

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1373

By: Matthews

4  
5  
6 AS INTRODUCED

7 An Act relating to the Council on Law Enforcement  
8 Education and Training; amending 70 O.S. 2021,  
9 Section 3311, which relates to creating the Council  
10 on Law Enforcement Education and Training; requiring  
11 certain complaint submissions; updating statutory  
12 language; and providing an effective date.

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

13 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3311, is  
14 amended to read as follows:

15 Section 3311. A. There is hereby created a Council on Law  
16 Enforcement Education and Training which shall be, and is hereby  
17 declared to be, a governmental law enforcement agency of the State  
18 of Oklahoma, body politic and corporate, with powers of government  
19 and with the authority to exercise the rights, privileges and  
20 functions necessary to ensure the professional training and  
21 continuing education of law enforcement officers in ~~the State of~~  
22 ~~Oklahoma~~ this state. These rights, privileges and functions  
23 include, but are not limited to, those specified in Sections 3311  
24 through 3311.15 of this title and in the Oklahoma Security Guard and

1 Private Investigator Act and the ~~Oklahoma~~ Bail Enforcement and  
2 Licensing Act. The Council shall be authorized to require agency  
3 employees and the employees of agency contractors in positions to  
4 have access to Oklahoma Peace Officer records, Oklahoma Security  
5 Guard and Private Investigator records, ~~Oklahoma~~ Bail Enforcement  
6 and Licensing Act records, to be subject to a criminal history  
7 search by the Oklahoma State Bureau of Investigation, as well as be  
8 fingerprinted for submission of the fingerprints through the  
9 Oklahoma State Bureau of Investigation to the Federal Bureau of  
10 Investigation for a national criminal history check. The Council  
11 shall be the recipient of the results of the record check. In  
12 accordance with Section 150.9 of Title 74 of the Oklahoma Statutes,  
13 this includes a national criminal record with a ~~finger print~~  
14 fingerprint analysis. The Council shall be composed of thirteen  
15 (13) members as follows:

- 16 1. The Commissioner of the Department of Public Safety, or  
17 designee;
- 18 2. The Director of the Oklahoma State Bureau of Narcotics and  
19 Dangerous Drugs Control, or designee;
- 20 3. The Director of the Oklahoma State Bureau of Investigation,  
21 or designee;
- 22 4. One member appointed by the Governor who shall be a law  
23 enforcement administrator representing a tribal law enforcement  
24 agency;

1           5. One member appointed by the Governor who shall be a chief of  
2 police of a municipality with a population over one hundred thousand  
3 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

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

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

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

7           13. The Speaker of the House of Representatives shall appoint  
8 one member from a list of three or more nominees submitted by an  
9 organization that assists in the establishment of accreditation  
10 standards and training programs for law enforcement agencies  
11 throughout ~~the State of Oklahoma~~ this state.

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

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

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

3 2. Promulgate rules with respect to such matters as  
4 certification, revocation, suspension, withdrawal and reinstatement  
5 of certification, minimum courses of study, testing and test scores,  
6 attendance requirements, equipment and facilities, minimum  
7 qualifications for instructors, minimum standards for basic and  
8 advanced in-service courses, and seminars for Oklahoma police and  
9 peace officers;

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

12 4. Authorize additional staff and services necessary for  
13 program expansion;

14 5. Recommend legislation necessary to upgrade Oklahoma law  
15 enforcement to professional status;

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

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

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

19 8. Enter into contracts and agreements for the payment of  
20 classroom space, food, and lodging expenses as may be necessary for  
21 law enforcement officers attending any official course of  
22 instruction approved or conducted by the Council. Such expenses may  
23 be paid directly to the contracting agency or business  
24 establishment. The food and lodging expenses for each law

1 enforcement officer shall not exceed the authorized rates as  
2 provided for in the State Travel Reimbursement Act; provided,  
3 however, the Council may provide food and lodging to law enforcement  
4 officials attending any official course of instruction approved or  
5 conducted by the Council rather than paying for the provision of  
6 such food and lodging by an outside contracting agency or business  
7 establishment;

8 9. a. Certify canine teams, consisting of a dog and a  
9 handler working together as a team, trained to detect:

- 10 (1) controlled dangerous substances, or  
11 (2) explosives, explosive materials, explosive  
12 devices, or materials which could be used to  
13 construct an explosive device;

14 provided, the dog of a certified canine team shall not  
15 be certified at any time as both a drug dog and a bomb  
16 dog, and any dog of a certified canine team who has  
17 been previously certified as either a drug dog or a  
18 bomb dog shall not be eligible at any time to be  
19 certified in the other category.

