

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1798

By: Jett

4
5
6 AS INTRODUCED

7 An Act relating to Council on Law Enforcement
8 Education and Training; amending 70 O.S. 2021,
9 Section 3311, which relates to the Council on Law
10 Enforcement Education and Training; creating a
rebuttable presumption of compliance with agency or
department policy and procedure; and providing an
effective date.

11
12
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

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

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

17 1. The Commissioner of the Department of Public Safety, or
18 designee;

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

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

1 4. One member appointed by the Governor who shall be a law
2 enforcement administrator representing a tribal law enforcement
3 agency;

4 5. One member appointed by the Governor who shall be a chief of
5 police of a municipality with a population over one hundred thousand
6 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

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

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

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

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

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

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

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

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

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

16 4. Authorize additional staff and services necessary for
17 program expansion;

18 5. Recommend legislation necessary to upgrade Oklahoma law
19 enforcement to professional status;

20 6. Establish policies and regulations concerning the number,
21 geographic and police unit distribution, and admission requirements
22 of those receiving tuition or scholarship aid available through the
23 Council. Such waiver of costs shall be limited to duly appointed
24

1 members of legally constituted local, county, and state law
2 enforcement agencies on the basis of educational and financial need;

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

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

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

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

- 16 (1) controlled dangerous substances, or
17 (2) explosives, explosive materials, explosive
18 devices, or materials which could be used to
19 construct an explosive device;

20 provided, the dog of a certified canine team shall not
21 be certified at any time as both a drug dog and a bomb
22 dog, and any dog of a certified canine team who has
23 been previously certified as either a drug dog or a
24

1 bomb dog shall not be eligible at any time to be
2 certified in the other category.

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

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

1 the full faith and credit of the State of Oklahoma, and the lease,
2 loan or other agreement and the bonds shall contain a statement to
3 such effect;

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

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

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

1 pursuant to Section 3311.7 of this title. The Council is authorized
2 to promulgate emergency rules to effectuate the provisions of this
3 paragraph;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

15 (3) the physical resources available to officers,

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

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

24 (a) use of force,
25

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 2. To aid the evaluating psychologist in interpreting the test
18 results including automated scoring and interpretations, the
19 employing agency shall provide the psychologist a statement
20 confirming the identity of the individual taking the test as the
21 person who is employed or seeking employment as a peace officer of
22 the agency and attesting that it administered the psychological
23 instrument in accordance with standards within the test document.
24 The psychologist shall report to the employing agency the evaluation

1 of the assessment instrument and may include any additional
2 recommendations to assist the employing agency in determining
3 whether to certify to the Council on Law Enforcement Education and
4 Training that the person being evaluated is suitable to serve as a
5 peace officer in the State of Oklahoma. No additional procedures or
6 requirements shall be imposed for performance of the psychological
7 evaluation. The psychological instrument utilized shall be
8 evaluated by a psychologist licensed by the State of Oklahoma, and
9 the employing agency shall certify to the Council that the
10 evaluation was conducted in accordance with this provision and that
11 the employee or applicant is suitable to serve as a peace officer in
12 the State of Oklahoma.

13 a. Any person found not to be suitable for employment or
14 certification by the Council shall not be employed,
15 retained in employment as a peace officer, or
16 certified by the Council for at least one (1) year, at
17 which time the employee or applicant may be
18 reevaluated by a psychologist licensed by the State of
19 Oklahoma. This section shall also be applicable to
20 all reserve peace officers in the State of Oklahoma.

21 b. Any person who is certified by CLEET and has undergone
22 the psychological evaluation required by this
23 subparagraph and has been found to be suitable as a
24 peace officer shall not be required to be reevaluated

1 for any subsequent employment as a peace officer
2 following retirement or any break in service as a
3 peace officer, unless such break in service exceeds
4 five (5) years or the Council determines that a peace
5 officer may present a danger to himself or herself,
6 the public, or a family or household member.

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

21 All basic police courses shall include a minimum of four (4)
22 hours of education and training in recognizing and managing a person
23 appearing to require mental health treatment or services. The
24 training shall include training in crime and drug prevention, crisis

1 intervention, youth and family intervention techniques, recognizing,
2 investigating and preventing abuse and exploitation of elderly
3 persons, mental health issues, and criminal jurisdiction on
4 Sovereign Indian Land.

