

1 **SENATE FLOOR VERSION**

2 February 25, 2019

3 **AS AMENDED**

4 SENATE BILL NO. 401

5 By: Paxton

6 **[ law enforcement training - Council on Law**  
7 **Enforcement Education and Training - council**  
8 **appointment - effective date ]**

9  
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as  
12 last amended by Section 1, Chapter 217, O.S.L. 2017 (70 O.S. Supp.  
13 2018, Section 3311), is amended to read as follows:

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

1 Act. The Council shall be composed of thirteen (13) members as  
2 follows:

3 1. The Commissioner of the Department of Public Safety, or  
4 designee;

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

7 3. The Director of the Oklahoma State Bureau of Investigation,  
8 or designee;

9 4. One member appointed by the Governor who shall be a law  
10 enforcement administrator representing a tribal law enforcement  
11 agency;

12 5. One member appointed by the Governor who shall be a chief of  
13 police of a municipality with a population over one hundred thousand  
14 (100,000), as determined by the latest Federal Decennial Census;

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

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

23 8. One member shall be appointed by the Board of Directors of  
24 the Oklahoma Sheriffs' Association who shall be a sheriff of a

1 county with a population of twenty-five thousand (25,000) or more,  
2 as determined by the latest Federal Decennial Census;

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

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

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

12 12. The President Pro Tempore of the Senate shall appoint one  
13 member from a list of three or more nominees, whose organization  
14 utilizes CLEET for law enforcement training of their agency  
15 personnel when warranted, submitted by ~~a statewide~~ an organization  
16 ~~representing cities and towns that is exempt from taxation under~~  
17 ~~federal law and designated pursuant to the provisions of the~~  
18 ~~Internal Revenue Code, 26 U.S.C., Section 170(a)~~ that assists in the  
19 establishment of accreditation standards and training programs for  
20 law enforcement agencies throughout the State of Oklahoma; and

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

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

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

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

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

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

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

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

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

24

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

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

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

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

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

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

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



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

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

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

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

22 a. one member shall be selected by the Chancellor for  
23 Higher Education, who possesses a background of  
24 creation and review of curriculum and experience

- 1 teaching criminal justice or law enforcement courses,  
2 who shall serve an initial term of one (1) year,
- 3 b. one member shall represent a municipal jurisdiction  
4 with a population of fifty thousand (50,000) or more  
5 and who shall be a management-level CLEET-certified  
6 training officer, who shall serve an initial term of  
7 two (2) years,
- 8 c. one member shall represent a county jurisdiction with  
9 a population of fifty thousand (50,000) or more and  
10 who shall be a management-level CLEET-certified  
11 training officer, who shall serve an initial term of  
12 three (3) years,
- 13 d. one member shall represent a municipal jurisdiction  
14 with a population of less than fifty thousand (50,000)  
15 and who shall be a CLEET-certified training officer,  
16 who shall serve an initial term of two (2) years,
- 17 e. one member shall represent a county jurisdiction with  
18 a population of less than fifty thousand (50,000) and  
19 who shall be a CLEET-certified training officer, who  
20 shall serve an initial term of one (1) year, and
- 21 f. one member selected by the Oklahoma Department of  
22 Career and Technology Education from the Curriculum  
23 Material and Instructional Material Center, who shall  
24 serve an initial term of three (3) years.

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

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

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

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

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

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

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

14           (1) the need for the law enforcement agency or police  
15 department in the community,

16           (2) the funding sources for the law enforcement  
17 agency or police department, and proof that no  
18 more than fifty percent (50%) of the funding of  
19 the entity will be derived from ticket revenue or  
20 fines,

21           (3) the physical resources available to officers,

22           (4) the physical facilities that the law enforcement  
23 agency or police department will operate,  
24 including descriptions of the evidence room,

1 dispatch area, restroom facilities, and public  
2 area,

3 (5) law enforcement policies of the law enforcement  
4 agency or police department, including published  
5 policies on:

6 (a) use of force,

7 (b) vehicle pursuit,

8 (c) mental health,

9 (d) professional conduct of officers,

10 (e) domestic abuse,

11 (f) response to missing persons,

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

13 (h) impartial policing,

14 (6) the administrative structure of the law  
15 enforcement agency or police department,