20 b. Upon retiring the dog from the service it was  
21 certified to perform, the law enforcement department  
22 that handled the dog shall retain possession of the  
23 dog. The handler shall have first option of adopting  
24 the dog. If that option is not exercised, the law

1 enforcement department shall provide for its adoption.  
2 Once adopted the dog shall not be placed back into  
3 active service;

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

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

23 12. Appoint an advisory committee composed of representatives  
24 from security guard and private investigative agencies to advise the  
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1 Council concerning necessary research, minimum standards for  
2 licensure, education, and other matters related to licensure of  
3 security guards, security guard agencies, private investigators, and  
4 private investigative agencies;

5 13. Enter into agreements with individuals, educational  
6 institutions, agencies, and business and tribal entities for  
7 professional services, the use of facilities and supplies, and staff  
8 overtime costs incurred as a result of the user's requests to  
9 schedule functions after-hours, on weekends, or anytime such  
10 requests extend staff beyond its normal capacity, whereby  
11 contracting individuals, educational institutions, agencies, and  
12 business and tribal entities shall pay a fee to be determined by the  
13 Council by rule. All fees collected pursuant to facilities usage  
14 shall be deposited to the credit of the C.L.E.E.T. Training Center  
15 Revolving Fund created pursuant to Section 3311.6 of this title.  
16 All other fees collected pursuant to these agreements shall be  
17 deposited to the credit of the Peace Officer Revolving Fund created  
18 pursuant to Section 3311.7 of this title. The Council is authorized  
19 to promulgate emergency rules to effectuate the provisions of this  
20 paragraph;

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

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

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

- 8 a. one member shall be selected by the Chancellor for  
9 Higher Education, who possesses a background of  
10 creation and review of curriculum and experience  
11 teaching criminal justice or law enforcement courses,  
12 who shall serve an initial term of one (1) year,
- 13 b. one member shall represent a municipal jurisdiction  
14 with a population of fifty thousand (50,000) or more  
15 and who shall be a management-level CLEET-certified  
16 training officer, who shall serve an initial term of  
17 two (2) years,
- 18 c. one member shall represent a county jurisdiction with  
19 a population of fifty thousand (50,000) or more and  
20 who shall be a management-level CLEET-certified  
21 training officer, who shall serve an initial term of  
22 three (3) years,
- 23 d. one member shall represent a municipal jurisdiction  
24 with a population of less than fifty thousand (50,000)

- 1 and who shall be a CLEET-certified training officer,  
2 who shall serve an initial term of two (2) years,  
3 e. one member shall represent a county jurisdiction with  
4 a population of less than fifty thousand (50,000) and  
5 who shall be a CLEET-certified training officer, who  
6 shall serve an initial term of one (1) year, and  
7 f. one member selected by the Oklahoma Department of  
8 Career and Technology Education, who shall have  
9 experience in the creation and review of curriculum as  
10 well as experience in teaching criminal justice or law  
11 enforcement courses, who shall serve an initial term  
12 of three (3) years.

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

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

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

4 19. Summarily suspend a certification of a peace officer,  
5 without prior notice but otherwise subject to administrative  
6 proceedings, if CLEET finds that the actions of the certified peace  
7 officer may present a danger to the peace officer, the public, a  
8 family or household member, or involve a crime against a minor. A  
9 certified copy of the information or indictment charging such a  
10 crime shall be considered clear and convincing evidence of the  
11 charge; and

