

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 135

By: Paddack

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5
6 AS INTRODUCED

7 An Act relating to law enforcement training; amending
8 70 O.S. 2011, Section 3311, as last amended by
9 Section 1, Chapter 295, O.S.L. 2014 (70 O.S. 2014
10 Supp. Section 3311), which relates to Council on Law
11 Enforcement Education and Training operations;
12 conforming references; providing for certain
13 documentation of charges; modifying background check
14 requirements; modifying condition for denying or
15 revoking certification; requiring certain
16 notification; prohibiting certain involvement in
17 canine training; limiting certain parties from court
18 action; restricting release of certain records;
19 amending 70 O.S. 2011, Section 3311.11, which relates
20 to Council on Law Enforcement Education and Training
21 operations; modifying testing requirements for
22 training candidates; and providing an effective date.

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

24 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
last amended by Section 1, Chapter 295, O.S.L. 2014 (70 O.S. Supp.
2014, Section 3311), is amended to read as follows:

Section 3311. A. There is hereby created a Council on Law
Enforcement Education and Training which shall be, and is hereby
declared to be, a governmental law enforcement agency of the State
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 ~~3311.10~~
6 3311.14 of 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 composed of thirteen (13) members as
9 follows:

10 1. The Commissioner of the Department of Public Safety, or
11 designee;

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

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

16 4. One member appointed by the Governor who shall be a law
17 enforcement administrator representing a tribal law enforcement
18 agency;

19 5. One member appointed by the Governor who shall be a chief of
20 police of a municipality with a population over one hundred thousand
21 (100,000), as determined by the latest Federal Decennial Census;

22 6. One member appointed by the Board of Directors of the
23 Oklahoma Sheriffs' and Peace Officers Association who shall be a
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1 sheriff of a county with a population under fifty thousand (50,000),
2 as determined by the latest Federal Decennial Census;

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

7 8. One member shall be appointed by the Board of Directors of
8 the Oklahoma Sheriffs' Association who shall be a sheriff of a
9 county with a population of one hundred thousand (100,000) or more,
10 as determined by the latest Federal Decennial Census;

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

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

16 11. One member who is the immediate past chair of the Council
17 on Law Enforcement Education and Training;

18 12. The President Pro Tempore of the Senate shall appoint one
19 member from a list of three or more nominees submitted by a
20 statewide organization representing cities and towns that is exempt
21 from taxation under federal law and designated pursuant to the
22 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
23 and
24

1 13. The Speaker of the House of Representatives shall appoint
2 one member from a list of three or more nominees submitted by an
3 organization that assists in the establishment of accreditation
4 standards and training programs for law enforcement agencies
5 throughout the State of Oklahoma.

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

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

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

21 2. Promulgate rules with respect to such matters as
22 certification, revocation, suspension, withdrawal and reinstatement
23 of certification, minimum courses of study, testing and test scores,
24 attendance requirements, equipment and facilities, minimum

1 qualifications for instructors, minimum standards for basic and
2 advanced in-service courses, and seminars for Oklahoma police and
3 peace officers;

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

6 4. Authorize additional staff and services necessary for
7 program expansion;

8 5. Recommend legislation necessary to upgrade Oklahoma law
9 enforcement to professional status;

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

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

1 investigation, administration, training, or curriculum
2 implementation.

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

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

3 9. a. Certify canine teams, consisting of a dog and a
4 handler working together as a team, trained to detect:
5 (1) controlled dangerous substances, or
6 (2) explosives, explosive materials, explosive
7 devices, or materials which could be used to
8 construct an explosive device;

9 provided, the dog of a certified canine team shall not
10 be certified at any time as both a drug dog and a bomb
11 dog, and any dog of a certified canine team who has
12 been previously certified as either a drug dog or a
13 bomb dog shall not be eligible at any time to be
14 certified in the other category.

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

23 10. Enter into a lease, loan or other agreement with the
24 Oklahoma Development Finance Authority or a local public trust for

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

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

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

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

14 14. Promulgate rules to establish a state firearms
15 requalification standard for active peace officers and meet any
16 requirements ~~of~~ imposed on the Council by the federal Law
17 Enforcement Officers Safety Act of 2004 ~~for peace officers to carry~~
18 ~~concealed weapons nationwide;~~

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

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

3 a. one member shall be selected by the Chancellor for
4 Higher Education, who possesses a background of
5 creation and review of curriculum and experience
6 teaching criminal justice or law enforcement courses,
7 who shall serve an initial term of one (1) year,

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

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

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

22 e. one member shall represent a county jurisdiction with
23 a population of less than fifty thousand (50,000) and
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1 who shall be a CLEET-certified training officer, who
2 shall serve an initial term of one (1) year, and
3 f. one member selected by the Oklahoma Department of
4 Career and Technology Education from the Curriculum
5 Material and Instructional Material Center, who shall
6 serve an initial term of three (3) years.