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

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

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

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

- 1 a. The Council may extend the time requirement specified
2 in this paragraph for good cause as determined by the
3 Council.
- 4 b. A duty is hereby imposed upon the employing agency to
5 withhold payment of the compensation or wage of such
6 unqualified officer.
- 7 c. If the police or peace officer fails to forfeit the
8 position or the employing agency fails to require the
9 officer to forfeit the position, the district attorney
10 shall file the proper action to cause the forfeiting
11 of such position. The district court of the county
12 where the officer is employed shall have jurisdiction
13 to hear the case.

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

19 6. For purposes of this section, a police or peace officer is
20 defined as a full-time duly appointed or elected officer who is paid
21 for working more than twenty-five (25) hours per week and whose
22 duties are to preserve the public peace, protect life and property,
23 prevent crime, serve warrants, transport prisoners, and enforce laws
24 and ordinances of this state, or any political subdivision thereof;

1 provided, elected sheriffs and their deputies and elected,
2 appointed, or acting chiefs of police shall meet the requirements of
3 this subsection within the first six (6) months after assuming the
4 duties of the office to which they are elected or appointed or for
5 which they are an acting chief; provided further, that this section
6 shall not apply to persons designated by the Director of the
7 Department of Corrections as peace officers pursuant to Section 510
8 of Title 57 of the Oklahoma Statutes.

9 F. No person shall be certified as a police or peace officer by
10 the Council or be employed by the state, a county, a city, or any
11 political subdivision thereof, who is currently subject to an order
12 of the Council revoking, suspending, or accepting a voluntary
13 surrender of peace officer certification or who has been convicted
14 of a felony, a crime involving moral turpitude, or a crime of
15 domestic violence, unless a full pardon has been granted by the
16 proper agency; however, any person who has been trained and
17 certified by the Council on Law Enforcement Education and Training
18 and is actively employed as a full-time peace officer as of November
19 1, 1985, shall not be subject to the provisions of this subsection
20 for convictions occurring prior to November 1, 1985.

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

- a. Oklahoma State Bureau of Investigation and Federal Bureau of Investigation reports,
- 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

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

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

21 I. It is unlawful for any person to willfully make any
22 statement in an application to CLEET knowing the statement is false
23 or intentionally commit fraud in any application to the Council for
24 attendance in any CLEET-conducted or CLEET-approved peace officer

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

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

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

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

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

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

23 2. Disciplinary proceedings shall be commenced by filing a
24 complaint with the Council on a form approved by the Council. Any

1 employing agency or other person having information may submit such
2 information to the Council for consideration as provided in this
3 subsection.

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

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

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

14 4. In the event that the certification of a peace officer is
15 subject to possible suspension or revocation due to the action or
16 conduct of another officer during an encounter with, detention, or
17 arrest of an individual, there shall exist a rebuttable presumption
18 that the officer complied with agency or department policies and
19 procedures if during the encounter with, detention or arrest of the
20 individual, the officer verbally communicated to the engaged officer
21 that either he or she reached compliance with agency or department
22 policy and procedures and that no further action would be required
23 to subdue the individual or to secure the environment, or that
24

1 further action or conduct by the other officer would violate the
2 policies or procedures of the agency or department.

3 5. When the investigation of a complaint does not find the
4 person has violated any of the provisions of this subsection, or
5 finds that the person is sufficiently rehabilitated as provided in
6 subparagraph b or f of paragraph 1 of this subsection, no
7 disciplinary action shall be required and the person shall remain
8 certified as a police or peace officer. When the investigation of a
9 complaint finds that the person has violated any of the provisions
10 of this subsection, the matter shall be referred for disciplinary
11 proceedings. The disciplinary proceedings shall be in accordance
12 with Articles I and II of the Administrative Procedures Act.