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

- 14 a. this section applies only to an entity authorized by  
15 statute or by the Constitution to create a law  
16 enforcement agency or police department and  
17 commission, appoint, or employ officers that first  
18 creates or reactivates an inactive law enforcement  
19 agency or police department and first begins to  
20 commission, appoint, or employ officers on or after  
21 November 1, 2011,
- 22 b. the entity shall submit to CLEET, a minimum of sixty  
23 (60) days prior to creation of the law enforcement  
24 agency or police department, information regarding:

- 1 (1) the need for the law enforcement agency or police  
2 department in the community,
- 3 (2) the funding sources for the law enforcement  
4 agency or police department, and proof that no  
5 more than fifty percent (50%) of the funding of  
6 the entity will be derived from ticket revenue or  
7 fines,
- 8 (3) the physical resources available to officers,
- 9 (4) the physical facilities that the law enforcement  
10 agency or police department will operate  
11 including descriptions of the evidence room,  
12 dispatch area, restroom facilities, and public  
13 area,
- 14 (5) law enforcement policies of the law enforcement  
15 agency or police department including published  
16 policies on:
  - 17 (a) use of force,
  - 18 (b) vehicle pursuit,
  - 19 (c) mental health,
  - 20 (d) professional conduct of officers,
  - 21 (e) domestic abuse,
  - 22 (f) response to missing persons,
  - 23 (g) supervision of part-time officers, and
  - 24 (h) impartial policing,

- (6) the administrative structure of the law enforcement agency or police department,
- (7) liability insurance, and
- (8) any other information CLEET requires by rule,

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

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

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

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

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

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

23 b. add an amount of no more than Five Dollars (\$5.00) as  
24 a service charge for the acceptance and verification

1 of a check. For purposes of this subsection,  
2 "business check" shall not mean a money order,  
3 cashier's check, or bank certified check.

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

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

13 a. a fingerprint search submitted to the Oklahoma State  
14 Bureau of Investigation with a return report to the  
15 submitting agency that such person has no felony  
16 record,

17 b. a fingerprint search submitted to the Federal Bureau  
18 of Investigation with a return report to the  
19 submitting agency that such person has no felony  
20 record,

21 c. such person has undergone psychological evaluation by  
22 a psychologist licensed by the State of Oklahoma and  
23 has been evaluated to be suitable to serve as a peace  
24 officer in ~~the State of Oklahoma~~ this state,



- 1 d. the employing agency has verified that such person has  
2 a high school diploma or a GED equivalency certificate  
3 as recognized by state law,  
4 e. such person is not participating in a deferred  
5 sentence agreement for a felony, a crime involving  
6 moral turpitude or a crime of domestic violence, and  
7 does not have any criminal charges pending in any  
8 court in this state, another state, in tribal court or  
9 pursuant to the United States Code,  
10 f. such person is not currently subject to an order of  
11 the Council revoking, suspending, or accepting a  
12 voluntary surrender of peace officer certification,  
13 g. such person is not currently undergoing treatment for  
14 a mental illness, condition or disorder. For purposes  
15 of this subsection, "currently undergoing treatment  
16 for mental illness, condition or disorder" means the  
17 person has been diagnosed by a licensed physician,  
18 psychologist, or licensed mental health professional  
19 as being afflicted with a substantial disorder of  
20 thought, mood, perception, psychological orientation  
21 or memory that significantly impairs judgment,  
22 behavior, capacity to recognize reality, or ability to  
23 meet the ordinary demands of life and such condition  
24 continues to exist,

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

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

5           i.    such person has provided proof of United States  
6                    citizenship or resident alien status, pursuant to an  
7                    employment eligibility verification form from the  
8                    United States Citizenship and Immigration Services.

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

1 Oklahoma, and the employing agency shall certify to the Council that  
2 the evaluation was conducted in accordance with this provision and  
3 that the employee or applicant is suitable to serve as a peace  
4 officer in ~~the State of Oklahoma~~ this state.

5 a. Any person found not to be suitable for employment or  
6 certification by the Council shall not be employed,  
7 retained in employment as a peace officer, or  
8 certified by the Council for at least one (1) year, at  
9 which time the employee or applicant may be  
10 reevaluated by a psychologist licensed by the State of  
11 Oklahoma. This section shall also be applicable to  
12 all reserve peace officers in ~~the State of Oklahoma~~  
13 this state.

