriff or detention officer
7 shall not be discharged except for just cause. The sheriff or the
8 undersheriff may in writing depute certain persons to do particular
9 acts.

10 B. Each sheriff may appoint as many reserve force deputy
11 sheriffs as are necessary to preserve the peace and dignity of the
12 county. A current list of each person holding such appointment
13 shall be maintained by the county sheriff and shall be available to
14 the public. Reserve force deputy sheriffs may perform duties which
15 encompass a particular act or a series of acts. The sheriff or a
16 CLEET-certified deputy sheriff shall accompany a reserve force
17 deputy sheriff in the performance of all duties assigned to such
18 reserve force deputy sheriff unless such reserve deputy has
19 completed the required two-hundred-forty-hour basic police course.
20 Reserve force deputies may receive compensation for their services.
21 The sheriff may pay reserve force deputies for travel expenses
22 pursuant to the State Travel Reimbursement Act. Such reserve deputy
23 sheriffs shall complete a two-hundred-forty-hour basic police course
24 within six (6) months after they have been commissioned to be paid

1 by the county as an individual reserve deputy. The sheriff may pay
2 for additional training courses attended by reserve force deputies.

3 C. Reserve force deputy sheriffs shall not serve more than one
4 hundred forty (140) hours per calendar month.

5 D. The sheriff or a designee may deputize municipal police
6 officers subject to an interlocal governmental agreement to combine
7 city and county law enforcement efforts and to encourage cooperation
8 between city and county law enforcement officials. Liability for
9 the conduct of any municipal police officers deputized under the
10 terms and conditions of an interlocal governmental agreement shall
11 remain the responsibility of their municipal employer.

12 E. The sheriff may enter into mutual aid agreements pursuant to
13 the Interlocal Cooperation Act, Section 1002 et seq. of Title 74 of
14 the Oklahoma Statutes, to assist or provide law enforcement services
15 to any town, city, and county within this state and the sheriff and
16 deputies shall have law enforcement authority within the
17 jurisdiction making the request. The employing governmental unit
18 shall remain responsible for their officers or deputies pursuant to
19 any mutual aid agreement.

20 F. A sheriff of the county may respond to any request from any
21 other jurisdiction within the state for law enforcement assistance
22 in cases of emergency. The sheriff, deputy sheriffs and reserve
23 deputy sheriffs serving in response to the emergency request shall
24 have the same powers and duties as though employed by the requesting

1 law enforcement agency, and when so acting they shall be deemed to
2 be acting within the scope of employment of the requesting law
3 enforcement agency. Salaries, insurance and other benefits shall be
4 provided in the regular manner by the county in which the sheriff,
5 deputy sheriffs and reserve deputy sheriffs are regularly employed.
6 As used in this subsection, "emergency" means a sudden and
7 unforeseeable occurrence or condition, either as to its onset or its
8 extent, of such severity or magnitude that immediate response or
9 action is necessary to assist law enforcement agencies having
10 jurisdiction at the scene of the emergency to carry out their
11 functions.

12 G. A reserve force deputy sheriff shall be authorized to serve
13 civil process pursuant to Section 2004 of Title 12 of the Oklahoma
14 Statutes.

15 H. Beginning November 1, 2021, in addition to the minimum
16 requirements for certification in Section 3311 of Title 70 of the
17 Oklahoma Statutes, all deputy sheriffs and reserve deputy sheriffs
18 shall meet the following qualifications or requirements:

19 1. Be a citizen of the United States or permanent resident
20 alien;

21 2. Have a high school diploma or General Educational
22 Development equivalency certificate;

23 3. Be twenty-five (25) years of age;
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1 4. Have no arrests or convictions for a felony crime or crime
2 of domestic violence;

3 5. Have fingerprint clearance from the Oklahoma State Bureau of
4 Investigation and the Federal Bureau of Investigation;

5 6. Have been administered a psychological evaluation by a
6 psychologist licensed by the state of Oklahoma as provided in
7 Section 3311 of Title 70 of the Oklahoma Statutes. Polygraph
8 examinations and polygraph test results shall neither replace or
9 supplant the psychological instrument approved by the Council on Law
10 Enforcement Education and Training;

11 7. Have not been involuntarily committed to a mental
12 institution in the state of Oklahoma;

13 8. A test score seventy percent (70%) or above for all exams
14 administered by the Council on Law Enforcement Education and
15 Training; and

16 9. A full and complete statement by the person regarding any
17 involvement in an incident that resulted in a loss of life.

