

1 ENGROSSED SENATE  
2 BILL NO. 135

By: Paddack of the Senate

and

Thomsen of the House

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5  
6 An Act relating to law enforcement training; amending  
7 70 O.S. 2011, Section 3311, as last amended by  
8 Section 1, Chapter 295, O.S.L. 2014 (70 O.S. 2014  
9 Supp. Section 3311), which relates to Council on Law  
10 Enforcement Education and Training operations;  
11 conforming references; providing for certain  
12 documentation of charges; modifying background check  
13 requirements; modifying condition for denying or  
14 revoking certification; requiring certain  
15 notification; prohibiting certain involvement in  
16 canine training; limiting certain parties from court  
17 action; restricting release of certain records;  
18 amending 70 O.S. 2011, Section 3311.11, which relates  
19 to Council on Law Enforcement Education and Training  
20 operations; modifying testing requirements for  
21 training candidates; and providing an effective date.

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

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

25 Section 3311. A. There is hereby created a Council on Law  
26 Enforcement Education and Training which shall be, and is hereby  
27 declared to be, a governmental law enforcement agency of the State  
28 of Oklahoma, body politic and corporate, with powers of government  
29 and with the authority to exercise the rights, privileges and

1 functions necessary to ensure the professional training and  
2 continuing education of law enforcement officers in the State of  
3 Oklahoma. These rights, privileges and functions include, but are  
4 not limited to, those specified in Sections 3311 through ~~3311.10~~  
5 3311.14 of this title and in the Oklahoma Security Guard and Private  
6 Investigator Act and the Oklahoma Bail Enforcement and Licensing  
7 Act. The Council shall be composed of thirteen (13) members as  
8 follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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



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

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

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

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

23 a. one member shall be selected by the Chancellor for  
24 Higher Education, who possesses a background of

1 creation and review of curriculum and experience  
2 teaching criminal justice or law enforcement courses,  
3 who shall serve an initial term of one (1) year,

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

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

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

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

22 f. one member selected by the Oklahoma Department of  
23 Career and Technology Education from the Curriculum  
24

1           Material and Instructional Material Center, who shall  
2           serve an initial term of three (3) years.

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

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

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

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

1 crime shall be considered clear and convincing evidence of the  
2 charge; and

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

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

13 b. the entity shall submit to CLEET, a minimum of sixty  
14 (60) days prior to creation of the law enforcement  
15 agency or police department, information regarding:  
16 (1) the need for the law enforcement agency or police  
17 department in the community,  
18 (2) the funding sources for the law enforcement  
19 agency or police department, and proof that no  
20 more than fifty percent (50%) of the funding of  
21 the entity will be derived from ticket revenue or  
22 fines,  
23 (3) the physical resources available to officers,  
24

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

6 (5) law enforcement policies of the law enforcement  
7 agency or police department, including published  
8 policies on:

9 (a) use of force,

10 (b) vehicle pursuit,

11 (c) mental health,

12 (d) professional conduct of officers,

13 (e) domestic abuse,

14 (f) response to missing persons,

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

16 (h) impartial policing,

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

19 (7) liability insurance, and

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

21 c. within sixty (60) days of receiving an entity's  
22 request, CLEET will forward to the entity by certified  
23 mail, return receipt requested, a letter of  
24 authorization or denial to create a law enforcement

1 agency or police department and commission, appoint,  
2 or employ officers, signed by the Executive Director  
3 of CLEET, and

4 d. in cases of denial, the entity may appeal the decision  
5 of the Executive Director to the full CLEET Council.

6 The Executive Director shall ensure that the final  
7 report is provided to all members of the Council. The  
8 Council shall review and make recommendations  
9 concerning the report at the first meeting of the  
10 Council to occur after all members of the Council have  
11 received the report. The Council may, by majority  
12 vote:

- 13 (1) order additional information be provided,
- 14 (2) order confirmation of the opinion of the  
15 Executive Director, or
- 16 (3) order authorization of the entity.

17 C. 1. Payment of any fee provided for in this section may be  
18 made by a nationally recognized credit or debit card issued to the  
19 applicant. The Council may publicly post and collect a fee for the  
20 acceptance of the nationally recognized credit or debit card not to  
21 exceed five percent (5%) of the amount of the payment. For purposes  
22 of this subsection, "nationally recognized credit card" means any  
23 instrument or device, whether known as a credit card, credit plate,  
24 charge plate, or by any other name, issued with or without fee by an

1 issuer for the use of the cardholder in obtaining goods, services,  
2 or anything else of value and which is accepted by over one thousand  
3 merchants in this state. "Debit card" means an identification card  
4 or device issued to a person by a business organization which  
5 permits such person to obtain access to or activate a consumer  
6 banking electronic facility. The Council shall determine which  
7 nationally recognized credit or debit cards will be accepted as  
8 payment for fees.

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

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

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

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

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

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

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

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

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

20 e. such person is not participating in a deferred  
21 sentence agreement for a felony, a crime involving  
22 moral turpitude, or a crime of domestic violence, and  
23 does not have any criminal charges pending in any  
24



1 court in this state, another state, in tribal court or  
2 pursuant to the United States Code,

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

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

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

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

21 i. such person has provided proof of United States  
22 citizenship or resident alien status, pursuant to an  
23 employment eligibility verification form from the  
24 United States Citizenship and Immigration Services.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

- 1 f. involuntary commitment of a reserve or peace officer  
2 in a mental institution or licensed private mental  
3 health facility for any mental illness, condition or  
4 disorder that is diagnosed by a licensed physician or  
5 psychologist as 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. Provided, the peace officer  
10 certification may be reinstated upon the Council  
11 receiving notification of a psychological evaluation  
12 conducted by a licensed physician or psychologist  
13 which attests and states by affidavit that the officer  
14 and the evaluation test data of the officer have been  
15 examined and that, in the professional opinion of the  
16 physician or psychologist, the officer is  
17 psychologically suitable to return to duty as a peace  
18 officer,
- 19 g. abuse of office,
- 20 h. entry of a final order of protection against applicant  
21 or officer, or
- 22 i. any violation of the Oklahoma Private Security  
23 Licensing Act.
- 24

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

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

8           a. there is reason to believe the person has violated any  
9 provision of this subsection or any other provision of  
10 law or rule, or

11           b. there is reason to believe the person has been  
12 convicted of a felony, a crime involving moral  
13 turpitude or a domestic violence offense or is  
14 currently participating in a deferred sentence for  
15 such offenses.

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

1 proceedings. The disciplinary proceedings shall be in accordance  
2 with Articles I and II of the Administrative Procedures Act.

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

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

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

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

1 jurisdiction in which the peace officer was employed, to the  
2 liability insurance company of the law enforcement agency that  
3 employed the peace officer, the chief elected official of the  
4 governing body of the law enforcement agency and the chief law  
5 enforcement officer of the law enforcement agency.

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

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

20 b. No person who has had a police or peace officer  
21 certification from another state revoked or  
22 voluntarily surrendered and has not been reinstated by  
23 that state shall be considered for certification by  
24 CLEET ~~within five (5) years of the effective date of~~

1                   ~~any such revocation or voluntary surrender of~~  
2                   ~~certification.~~

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

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



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.

6 Passed the Senate the 11th day of March, 2015.

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\_\_\_\_\_  
Presiding Officer of the Senate

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10 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
11 2015.

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Presiding Officer of the House  
of Representatives

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