14 b. Any person who is certified by CLEET and has undergone  
15 the psychological evaluation required by this  
16 subparagraph and has been found to be suitable as a  
17 peace officer shall not be required to be reevaluated  
18 for any subsequent employment as a peace officer  
19 following retirement or any break in service as a  
20 peace officer, unless such break in service exceeds  
21 five (5) years or the Council determines that a peace  
22 officer may present a danger to himself or herself,  
23 the public, or a family or household member.

1 c. All persons seeking certification shall have their  
2 name, gender, date of birth, and address of such  
3 person submitted to the Department of Mental Health  
4 and Substance Abuse Services by the Council. The  
5 Department of Mental Health and Substance Abuse  
6 Services shall respond to the Council within ten (10)  
7 days whether the computerized records of the  
8 Department indicate the applicant has ever been  
9 involuntarily committed to an Oklahoma state mental  
10 institution. In the event that the Department of  
11 Mental Health and Substance Abuse Services reports to  
12 the Council that the applicant has been involuntarily  
13 committed, the Council shall immediately inform the  
14 employing agency.

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

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

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

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

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

20 a. The Council may extend the time requirement specified  
21 in this paragraph for good cause as determined by the  
22 Council.

1           b. A duty is hereby imposed upon the employing agency to  
2           withhold payment of the compensation or wage of such  
3           unqualified officer.

4           c. If the police or peace officer fails to forfeit the  
5           position or the employing agency fails to require the  
6           officer to forfeit the position, the district attorney  
7           shall file the proper action to cause the forfeiting  
8           of such position. The district court of the county  
9           where the officer is employed shall have jurisdiction  
10          to hear the case.

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

16          6. For purposes of this section, a police or peace officer is  
17 defined as a full-time duly appointed or elected officer who is paid  
18 for working more than twenty-five (25) hours per week and whose  
19 duties are to preserve the public peace, protect life and property,  
20 prevent crime, serve warrants, transport prisoners, and enforce laws  
21 and ordinances of this state, or any political subdivision thereof;  
22 provided, elected sheriffs and their deputies and elected,  
23 appointed, or acting chiefs of police shall meet the requirements of  
24 this subsection within the first six (6) months after assuming the

1 duties of the office to which they are elected or appointed or for  
2 which they are an acting chief; provided further, that this section  
3 shall not apply to persons designated by the Director of the  
4 Department of Corrections as peace officers pursuant to Section 510  
5 of Title 57 of the Oklahoma Statutes.

6 F. No person shall be certified as a police or peace officer by  
7 the Council or be employed by the state, a county, a city, or any  
8 political subdivision thereof, who is currently subject to an order  
9 of the Council revoking, suspending, or accepting a voluntary  
10 surrender of peace officer certification or who has been convicted  
11 of a felony, a crime involving moral turpitude, or a crime of  
12 domestic violence, unless a full pardon has been granted by the  
13 proper agency; however, any person who has been trained and  
14 certified by the Council on Law Enforcement Education and Training  
15 and is actively employed as a full-time peace officer as of November  
16 1, 1985, shall not be subject to the provisions of this subsection  
17 for convictions occurring prior to November 1, 1985.

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

- 22 a. Oklahoma State Bureau of Investigation and Federal  
23 Bureau of Investigation reports,  
24  
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- b. administration of the psychological tests provided for herein,
- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

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

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

H. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the Council within ten (10) days. Failure to comply with the provisions of this subsection may disqualify a law enforcement agency from



1 participating in training programs sponsored by the Council. Every  
2 law enforcement agency employing police or peace officers in this  
3 state shall submit to CLEET on or before October 1 of each calendar  
4 year a complete list of all commissioned employees with a current  
5 mailing address and phone number for each such employee. In  
6 addition to the above, CLEET may impose an administrative fine for  
7 violations of this section.