13 ~~5.~~ 6. The Council shall revoke the certification of any person
14 upon determining that such person has been convicted of a felony or
15 a crime involving moral turpitude or a domestic violence offense or
16 has entered a plea of guilty, or nolo contendere or an "Alford" plea
17 or any plea other than a not guilty plea for a felony offense, a
18 crime of moral turpitude or a crime of domestic violence or is the
19 respondent in a final Victims Protective Order; provided, that if
20 the conviction has been reversed, vacated or otherwise invalidated
21 by an appellate court, such conviction shall not be the basis for
22 revocation of certification; provided further, that any person who
23 has been trained and certified by the Council on Law Enforcement
24 Education and Training and is actively employed as a full-time peace

1 officer as of November 1, 1985, shall not be subject to the
2 provisions of this subsection for convictions occurring prior to
3 November 1, 1985. The sole issue to be determined at the hearing
4 shall be whether the person has been convicted of a felony, a crime
5 involving moral turpitude or a domestic violence offense or is the
6 named respondent/defendant in a final Victims Protective Order.

7 ~~6.~~ 7. The Council shall revoke the certification of any person
8 upon determining that such person has received a deferred sentence
9 for a felony, a crime involving moral turpitude or a domestic
10 violence offense.

11 ~~7.~~ 8. The Council may suspend the certification of any person
12 upon a determination that such person has been involuntarily
13 committed to a mental institution or mental health facility for a
14 mental illness, condition or disorder as provided in subparagraph f
15 of paragraph 1 of this subsection.

16 ~~8.~~ 9. Every law enforcement agency in this state shall, within
17 thirty (30) days of a final order of termination or resignation
18 while under investigation of a CLEET-certified peace officer, report
19 such order or resignation in writing to the Executive Director of
20 the Council. Any report, upon receipt by the Council, shall be
21 considered as personnel records and shall be afforded confidential
22 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
23 Oklahoma Statutes. Any medical or other confidential records
24 obtained by subpoena pursuant to this subsection shall not be made a

1 part of such report. The Executive Director shall ensure that the
2 report is provided to all members of the Council. The Council shall
3 review and make recommendations concerning the report at the first
4 meeting of the Council to occur after all members of the Council
5 have received the report. The Council may, by a majority vote,
6 order the suspension, for a given period of time, or revocation of
7 the CLEET certification of the peace officer in question if there
8 are grounds for such actions pursuant to this section and the peace
9 officer in question has been provided with notice and an opportunity
10 for a hearing pursuant to the Administrative Procedures Act.

11 Suspension or revocation of CLEET certification pursuant to this
12 paragraph shall be reported to the district attorney for the
13 jurisdiction in which the peace officer was employed, to the
14 liability insurance company of the law enforcement agency that
15 employed the peace officer, the chief elected official of the
16 governing body of the law enforcement agency and the chief law
17 enforcement officer of the law enforcement agency.

18 ~~9.~~ 10. For all other violations of this subsection, the hearing
19 examiner shall take into consideration the severity of the
20 violation, any mitigating circumstances offered by the person
21 subject to disciplinary action, and any other evidence relevant to
22 the person's character to determine the appropriate disciplinary
23 action.

1 ~~10.~~ 11.

2 a. A police or peace officer may voluntarily
3 surrender and relinquish the peace officer
4 certification to CLEET. Pursuant to such surrender or
5 relinquishment, the person surrendering the
6 certification shall be prohibited from applying to
7 CLEET for reinstatement within five (5) years of the
8 date of the surrender or relinquishment, unless
9 otherwise provided by law for reinstatement.

10 b. No person who has had a police or peace officer
11 certification from another state revoked or
12 voluntarily surrendered and has not been reinstated by
13 that state shall be considered for certification by
14 CLEET.

15 c. Any person seeking reinstatement of police or peace
16 officer certification which has been suspended,
17 revoked, or voluntarily surrendered may apply for
18 reinstatement pursuant to promulgated CLEET rules
19 governing reinstatement. Except as provided in this
20 subsection, any person whose certification has been
21 revoked, suspended or voluntarily surrendered for any
22 reason including failure to comply with mandatory
23 education and training requirements, shall pay a
24 reinstatement fee of One Hundred Fifty Dollars
25 (\$150.00) to be deposited to the credit of the Peace

1 Officer Revolving Fund created pursuant to Section
2 3311.7 of this title.

3 ~~11.~~ 12. A duty is hereby imposed upon the district attorney
4 who, on behalf of the State of Oklahoma, prosecutes a person holding
5 police or peace officer or reserve peace officer certification for a
6 felony, a crime involving moral turpitude, or a crime of domestic
7 violence in which a plea of guilty, nolo contendere, or an "Alford"
8 plea or any other plea other than a not guilty plea or other finding
9 of guilt is entered by, against or on behalf of a certified police
10 or peace officer to report such plea, agreement, or other finding of
11 guilt to the Council on Law Enforcement Education and Training
12 within ten (10) days of such plea agreement or the finding of guilt.