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

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

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

22 19. Summarily suspend a certification of a peace officer,
23 without prior notice but otherwise subject to administrative
24 proceedings, if CLEET finds that the actions of the certified peace

1 officer may present a danger to the peace officer, the public, a
2 family or household member, or involve a crime against a minor. A
3 certified copy of the information or indictment charging such a
4 crime shall be considered clear and convincing evidence of the
5 charge; and

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

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

16 b. the entity shall submit to CLEET, a minimum of sixty
17 (60) days prior to creation of the law enforcement
18 agency or police department, information regarding:
19 (1) the need for the law enforcement agency or police
20 department in the community,
21 (2) the funding sources for the law enforcement
22 agency or police department, and proof that no
23 more than fifty percent (50%) of the funding of
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1 the entity will be derived from ticket revenue or
2 fines,

3 (3) the physical resources available to officers,

4 (4) the physical facilities that the law enforcement
5 agency or police department will operate,
6 including descriptions of the evidence room,
7 dispatch area, restroom facilities, and public
8 area,

9 (5) law enforcement policies of the law enforcement
10 agency or police department, including published
11 policies on:

12 (a) use of force,

13 (b) vehicle pursuit,

14 (c) mental health,

15 (d) professional conduct of officers,

16 (e) domestic abuse,

17 (f) response to missing persons,

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

19 (h) impartial policing,

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

22 (7) liability insurance, and

23 (8) any other information CLEET requires by rule,
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1 c. within sixty (60) days of receiving an entity's
2 request, CLEET will forward to the entity by certified
3 mail, return receipt requested, a letter of
4 authorization or denial to create a law enforcement
5 agency or police department and commission, appoint,
6 or employ officers, signed by the Executive Director
7 of CLEET, and

8 d. in cases of denial, the entity may appeal the decision
9 of the Executive Director to the full CLEET Council.
10 The Executive Director shall ensure that the final
11 report is provided to all members of the Council. The
12 Council shall review and make recommendations
13 concerning the report at the first meeting of the
14 Council to occur after all members of the Council have
15 received the report. The Council may, by majority
16 vote:

- 17 (1) order additional information be provided,
- 18 (2) order confirmation of the opinion of the
19 Executive Director, or
- 20 (3) order authorization of the entity.

21 C. 1. Payment of any fee provided for in this section may be
22 made by a nationally recognized credit or debit card issued to the
23 applicant. The Council may publicly post and collect a fee for the
24 acceptance of the nationally recognized credit or debit card not to

1 exceed five percent (5%) of the amount of the payment. For purposes
2 of this subsection, "nationally recognized credit card" means any
3 instrument or device, whether known as a credit card, credit plate,
4 charge plate, or by any other name, issued with or without fee by an
5 issuer for the use of the cardholder in obtaining goods, services,
6 or anything else of value and which is accepted by over one thousand
7 merchants in this state. "Debit card" means an identification card
8 or device issued to a person by a business organization which
9 permits such person to obtain access to or activate a consumer
10 banking electronic facility. The Council shall determine which
11 nationally recognized credit or debit cards will be accepted as
12 payment for fees.

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

- 15 a. add an amount equal to the amount of the service
16 charge incurred, not to exceed three percent (3%) of
17 the amount of the check as a service charge for the
18 acceptance and verification of the check, or
19 b. add an amount of no more than Five Dollars (\$5.00) as
20 a service charge for the acceptance and verification
21 of a check. For purposes of this subsection,
22 "business check" shall not mean a money order,
23 cashier's check, or bank certified check.

24

1 D. Failure of the Legislature to appropriate necessary funds to
2 provide for expenses and operations of the Council on Law
3 Enforcement Education and Training shall not invalidate other
4 provisions of this section relating to the creation and duties of
5 the Council.