8       2. A tribal law enforcement agency that has peace officers  
9 commissioned by an Oklahoma law enforcement agency pursuant to a  
10 cross-deputization agreement with the State of Oklahoma or any  
11 political subdivision of the State of Oklahoma pursuant to the  
12 provisions of Section 1221 of Title 74 of the Oklahoma Statutes  
13 shall report the commissioning, resignation, or termination of  
14 commission for any reason of a cross-deputized tribal police or  
15 peace officer to CLEET within ten (10) days of the commissioning,  
16 resignation, or termination. Failure to comply with the provisions  
17 of this subsection may disqualify a tribal law enforcement agency  
18 from participating in training programs sponsored by the Council.

19       I. It is unlawful for any person to willfully make any  
20 statement in an application to CLEET knowing the statement is false  
21 or intentionally commit fraud in any application to the Council for  
22 attendance in any CLEET-conducted or CLEET-approved peace officer  
23 academy or Collegiate Officer Program or for the purpose of  
24 obtaining peace officer certification or reinstatement. It is

1 unlawful for any person to willfully submit false or fraudulent  
2 documents relating to continuing education rosters, transcripts or  
3 certificates, or any canine license application. Any person  
4 convicted of a violation of this subsection shall be guilty of a  
5 felony punishable by imprisonment in the Department of Corrections  
6 for a term of not less than two (2) years nor more than five (5)  
7 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
8 or by both such fine and imprisonment. In addition to the above,  
9 CLEET may impose an administrative fine.

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

- 14 a. conviction of a felony or a crime of domestic  
15 violence,
- 16 b. conviction of a misdemeanor involving moral turpitude;  
17 provided, if the conviction is a single isolated  
18 incident that occurred more than five (5) years ago  
19 and the Council is satisfied that the person has been  
20 sufficiently rehabilitated, the Council may, in its  
21 discretion, certify such person providing that all  
22 other statutory requirements have been met,
- 23 c. a verdict of guilt or entry of a plea of guilty or  
24 nolo contendere or an "Alford" plea or any plea other

- 1 than a not guilty plea for a felony offense, a crime  
2 of moral turpitude, or a crime of domestic violence,  
3 d. falsification or a willful misrepresentation of  
4 information in an employment application or  
5 application to the Council on Law Enforcement  
6 Education and Training, records of evidence, or in  
7 testimony under oath,  
8 e. revocation or voluntary surrender of police or peace  
9 officer certification in another state for a violation  
10 of any law or rule or in settlement of any  
11 disciplinary action in such state,  
12 f. involuntary commitment of a reserve or peace officer  
13 in a mental institution or licensed private mental  
14 health facility for any mental illness, condition or  
15 disorder that is diagnosed by a licensed physician,  
16 psychologist or a licensed mental health professional  
17 as a substantial disorder of thought, mood,  
18 perception, psychological orientation, or memory that  
19 significantly impairs judgment, behavior, capacity to  
20 recognize reality, or ability to meet the ordinary  
21 demands of life. Provided, the peace officer  
22 certification may be reinstated upon the Council  
23 receiving notification of a psychological evaluation  
24 conducted by a licensed physician, psychologist or

1 licensed mental health professional which attests and  
2 states by affidavit that the officer and the  
3 evaluation test data of the officer have been examined  
4 and that, in the professional opinion of the  
5 physician, psychologist or licensed mental health  
6 professional, the officer is psychologically suitable  
7 to return to duty as a peace officer. Notwithstanding  
8 any other provision of state law pertaining to  
9 confidentiality of hospital or other medical records,  
10 and as allowable under federal law, CLEET may subpoena  
11 or request a court to subpoena records necessary to  
12 assure compliance with these provisions. Any  
13 confidential information received by CLEET for such  
14 purpose shall retain its confidential character while  
15 in the possession of CLEET,

- 16 g. abuse of office,
- 17 h. entry of a final order of protection against applicant  
18 or officer, or
- 19 i. any violation of the Oklahoma Private Security  
20 Licensing Act.

21 2. Disciplinary proceedings shall be commenced by filing a  
22 complaint with the Council on a form approved by the Council. Any  
23 employing agency, employee, or other person having information ~~may~~  
24 of a possible violation pursuant to paragraph 1 of this subsection

1 shall submit such information to the Council for consideration as  
2 provided in this subsection.