13 ~~12.~~ 13. Any person or agency required or authorized to submit
14 information pursuant to this section to the Council shall be immune
15 from liability arising from the submission of the information as
16 long as the information was submitted in good faith and without
17 malice.

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

1 ~~14.~~ 15. All criminal proceedings initiated against a CLEET-
2 certified peace officer or reserve peace officer shall be reported
3 by the officer to CLEET immediately after arrest or discovery of the
4 filing of such criminal proceeding. All CLEET-certified peace
5 officers and reserve peace officers shall be required to report when
6 a Victim Protective Order has been issued against the officer
7 including orders issued on an emergency basis and all final orders
8 of protection. Failure to give notice pursuant to the provisions of
9 this paragraph may be cause to initiate an action against the
10 officer by CLEET.

11 ~~15.~~ 16. As used in this subsection:

- 12 a. "law enforcement agency" means any department or
13 agency of the state, a county, a municipality, or
14 political subdivision thereof, with the duties to
15 maintain public order, make arrests, and enforce the
16 criminal laws of this state or municipal ordinances,
17 which employs CLEET-certified personnel,
- 18 b. "final order of termination" means a final notice of
19 dismissal from employment provided after all
20 grievance, arbitration, and court actions have been
21 completed, and
- 22 c. "resignation while under investigation" means the
23 resignation from employment of a peace officer who is
24 under investigation for any felony violation of law, a

1 crime of moral turpitude, a crime of domestic
2 violence, or the resignation from employment of a
3 peace officer as part of an arbitration or plea
4 agreement.

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

16 2. The Council shall appoint a Drug 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 controlled dangerous substances.
20 The Council shall promulgate rules based upon the recommendations of
21 the Advisory Council. Members of the Advisory Council shall
22 include, but need not be limited to, a commissioned officer with
23 practical knowledge of such canines and canine teams from each of
24 the following:

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

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

L. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of

1 Defense. No employee of CLEET may be involved in the training or
2 testing of a canine team.

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

- 13 a. the Department of Public Safety,
- 14 b. a police department,
- 15 c. a sheriff's office, and
- 16 d. a university or college campus police department.

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

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

16 N. If an employing law enforcement agency in this state has
17 paid for CLEET training and the salary of a person while that person
18 is completing in this state a basic police course approved by the
19 Council and if within one (1) year after initial employment with the
20 original employing agency that person resigns and is hired by
21 another law enforcement agency in this state, the second agency or
22 the person receiving the training shall reimburse the original
23 employing agency for the cost of CLEET training and salary paid to
24 the person while completing the basic police course by the original

1 employing agency. If the person leaves the original employing
2 agency later than one (1) year, but less than two (2) years, after
3 the initial employment, the second agency or the person receiving
4 the training shall reimburse the original employing agency fifty
5 percent (50%) of the cost of CLEET training and salary paid to the
6 person while completing the basic police course by the original
7 employing agency. CLEET shall not be a party to any court action
8 based on this provision.

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

12 P. Peace officers, reserve peace officers, tribal peace
13 officers, agencies, bail enforcers, security guards and private
14 investigators shall maintain with the Council current mailing
15 addresses and shall notify the Council, in writing, of any change of
16 address or name. Notification of change of name shall require
17 certified copies of any marriage license or other court document
18 which reflects the change of name. Notice of change of address or
19 telephone number must be made within ten (10) days of the effected
20 change. Notices shall not be accepted over the phone. In any
21 proceeding in which the Council is required to serve notice or an
22 order on an individual or an agency, the Council may send a letter
23 to the mailing address on file with the Council. If the letter is
24 returned and a notation of the U.S. Postal Service indicates

1 "unclaimed", or "moved", or "refused" or any other nondelivery
2 markings and the records of the Council indicate that no change of
3 address as required by this subsection has been received by the
4 Council, the notice and any subsequent notices or orders shall be
5 deemed by the Court as having been legally served for all purposes.

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

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

13 58-2-2858 PW 1/20/2022 7:22:45 PM

14
15
16
17
18
19
20
21
22
23
24
25