16 (7) liability insurance, and

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

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

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

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

14 C. 1. Payment of any fee provided for in this section may be  
15 made by a nationally recognized credit or debit card issued to the  
16 applicant. The Council may publicly post and collect a fee for the  
17 acceptance of the nationally recognized credit or debit card not to  
18 exceed five percent (5%) of the amount of the payment. For purposes  
19 of this subsection, "nationally recognized credit card" means any  
20 instrument or device, whether known as a credit card, credit plate,  
21 charge plate, or by any other name, issued with or without fee by an  
22 issuer for the use of the cardholder in obtaining goods, services,  
23 or anything else of value and which is accepted by over one thousand  
24 merchants in this state. "Debit card" means an identification card

1 or device issued to a person by a business organization which  
2 permits such person to obtain access to or activate a consumer  
3 banking electronic facility. The Council shall determine which  
4 nationally recognized credit or debit cards will be accepted as  
5 payment for fees.

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

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

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

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

22 E. 1. No person shall be eligible for employment as a peace  
23 officer or reserve peace officer until the employing law enforcement  
24

1 agency has conducted a background investigation of such person  
2 consisting of the following:

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

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

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

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

18 e. such person is not participating in a deferred  
19 sentence agreement for a felony, a crime involving  
20 moral turpitude or a crime of domestic violence, and  
21 does not have any criminal charges pending in any  
22 court in this state, another state, in tribal court or  
23 pursuant to the United States Code,  
24



- 1 f. such person is not currently subject to an order of  
2 the Council revoking, suspending, or accepting a  
3 voluntary surrender of peace officer certification,
- 4 g. such person is not currently undergoing treatment for  
5 a mental illness, condition or disorder. For purposes  
6 of this subsection, "currently undergoing treatment  
7 for mental illness, condition or disorder" means the  
8 person has been diagnosed by a licensed physician,  
9 psychologist, or licensed mental health professional  
10 as being afflicted with a substantial disorder of  
11 thought, mood, perception, psychological orientation  
12 or memory that significantly impairs judgment,  
13 behavior, capacity to recognize reality, or ability to  
14 meet the ordinary demands of life and such condition  
15 continues to exist,
- 16 h. such person is twenty-one (21) years of age.  
17 Provided, this requirement shall not affect those  
18 persons who are already employed as a police or peace  
19 officer prior to November 1, 1985, and
- 20 i. such person has provided proof of United States  
21 citizenship or resident alien status, pursuant to an  
22 employment eligibility verification form from the  
23 United States Citizenship and Immigration Services.
- 24

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

1 health facility for any mental illness, condition or  
2 disorder that is diagnosed by a licensed physician,  
3 psychologist or a licensed mental health professional  
4 as a substantial disorder of thought, mood,  
5 perception, psychological orientation, or memory that  
6 significantly impairs judgment, behavior, capacity to  
7 recognize reality, or ability to meet the ordinary  
8 demands of life. Provided, the peace officer  
9 certification may be reinstated upon the Council  
10 receiving notification of a psychological evaluation  
11 conducted by a licensed physician, psychologist or  
12 licensed mental health professional which attests and  
13 states by affidavit that the officer and the  
14 evaluation test data of the officer have been examined  
15 and that, in the professional opinion of the  
16 physician, psychologist or licensed mental health  
17 professional, the officer is psychologically suitable  
18 to return to duty as a peace officer. Notwithstanding  
19 any other provision of state law pertaining to  
20 confidentiality of hospital or other medical records,  
21 and as allowable under federal law, CLEET may subpoena  
22 or request a court to subpoena records necessary to  
23 assure compliance with these provisions. Any  
24 confidential information received by CLEET for such

1           purpose shall retain its confidential character while  
2           in the possession of CLEET,

3           g.    abuse of office,

4           h.    entry of a final order of protection against applicant  
5           or officer, or

6           i.    any violation of the Oklahoma Private Security  
7           Licensing Act.

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

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

15           a.    there is reason to believe the person has violated any  
16           provision of this subsection or any other provision of  
17           law or rule, or

18           b.    there is reason to believe the person has been  
19           convicted of a felony, a crime involving moral  
20           turpitude or a domestic violence offense or is  
21           currently participating in a deferred sentence for  
22           such offenses.