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

5 a. there is reason to believe the person has violated any  
6 provision of this subsection or any other provision of  
7 law or rule, or

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

13 4. When the investigation of a complaint does not find the  
14 person has violated any of the provisions of this subsection, or  
15 finds that the person is sufficiently rehabilitated as provided in  
16 subparagraph b or f of paragraph 1 of this subsection, no  
17 disciplinary action shall be required and the person shall remain  
18 certified as a police or peace officer. When the investigation of a  
19 complaint finds that the person has violated any of the provisions  
20 of this subsection, the matter shall be referred for disciplinary  
21 proceedings. The disciplinary proceedings shall be in accordance  
22 with Articles I and II of the Administrative Procedures Act.

23 5. The Council shall revoke the certification of any person  
24 upon determining that such person has been convicted of a felony or

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

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

21 7. The Council may suspend the certification of any person upon  
22 a determination that such person has been involuntarily committed to  
23 a mental institution or mental health facility for a mental illness,  
24

1 condition or disorder as provided in subparagraph f of paragraph 1  
2 of this subsection.

3 8. Every law enforcement agency in this state shall, within  
4 thirty (30) days of a final order of termination or resignation  
5 while under investigation of a CLEET-certified peace officer, report  
6 such order or resignation in writing to the Executive Director of  
7 the Council. Any report, upon receipt by the Council, shall be  
8 considered as personnel records and shall be afforded confidential  
9 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the  
10 Oklahoma Statutes. Any medical or other confidential records  
11 obtained by subpoena pursuant to this subsection shall not be made a  
12 part of such report. The Executive Director shall ensure that the  
13 report is provided to all members of the Council. The Council shall  
14 review and make recommendations concerning the report at the first  
15 meeting of the Council to occur after all members of the Council  
16 have received the report. The Council may, by a majority vote,  
17 order the suspension, for a given period of time, or revocation of  
18 the CLEET certification of the peace officer in question if there  
19 are grounds for such actions pursuant to this section and the peace  
20 officer in question has been provided with notice and an opportunity  
21 for a hearing pursuant to the Administrative Procedures Act.  
22 Suspension or revocation of CLEET certification pursuant to this  
23 paragraph shall be reported to the district attorney for the  
24 jurisdiction in which the peace officer was employed, to the

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

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

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

19 b. No person who has had a police or peace officer  
20 certification from another state revoked or  
21 voluntarily surrendered and has not been reinstated by  
22 that state shall be considered for certification by  
23 CLEET.



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

14 11. A duty is hereby imposed upon the district attorney who, on  
15 behalf of the State of Oklahoma, prosecutes a person holding police  
16 or peace officer or reserve peace officer certification for a  
17 felony, a crime involving moral turpitude, or a crime of domestic  
18 violence in which a plea of guilty, nolo contendere, or an "Alford"  
19 plea or any other plea other than a not guilty plea or other finding  
20 of guilt is entered by, against or on behalf of a certified police  
21 or peace officer to report such plea, agreement, or other finding of  
22 guilt to the Council on Law Enforcement Education and Training  
23 within ten (10) days of such plea agreement or the finding of guilt.  
24

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

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

13           14. All criminal proceedings initiated against a CLEET-  
14 certified peace officer or reserve peace officer shall be reported  
15 by the officer to CLEET immediately after arrest or discovery of the  
16 filing of such criminal proceeding. All CLEET-certified peace  
17 officers and reserve peace officers shall be required to report when  
18 a Victim Protective Order has been issued against the officer  
19 including orders issued on an emergency basis and all final orders  
20 of protection. Failure to give notice pursuant to the provisions of  
21 this paragraph may be cause to initiate an action against the  
22 officer by CLEET.

23           15. As used in this subsection:  
24  
25

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

7 b. "final order of termination" means a final notice of  
8 dismissal from employment provided after all  
9 grievance, arbitration, and court actions have been  
10 completed, and

11 c. "resignation while under investigation" means the  
12 resignation from employment of a peace officer who is  
13 under investigation for any felony violation of law, a  
14 crime of moral turpitude, a crime of domestic  
15 violence, or the resignation from employment of a  
16 peace officer as part of an arbitration or plea  
17 agreement.