18 SECTION 3. AMENDATORY 70 O.S. 2011, Section 3311, as
19 last amended by Section 1, Chapter 245, O.S.L. 2019 (70 O.S. Supp.
20 2020, Section 3311), is amended to read as follows:

21 Section 3311. A. There is hereby created a Council on Law
22 Enforcement Education and Training which shall be, and is hereby
23 declared to be, a governmental law enforcement agency of the State
24 of Oklahoma, body politic and corporate, with powers of government

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

22 1. The Commissioner of the Department of Public Safety, or
23 designee;

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

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

5 4. One member appointed by the Governor who shall be a law
6 enforcement administrator representing a tribal law enforcement
7 agency;

8 5. One member appointed by the Governor who shall be a chief of
9 police of a municipality with a population over one hundred thousand
10 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

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

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

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

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

21 The Executive Director selected by the Council shall be an ex
22 officio member of the Council and shall act as Secretary. The
23 Council on Law Enforcement Education and Training shall select a
24 chair and vice-chair from among its members. Members of the Council

1 on Law Enforcement Education and Training shall not receive a salary
2 for duties performed as members of the Council, but shall be
3 reimbursed for their actual and necessary expenses incurred in the
4 performance of Council duties pursuant to the provisions of the
5 State Travel Reimbursement Act.

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

8 1. Appoint a larger Advisory Council to discuss problems and
9 hear recommendations concerning necessary research, minimum
10 standards, educational needs, and other matters imperative to
11 upgrading Oklahoma law enforcement to professional status;

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

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

21 4. Authorize additional staff and services necessary for
22 program expansion;

23 5. Recommend legislation necessary to upgrade Oklahoma law
24 enforcement to professional status;

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

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

18 The Executive Director of the Council on Law Enforcement
19 Education and Training may commission CLEET staff as peace officers
20 for purposes consistent with the duties of CLEET as set out in state
21 law. The powers and duties conferred on the Executive Director or
22 any staff member appointed by the Executive Director as a peace
23 officer shall not limit the powers and duties of other peace
24 officers of this state or any political subdivision thereof. The

1 Executive Director or any staff member appointed by the Executive
2 Director as a peace officer may, upon request, assist any federal,
3 state, county or municipal law enforcement agency;

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

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

1 dog, and any dog of a certified canine team who has
2 been previously certified as either a drug dog or a
3 bomb dog shall not be eligible at any time to be
4 certified in the other category.

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

13 10. Enter into a lease, loan or other agreement with the
14 Oklahoma Development Finance Authority or a local public trust for
15 the purpose of facilitating the financing of a new facility for its
16 operations and use and pledge, to the extent authorized by law, all
17 or a portion of its receipts of the assessment penalty herein
18 referenced for the payment of its obligations under such lease, loan
19 or other agreement. It is the intent of the Legislature to increase
20 the assessment penalty to such a level or appropriate sufficient
21 monies to the Council on Law Enforcement Education and Training to
22 make payments on the lease, loan or other agreement for the purpose
23 of retiring the bonds to be issued by the Oklahoma Development
24 Finance Authority or local public trust. Such lease, loan or other

1 agreement and the bonds issued to finance such facilities shall not
2 constitute an indebtedness of the State of Oklahoma or be backed by
3 the full faith and credit of the State of Oklahoma, and the lease,
4 loan or other agreement and the bonds shall contain a statement to
5 such effect;

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

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

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

1 All other fees collected pursuant to these agreements shall be
2 deposited to the credit of the Peace Officer Revolving Fund created
3 pursuant to Section 3311.7 of this title. The Council is authorized
4 to promulgate emergency rules to effectuate the provisions of this
5 paragraph;

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

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

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

- 17 a. one member shall be selected by the Chancellor for
18 Higher Education, who possesses a background of
19 creation and review of curriculum and experience
20 teaching criminal justice or law enforcement courses,
21 who shall serve an initial term of one (1) year,
22 b. one member shall represent a municipal jurisdiction
23 with a population of fifty thousand (50,000) or more
24 and who shall be a management-level CLEET-certified

1 training officer, who shall serve an initial term of
2 two (2) years,

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

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

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

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

20 After the initial terms of office, all members shall be
21 appointed to serve three-year terms. Any member may be reappointed
22 to serve consecutive terms. Members shall serve without
23 compensation, but may be reimbursed for travel expenses pursuant to
24 the State Travel Reimbursement Act. The Board shall review and

1 establish curriculum for all CLEET academies and training courses
2 pursuant to procedures established by the Council on Law Enforcement
3 Education and Training;

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

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

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

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

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

1 creates or reactivates an inactive law enforcement
2 agency or police department and first begins to
3 commission, appoint, or employ officers on or after
4 November 1, 2011,