23          4.    When the investigation of a complaint does not find the  
24   person has violated any of the provisions of this subsection, or

1 finds that the person is sufficiently rehabilitated as provided in  
2 subparagraph b or f of paragraph 1 of this subsection, no  
3 disciplinary action shall be required and the person shall remain  
4 certified as a police or peace officer. When the investigation of a  
5 complaint finds that the person has violated any of the provisions  
6 of this subsection, the matter shall be referred for disciplinary  
7 proceedings. The disciplinary proceedings shall be in accordance  
8 with Articles I and II of the Administrative Procedures Act.

9 5. The Council shall revoke the certification of any person  
10 upon determining that such person has been convicted of a felony or  
11 a crime involving moral turpitude or a domestic violence offense or  
12 has entered a plea of guilty, or nolo contendere or an "Alford" plea  
13 or any plea other than a not guilty plea for a felony offense, a  
14 crime of moral turpitude or a crime of domestic violence or is the  
15 respondent in a final Victims Protective Order; provided, that if  
16 the conviction has been reversed, vacated or otherwise invalidated  
17 by an appellate court, such conviction shall not be the basis for  
18 revocation of certification; provided further, that any person who  
19 has been trained and certified by the Council on Law Enforcement  
20 Education and Training and is actively employed as a full-time peace  
21 officer as of November 1, 1985, shall not be subject to the  
22 provisions of this subsection for convictions occurring prior to  
23 November 1, 1985. The sole issue to be determined at the hearing  
24

1 shall be whether the person has been convicted of a felony, a crime  
2 involving moral turpitude or a domestic violence offense.

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

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

12 8. Every law enforcement agency in this state shall, within  
13 thirty (30) days of a final order of termination or resignation  
14 while under investigation of a CLEET-certified peace officer, report  
15 such order or resignation in writing to the Executive Director of  
16 the Council. Any report, upon receipt by the Council, shall be  
17 considered as personnel records and shall be afforded confidential  
18 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the  
19 Oklahoma Statutes. Any medical or other confidential records  
20 obtained by subpoena pursuant to this subsection shall not be made a  
21 part of such report. The Executive Director shall ensure that the  
22 report is provided to all members of the Council. The Council shall  
23 review and make recommendations concerning the report at the first  
24 meeting of the Council to occur after all members of the Council

1 have received the report. The Council may, by a majority vote,  
2 order the suspension, for a given period of time, or revocation of  
3 the CLEET certification of the peace officer in question if there  
4 are grounds for such actions pursuant to this section and the peace  
5 officer in question has been provided with notice and an opportunity  
6 for a hearing pursuant to the Administrative Procedures Act.  
7 Suspension or revocation of CLEET certification pursuant to this  
8 paragraph shall be reported to the district attorney for the  
9 jurisdiction in which the peace officer was employed, to the  
10 liability insurance company of the law enforcement agency that  
11 employed the peace officer, the chief elected official of the  
12 governing body of the law enforcement agency and the chief law  
13 enforcement officer of the law enforcement agency.

14 9. For all other violations of this subsection, the hearing  
15 examiner shall take into consideration the severity of the  
16 violation, any mitigating circumstances offered by the person  
17 subject to disciplinary action, and any other evidence relevant to  
18 the person's character to determine the appropriate disciplinary  
19 action.

20 10. a. A police or peace officer may voluntarily surrender  
21 and relinquish the peace officer certification to  
22 CLEET. Pursuant to such surrender or relinquishment,  
23 the person surrendering the certification shall be  
24 prohibited from applying to CLEET for reinstatement

1 within five (5) years of the date of the surrender or  
2 relinquishment, unless otherwise provided by law for  
3 reinstatement.

4 b. No person who has had a police or peace officer  
5 certification from another state revoked or  
6 voluntarily surrendered and has not been reinstated by  
7 that state shall be considered for certification by  
8 CLEET.