18 K. 1. Every canine team in the state trained to detect  
19 controlled dangerous substances shall be certified, by test, in the  
20 detection of such controlled dangerous substances and shall be  
21 recertified annually so long as the canine is used for such  
22 detection purposes. The certification test and annual  
23 recertification test provisions of this subsection shall not be  
24 applicable to canines that are owned by a law enforcement agency and

1 that are certified and annually recertified in the detection of  
2 controlled dangerous substances by the United States Customs  
3 Service. No employee of CLEET may be involved in the training or  
4 testing of a canine team.

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

- 14 a. the Oklahoma State Bureau of Narcotics and Dangerous  
15 Drugs Control,
- 16 b. the Department of Public Safety,
- 17 c. a police department,
- 18 d. a sheriff's office, and
- 19 e. a university or college campus police department.

20 3. The fee for the certification test shall be Two Hundred  
21 Dollars (\$200.00) and the annual recertification test fee shall be  
22 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
23 Fifty Dollars (\$50.00) will be charged if the team fails the test.  
24 No such fee shall be charged to any local, state or federal

1 government agency. The fees provided for in this paragraph shall be  
2 deposited to the credit of the CLEET Fund created pursuant to  
3 Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

16 2. The Council shall appoint a Bomb Dog Advisory Council to  
17 make recommendations concerning minimum standards, educational  
18 needs, and other matters imperative to the certification of canines  
19 and canine teams trained to detect explosives, explosive materials,  
20 explosive devices and materials which could be used to construct an  
21 explosive device. The Council shall promulgate rules based upon the  
22 recommendations of the Advisory Council. Members of the Advisory  
23 Council shall include, but need not be limited to, a commissioned  
24

1 officer with practical knowledge of such canines and canine teams  
2 from each of the following:

- 3 a. the Department of Public Safety,
- 4 b. a police department,
- 5 c. a sheriff's office, and
- 6 d. a university or college campus police department.

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

15 M. All tribal police officers of any Indian tribe or nation who  
16 have been commissioned by an Oklahoma law enforcement agency  
17 pursuant to a cross-deputization agreement with the State of  
18 Oklahoma or any political subdivision of the State of Oklahoma  
19 pursuant to the provisions of Section 1221 of Title 74 of the  
20 Oklahoma Statutes shall be eligible for peace officer certification  
21 under the same terms and conditions required of members of the law  
22 enforcement agencies of the State of Oklahoma and its political  
23 subdivisions. CLEET shall issue peace officer certification to  
24 tribal police officers who, as of July 1, 2003, are commissioned by

1 an Oklahoma law enforcement agency pursuant to a cross-deputization  
2 agreement with the State of Oklahoma or any political subdivision of  
3 the State of Oklahoma pursuant to the provisions of Section 1221 of  
4 Title 74 of the Oklahoma Statutes and have met the training and  
5 qualification requirements of this section.

6 N. If an employing law enforcement agency in this state has  
7 paid for CLEET training and the salary of a person while that person  
8 is completing in this state a basic police course approved by the  
9 Council and if within one (1) year after initial employment with the  
10 original employing agency that person resigns and is hired by  
11 another law enforcement agency in this state, the second agency or  
12 the person receiving the training shall reimburse the original  
13 employing agency for the cost of CLEET training and salary paid to  
14 the person while completing the basic police course by the original  
15 employing agency. If the person leaves the original employing  
16 agency later than one (1) year, but less than two (2) years, after  
17 the initial employment, the second agency or the person receiving  
18 the training shall reimburse the original employing agency fifty  
19 percent (50%) of the cost of CLEET training and salary paid to the  
20 person while completing the basic police course by the original  
21 employing agency. CLEET shall not be a party to any court action  
22 based on this provision.

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

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

22 Q. All CLEET records of Bail Enforcers may be released only in  
23 compliance with this section and the ~~Oklahoma~~ Bail Enforcement and  
24 Licensing Act. All records in CLEET possession concerning other



1 persons or entities shall be released only in compliance with this  
2 section and the Oklahoma Open Records Act.

3 SECTION 2. This act shall become effective November 1, 2022.  
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