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

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

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

15 (3) the physical resources available to officers,

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

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

24 (a) use of force,

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

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

(7) liability insurance, and

(8) any other information CLEET requires by rule,

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

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

1 Council to occur after all members of the Council have
2 received the report. The Council may, by majority
3 vote:

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

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

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

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

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

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

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

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

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

1 subsection, "currently undergoing treatment for mental
2 illness, condition or disorder" means the person has
3 been diagnosed by a licensed physician, psychologist,
4 or licensed mental health professional as being
5 afflicted with a substantial disorder of thought,
6 mood, perception, psychological orientation or memory
7 that significantly impairs judgment, behavior,
8 capacity to recognize reality, or ability to meet the
9 ordinary demands of life and such condition continues
10 to exist,

11 h. such person is ~~twenty-one (21)~~ twenty-five (25) years
12 of age. Provided, this requirement shall not affect
13 those persons who are already employed as a police or
14 peace officer prior to November 1, 1985, ~~and~~

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

20 j. such person has provided a full and complete statement
21 regarding any involvement in an incident that resulted
22 in a loss of life.

23 2. To aid the evaluating psychologist in interpreting the test
24 results, including automated scoring and interpretations, the

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

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

1 Oklahoma. This section shall also be applicable to
2 all reserve peace officers in the State of Oklahoma.

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

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

1 committed, the Council shall immediately inform the
2 employing agency.

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

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

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

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

22 4. Every person who has not been certified as a police or peace
23 officer and is duly appointed or elected as a police or peace
24 officer shall hold such position on a temporary basis only, and

1 shall, within six (6) months from the date of appointment or taking
2 office, qualify as required in this subsection or forfeit such
3 position. In computing the time for qualification, all service
4 shall be cumulative from date of first appointment or taking office
5 as a police or peace officer with any department in this state.

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

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

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

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

24

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

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

1 1, 1985, shall not be subject to the provisions of this subsection
2 for convictions occurring prior to November 1, 1985.

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

7 a. Oklahoma State Bureau of Investigation and Federal
8 Bureau of Investigation reports,

9 b. administration of the psychological tests provided for
10 herein,

11 c. performance in the course of study or other basis of
12 certification,

13 d. previous certifications issued, and

14 e. any administrative or judicial determination denying
15 certification.

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

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

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

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

1 resignation, or termination. Failure to comply with the provisions
2 of this subsection may disqualify a tribal law enforcement agency
3 from participating in training programs sponsored by the Council.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 15. As used in this subsection:

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

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

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

23 K. 1. Every canine team in the state trained to detect
24 controlled dangerous substances shall be certified, by test, in the

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

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

- 19 a. the Oklahoma State Bureau of Narcotics and Dangerous
20 Drugs Control,
- 21 b. the Department of Public Safety,
- 22 c. a police department,
- 23 d. a sheriff's office, and
- 24 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 may be involved in the training or
20 testing of a canine team.

21 2. The Council shall appoint a Bomb Dog Advisory Council to
22 make recommendations concerning minimum standards, educational
23 needs, and other matters imperative to the certification of canines
24 and canine teams trained to detect explosives, explosive materials,

1 explosive devices and materials which could be used to construct an
2 explosive device. The Council shall promulgate rules based upon the
3 recommendations of the Advisory Council. Members of the Advisory
4 Council shall include, but need not be limited to, a commissioned
5 officer with practical knowledge of such canines and canine teams
6 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 Fund created pursuant to
18 Section 1313.2 of Title 20 of the Oklahoma Statutes.

19 M. All tribal police officers of any Indian tribe or nation who
20 have been commissioned by an Oklahoma law enforcement agency
21 pursuant to a cross-deputization agreement with the State of
22 Oklahoma or any political subdivision of the State of Oklahoma
23 pursuant to the provisions of Section 1221 of Title 74 of the
24 Oklahoma Statutes shall be eligible for peace officer certification

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

10 N. If an employing law enforcement agency in this state has
11 paid for CLEET training and the salary of a person while that person
12 is completing in this state a basic police course approved by the
13 Council and if within one (1) year after initial employment with the
14 original employing agency that person resigns and is hired by
15 another law enforcement agency in this state, the second agency or
16 the person receiving the training shall reimburse the original
17 employing agency for the cost of CLEET training and salary paid to
18 the person while completing the basic police course by the original
19 employing agency. If the person leaves the original employing
20 agency later than one (1) year, but less than two (2) years, after
21 the initial employment, the second agency or the person receiving
22 the training shall reimburse the original employing agency fifty
23 percent (50%) of the cost of CLEET training and salary paid to the
24 person while completing the basic police course by the original

1 employing agency. CLEET shall not be a party to any court action
2 based on this provision.

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

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

24

1 Q. All CLEET records of Bail Enforcers may be released only in
2 compliance with this section and the Oklahoma Bail Enforcement and
3 Licensing Act. All records in CLEET possession concerning other
4 persons or entities shall be released only in compliance with this
5 section and the Oklahoma Open Records Act.

6 SECTION 4. This act shall become effective November 1, 2021.

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