6 E. 1. No person shall be eligible for employment as a peace
7 officer or reserve peace officer until the employing law enforcement
8 agency has conducted a background investigation of such person
9 consisting of the following:

- 10 a. a fingerprint search submitted to the Oklahoma State
11 Bureau of Investigation with a return report to the
12 submitting agency that such person has no felony
13 record,
- 14 b. a fingerprint search submitted to the Federal Bureau
15 of Investigation with a return report to the
16 submitting agency that such person has no felony
17 record,
- 18 c. such person has undergone psychological evaluation by
19 a psychologist licensed by the State of Oklahoma and
20 has been evaluated to be suitable to serve as a peace
21 officer in the State of Oklahoma,
- 22 d. the employing agency has verified that such person has
23 a high school diploma or a GED equivalency certificate
24 as recognized by state law,

1 e. such person is not participating in a deferred
2 sentence agreement for a felony, a crime involving
3 moral turpitude, or a crime of domestic violence, and
4 does not have any criminal charges pending in any
5 court in this state, another state, in tribal court,
6 or pursuant to the United States Code,

7 f. such person is not currently subject to an order of
8 the Council revoking, suspending, or accepting a
9 voluntary surrender of peace officer certification,

10 g. such person is not currently undergoing treatment for
11 a mental illness, condition or disorder. For purposes
12 of this subsection, "currently undergoing treatment
13 for mental illness, condition or disorder" means the
14 person has been diagnosed by a licensed physician or
15 psychologist as being afflicted with a substantial
16 disorder of thought, mood, perception, psychological
17 orientation or memory that significantly impairs
18 judgment, behavior, capacity to recognize reality, or
19 ability to meet the ordinary demands of life and such
20 condition continues to exist,

21 h. such person is twenty-one (21) years of age.

22 Provided, this requirement shall not affect those
23 persons who are already employed as a police or peace
24 officer prior to November 1, 1985, and

1 i. such person has provided proof of United States
2 citizenship or resident alien status, pursuant to an
3 employment eligibility verification form from the
4 United States Citizenship and Immigration Services.

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

- 1 a. Any person found not to be suitable for employment or
2 certification by the Council shall not be employed,
3 retained in employment as a peace officer, or
4 certified by the Council for at least one (1) year, at
5 which time the employee or applicant may be
6 reevaluated by a psychologist licensed by the State of
7 Oklahoma. This section shall also be applicable to
8 all reserve peace officers in the State of Oklahoma.
- 9 b. Any person who is certified by CLEET and has undergone
10 the psychological evaluation required by this
11 subparagraph and has been found to be suitable as a
12 peace officer shall not be required to be reevaluated
13 for any subsequent employment as a peace officer
14 following retirement or any break in service as a
15 peace officer, unless such break in service exceeds
16 five (5) years or the Council determines that a peace
17 officer may present a danger to himself or herself,
18 the public, or a family or household member.
- 19 c. All persons seeking certification shall have their
20 name, gender, date of birth, and address of such
21 person submitted to the Department of Mental Health
22 and Substance Abuse Services by the Council. The
23 Department of Mental Health and Substance Abuse
24 Services shall respond to the Council within ten (10)

1 days whether the computerized records of the
2 Department indicate the applicant has ever been
3 involuntarily committed to an Oklahoma state mental
4 institution. In the event that the Department of
5 Mental Health and Substance Abuse Services reports to
6 the Council that the applicant has been involuntarily
7 committed, the Council shall immediately inform the
8 employing agency.

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

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

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

22 Beginning January 1, 2014, any reserve peace officer who has
23 completed the two-hundred-forty-hour reserve peace officer
24 certification program, and who has been in active service in that

1 capacity ~~in~~ for the past two (2) consecutive years, shall be
2 eligible to attend a three-hundred-sixty-hour basic full-time
3 training academy to become certified as a full-time police or peace
4 officer.

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

13 a. The Council may extend the time requirement specified
14 in this paragraph for good cause as determined by the
15 Council.

16 b. A duty is hereby imposed upon the employing agency to
17 withhold payment of the compensation or wage of such
18 unqualified officer.

