

1 **SENATE FLOOR VERSION**

2 April 13, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2161

By: Ford of the House

5 and

6 Weaver of the Senate

7
8 An Act relating to law enforcement officers; stating
9 membership requirements for government entities that
10 establish citizen review boards; requiring majority
11 vote when making findings or recommendations;
12 providing procedures when membership requirements are
13 not met; providing exemptions; stating findings of
14 the Legislature; providing for codification; and
15 providing an effective date.

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

17 SECTION 1. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 34.6 of Title 22, unless there
19 is created a duplication in numbering, reads as follows:

20 A. When a government entity establishes a citizen review board
21 to investigate an allegation of misconduct by a law enforcement
22 officer, at least two-thirds (2/3) of the committee, board, agency,
23 department, office or entity that makes a recommendation or imposes
24 disciplinary action shall be composed of law enforcement officers
certified by the Council on Law Enforcement Education and Training.

1 B. Any findings or recommendations from any committee, board,
2 agency, department, office or entity shall require a majority vote
3 to do any of the following:

- 4 1. Investigate law enforcement officer misconduct;
- 5 2. Influence the conduct of or certify law enforcement officer
6 misconduct investigations;
- 7 3. Recommend disciplinary actions for law enforcement officer
8 misconduct; or
- 9 4. Impose discipline for law enforcement officer misconduct.

10 C. If the person or committee, board, agency, department,
11 office or entity does not meet the two-thirds (2/3) requirement
12 prescribed in subsection A of this section, a supervisor, a
13 department or an agency head that supervises a law enforcement
14 officer may investigate and impose discipline for the law
15 enforcement officer's misconduct if the supervisor, department or
16 agency head acts independently of the person, committee, board,
17 agency, department, office or entity.

18 D. This section shall not apply to any of the following:

- 19 1. A person or a committee, board, agency, department, office,
20 civil service board or entity that only reviews the actions
21 described in subsection A of this section and does not determine the
22 initial level of discipline or have the authority to increase the
23 severity of the disciplinary action;

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1 2. The Council on Law Enforcement Education and Training
2 (CLEET);

3 3. A multijurisdictional law enforcement agency or task force
4 or a similar entity that is charged with investigating the use of
5 force by law enforcement officers, if at least two-thirds (2/3) of
6 the membership of the multijurisdictional law enforcement agency or
7 task force or the similar entity consists of law enforcement
8 officers who are certified by CLEET;

9 4. An entity that investigates federal employment
10 discrimination; and

11 5. The Oklahoma State Bureau of Investigation.

12 E. The Legislature finds that setting and maintaining standards
13 of professionalism and integrity of law enforcement officers in this
14 state are of statewide concern.

15 SECTION 2. This act shall become effective November 1, 2023.

16 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
17 April 13, 2023 - DO PASS