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

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

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

22 F. No person shall be certified as a police or peace officer by
23 the Council or be employed by the state, a county, a city, or any
24 political subdivision thereof, who is currently subject to an order

1 of the Council revoking, suspending, or accepting a voluntary
2 surrender of peace officer certification or who has been convicted
3 of a felony, a crime involving moral turpitude, or a crime of
4 domestic violence, unless a full pardon has been granted by the
5 proper agency; however, any person who has been trained and
6 certified by the Council on Law Enforcement Education and Training
7 and is actively employed as a full-time peace officer as of November
8 1, 1985, shall not be subject to the provisions of this subsection
9 for convictions occurring prior to November 1, 1985.

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

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

23 2. An employing agency shall not be liable in any action
24 arising out of the release of contents of personnel information

1 relevant to the qualifications or ability of a person to perform the
2 duties of a police or peace officer when such information is
3 released pursuant to written authorization for release of
4 information signed by such person and is provided to another
5 employing agency which has employed or has received an application
6 for employment from such person.

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

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

23 2. A tribal law enforcement agency that has peace officers
24 commissioned by an Oklahoma law enforcement agency pursuant to a

1 cross-deputization agreement with the State of Oklahoma or any
2 political subdivision of the State of Oklahoma pursuant to the
3 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
4 shall report the commissioning, resignation, or termination of
5 commission for any reason of a cross-deputized tribal police or
6 peace officer to CLEET within ten (10) days of the commissioning,
7 resignation, or termination. Failure to comply with the provisions
8 of this subsection may disqualify a tribal law enforcement agency
9 from participating in training programs sponsored by the Council.

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

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

- 5 a. conviction of a felony or a crime of domestic
6 violence,
- 7 b. conviction of a misdemeanor involving moral turpitude;
8 provided, if the conviction is a single isolated
9 incident that occurred more than five (5) years ago
10 and the Council is satisfied that the person has been
11 sufficiently rehabilitated, the Council may, in its
12 discretion, certify such person providing that all
13 other statutory requirements have been met,
- 14 c. a verdict of guilt or entry of a plea of guilty or
15 nolo contendere or an "Alford" plea or any plea other
16 than a not guilty plea for ~~a deferred sentence for a~~
17 felony offense, a crime of moral turpitude, or a crime
18 of domestic violence,
- 19 d. falsification or a willful misrepresentation of
20 information in an employment application or
21 application to the Council on Law Enforcement
22 Education and Training, records of evidence, or in
23 testimony under oath,

24

- 1 e. revocation or voluntary surrender of police or peace
2 officer certification in another state for a violation
3 of any law or rule or in settlement of any
4 disciplinary action in such state,
- 5 f. involuntary commitment of a reserve or peace officer
6 in a mental institution or licensed private mental
7 health facility for any mental illness, condition or
8 disorder that is diagnosed by a licensed physician or
9 psychologist as a substantial disorder of thought,
10 mood, perception, psychological orientation, or memory
11 that significantly impairs judgment, behavior,
12 capacity to recognize reality, or ability to meet the
13 ordinary demands of life. Provided, the peace officer
14 certification may be reinstated upon the Council
15 receiving notification of a psychological evaluation
16 conducted by a licensed physician or psychologist
17 which attests and states by affidavit that the officer
18 and the evaluation test data of the officer have been
19 examined and that, in the professional opinion of the
20 physician or psychologist, the officer is
21 psychologically suitable to return to duty as a peace
22 officer,
- 23 g. abuse of office,
- 24

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

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

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

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

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

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

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

23 6. The Council shall revoke the certification of any person
24 upon determining that such person has received a deferred sentence

1 for a felony, a crime involving moral turpitude or a domestic
2 violence offense.

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

8 8. Every law enforcement agency in this state shall, within
9 thirty (30) days of a final order of termination or resignation
10 while under investigation of a CLEET-certified peace officer, report
11 such order or resignation in writing to the Executive Director of
12 the Council. Any report, upon receipt by the Council, shall be
13 considered as personnel records and shall be afforded confidential
14 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
15 Oklahoma Statutes. The Executive Director shall ensure that the
16 report is provided to all members of the Council. The Council shall
17 review and make recommendations concerning the report at the first
18 meeting of the Council to occur after all members of the Council
19 have received the report. The Council may, by a majority vote,
20 order the suspension, for a given period of time, or revocation of
21 the CLEET certification of the peace officer in question if there
22 are grounds for such actions pursuant to this section and the peace
23 officer in question has been provided with notice and an opportunity
24 for a hearing pursuant to the Administrative Procedures Act.

1 Suspension or revocation of CLEET certification pursuant to this
2 paragraph shall be reported to the district attorney for the
3 jurisdiction in which the peace officer was employed, to the
4 liability insurance company of the law enforcement agency that
5 employed the peace officer, the chief elected official of the
6 governing body of the law enforcement agency and the chief law
7 enforcement officer of the law enforcement agency.

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

14 10. a. A police or peace officer may voluntarily surrender
15 and relinquish the peace officer certification to
16 CLEET. Pursuant to such surrender or relinquishment,
17 the person surrendering the certification shall be
18 prohibited from applying to CLEET for reinstatement
19 within five (5) years of the date of the surrender or
20 relinquishment, unless otherwise provided by law for
21 reinstatement.

22 b. No person who has had a police or peace officer
23 certification from another state revoked or
24 voluntarily surrendered shall be considered for

1 certification by CLEET ~~within five (5) years of the~~
2 ~~effective date of any such revocation or voluntary~~
3 ~~surrender of certification.~~

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

17 11. A duty is hereby imposed upon the district attorney who, on
18 behalf of the State of Oklahoma, prosecutes a person holding police
19 or peace officer or reserve peace officer certification for a
20 felony, a crime involving moral turpitude, or a crime of domestic
21 violence in which a plea of guilty, nolo contendere, or an "Alford"
22 plea or any other plea other than a not guilty plea or other finding
23 of guilt is entered by, against or on behalf of a certified police
24 or peace officer to report such plea, agreement, or other finding of

1 guilt to the Council on Law Enforcement Education and Training
2 within ten (10) days of such plea agreement or the finding of guilt.

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

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

15 14. As used in this subsection:

16 a. "law enforcement agency" means any department or
17 agency of the state, a county, a municipality, or
18 political subdivision thereof, with the duties to
19 maintain public order, make arrests, and enforce the
20 criminal laws of this state or municipal ordinances,
21 which employs CLEET-certified personnel,

22 b. "final order of termination" means a final notice of
23 dismissal from employment provided after all
24

1 grievance, arbitration, and court actions have been
2 completed, and

3 c. "resignation while under investigation" means the
4 resignation from employment of a peace officer who is
5 under investigation for any felony violation of law, a
6 crime of moral turpitude, a crime of domestic
7 violence, or the resignation from employment of a
8 peace officer as part of an arbitration or plea
9 agreement.

10 K. 1. Every canine team in the state trained to detect
11 controlled dangerous substances shall be certified, by test, in the
12 detection of such controlled dangerous substances and shall be
13 recertified annually so long as the canine is used for such
14 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 and
17 that are certified and annually recertified in the detection of
18 controlled dangerous substances by the United States Customs
19 Service. No employee of CLEET may be involved in the training or
20 testing of a canine team.

21 2. The Council shall appoint a Drug 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 controlled dangerous substances.

1 The Council shall promulgate rules based upon the recommendations of
2 the Advisory Council. Members of the Advisory Council shall
3 include, but need not be limited to, a commissioned officer with
4 practical knowledge of such canines and canine teams from each of
5 the following:

- 6 a. the Oklahoma State Bureau of Narcotics and Dangerous
7 Drugs Control,
- 8 b. the Department of Public Safety,
- 9 c. a police department,
- 10 d. a sheriff's office, and
- 11 e. a university or college campus police department.

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

20 L. 1. Every canine team in the state trained to detect
21 explosives, explosive materials, explosive devices, and materials
22 which could be used to construct an explosive device shall be
23 certified, by test, in the detection of such explosives and
24 materials and shall be recertified annually so long as the canine is

1 used for such detection purposes. The certification test and annual
2 recertification test provisions of this subsection shall not be
3 applicable to canines that are owned by a law enforcement agency if
4 such canines are certified and annually recertified in the detection
5 of explosives and materials by the United States Department of
6 Defense. No employee of CLEET may be involved in the training or
7 testing of a canine team.

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

- 18 a. the Department of Public Safety,
- 19 b. a police department,
- 20 c. a sheriff's office, and
- 21 d. a university or college campus police department.

22 3. The fee for the certification test shall be Two Hundred
23 Dollars (\$200.00) and the annual recertification test fee shall be
24 One Hundred Dollars (\$100.00) per canine team. A retest fee of

1 Fifty Dollars (\$50.00) will be charged if the team fails the test.
2 No such fee shall be charged to any local, state or federal
3 government agency. The fees provided for in this paragraph shall be
4 deposited to the credit of the CLEET Fund created pursuant to
5 Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

21 N. If an employing law enforcement agency in this state has
22 paid the salary of a person while that person is completing in this
23 state a basic police course approved by the Council and if within
24 one (1) year after certification that person resigns and is hired by

1 another law enforcement agency in this state, the second agency or
2 the person receiving the training shall reimburse the original
3 employing agency for the salary paid to the person while completing
4 the basic police course by the original employing agency. CLEET
5 shall not be a party to any court action based on this provision.

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

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

1 by the Council, the notice and any subsequent notices or orders
2 shall be deemed by the Court as having been legally served for all
3 purposes.

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

9 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.11, is
10 amended to read as follows:

11 Section 3311.11. A. ~~Beginning November 1, 2009, any~~ Any person
12 or peace officer who desires to attend a basic law enforcement
13 academy conducted by the Council on Law Enforcement Education and
14 Training (CLEET) shall within ninety (90) days of hire and prior to
15 CLEET admission, be required to score a minimum of seventy percent
16 (70%) on a reading and writing comprehension examination approved
17 and administered by CLEET to assure the applicant can read and write
18 on a level necessary to perform the requirements of the CLEET
19 academy. Any person or any peace officer who desires to attend a
20 CLEET-approved reserve basic law enforcement academy shall, within
21 ninety (90) days of hire and prior to reserve basic law enforcement
22 academy admission, be required to score a minimum of seventy percent
23 (70%) on a reading and writing comprehension examination approved by

24

1 CLEET to assure the applicant can read and write at a level
2 necessary to perform the requirements of the reserve academy.

3 B. Beginning November 1, 2009, any person or peace officer who
4 desires to attend the basic law enforcement academy conducted by
5 CLEET shall, prior to admission, be required to provide proof of a
6 score of a minimum of seventy percent (70%) on a physical agility
7 test approved by CLEET to assure the applicant is in sufficient
8 physical condition to avoid unnecessary injury during the basic law
9 enforcement academy training.

10 C. Beginning November 1, 2009, any person or peace officer,
11 upon employment by a law enforcement agency and prior to attending a
12 basic law enforcement academy conducted by CLEET, shall execute a
13 promissory note for academy training expenses payable to CLEET
14 whereby the person or peace officer promises to repay the note by
15 remaining within the law enforcement profession in the State of
16 Oklahoma in a position approved by rules and regulations of CLEET
17 for four (4) years following graduation from the basic law
18 enforcement academy.

19 D. The amounts due pursuant to subsection C of this section
20 shall be reduced at a rate of Three Dollars (\$3.00) per calendar day
21 beginning the first day after graduation from the basic law
22 enforcement academy and continuing until the end of one thousand
23 four hundred sixty (1,460) days. If for any reason a peace officer
24 leaves the employment of a law enforcement agency and does not

1 reemploy with an approved law enforcement agency within ninety (90)
2 days of the date of becoming inactive the obligation shall be
3 considered due. Upon default of the note, if no agreement for
4 payment or payment schedule has been agreed upon, the certification
5 of the peace officer shall be suspended. For purposes of repayment,
6 periods of time where a peace officer is inactive shall not be
7 included in the one-thousand-four-hundred-sixty-day employment
8 period.

9 E. The amount of a promissory note for academy training
10 expenses that is cancelled under the provisions of this section
11 shall not be considered income for the purposes of Oklahoma State
12 Income Tax.

13 F. The Director of CLEET may waive any or all promissory note
14 obligations for academy training expenses in instances where in the
15 sole opinion of the Director, a waiver is in the best interests of
16 law enforcement.

17 G. Violation of the provisions of subsection D of this section
18 or the terms of the promissory note for academy training expenses
19 entered into pursuant to this section shall give rise to a cause of
20 action and suit may be commenced by CLEET for and on behalf of the
21 State of Oklahoma for restitution of any and all sums plus interest
22 at the statutory rate, costs and reasonable attorney fees. All
23 promissory notes for academy training expenses, interest and fees
24 collected pursuant to this section shall be deposited into the Peace

1 Officer Revolving Fund provided for in Section 3311.7 of Title 70 of
2 the Oklahoma Statutes. The provisions of this section shall not
3 apply to persons who volunteer or are drafted into active military
4 service subsequent to receiving CLEET training at state expense.

5 SECTION 3. This act shall become effective November 1, 2015.

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