9 c. Any person seeking reinstatement of police or peace  
10 officer certification which has been suspended,  
11 revoked, or voluntarily surrendered may apply for  
12 reinstatement pursuant to promulgated CLEET rules  
13 governing reinstatement. Except as provided in this  
14 subsection, any person whose certification has been  
15 revoked, suspended or voluntarily surrendered for any  
16 reason, including failure to comply with mandatory  
17 education and training requirements, shall pay a  
18 reinstatement fee of One Hundred Fifty Dollars  
19 (\$150.00) to be deposited to the credit of the Peace  
20 Officer Revolving Fund created pursuant to Section  
21 3311.7 of this title.

22 11. A duty is hereby imposed upon the district attorney who, on  
23 behalf of the State of Oklahoma, prosecutes a person holding police  
24 or peace officer or reserve peace officer certification for a



1 felony, a crime involving moral turpitude, or a crime of domestic  
2 violence in which a plea of guilty, nolo contendere, or an "Alford"  
3 plea or any other plea other than a not guilty plea or other finding  
4 of guilt is entered by, against or on behalf of a certified police  
5 or peace officer to report such plea, agreement, or other finding of  
6 guilt to the Council on Law Enforcement Education and Training  
7 within ten (10) days of such plea agreement or the finding of guilt.

8 12. Any person or agency required or authorized to submit  
9 information pursuant to this section to the Council shall be immune  
10 from liability arising from the submission of the information as  
11 long as the information was submitted in good faith and without  
12 malice.

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

20 14. All criminal proceedings initiated against a CLEET-  
21 certified peace officer or reserve peace officer shall be reported  
22 by the officer to CLEET immediately after arrest or discovery of the  
23 filing of such criminal proceeding. All CLEET-certified peace  
24 officers and reserve peace officers shall be required to report when

1 a Victim Protective Order has been issued against the officer,  
2 including orders issued on an emergency basis and all final orders  
3 of protection. Failure to give notice pursuant to the provisions of  
4 this paragraph may be cause to initiate an action against the  
5 officer by CLEET.

6 15. As used in this subsection:

7 a. "law enforcement agency" means any department or  
8 agency of the state, a county, a municipality, or  
9 political subdivision thereof, with the duties to  
10 maintain public order, make arrests, and enforce the  
11 criminal laws of this state or municipal ordinances,  
12 which employs CLEET-certified personnel,

13 b. "final order of termination" means a final notice of  
14 dismissal from employment provided after all  
15 grievance, arbitration, and court actions have been  
16 completed, and

17 c. "resignation while under investigation" means the  
18 resignation from employment of a peace officer who is  
19 under investigation for any felony violation of law, a  
20 crime of moral turpitude, a crime of domestic  
21 violence, or the resignation from employment of a  
22 peace officer as part of an arbitration or plea  
23 agreement.

24

1 K. 1. Every canine team in the state trained to detect  
2 controlled dangerous substances shall be certified, by test, in the  
3 detection of such controlled dangerous substances and shall be  
4 recertified annually so long as the canine is used for such  
5 detection purposes. The certification test and annual  
6 recertification test provisions of this subsection shall not be  
7 applicable to canines that are owned by a law enforcement agency and  
8 that are certified and annually recertified in the detection of  
9 controlled dangerous substances by the United States Customs  
10 Service. No employee of CLEET may be involved in the training or  
11 testing of a canine team.

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

- 21 a. the Oklahoma State Bureau of Narcotics and Dangerous  
22 Drugs Control,
- 23 b. the Department of Public Safety,
- 24 c. a police department,

1 d. a sheriff's office, and

2 e. a university or college campus police department.

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

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

23 2. The Council shall appoint a Bomb Dog Advisory Council to  
24 make recommendations concerning minimum standards, educational

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

- 9 a. the Department of Public Safety,
- 10 b. a police department,
- 11 c. a sheriff's office, and
- 12 d. a university or college campus police department.

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

21 M. All tribal police officers of any Indian tribe or nation who  
22 have been commissioned by an Oklahoma law enforcement agency  
23 pursuant to a cross-deputization agreement with the State of  
24 Oklahoma or any political subdivision of the State of Oklahoma

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

12 N. If an employing law enforcement agency in this state has  
13 paid the salary of a person while that person is completing in this  
14 state a basic police course approved by the Council and if within  
15 one (1) year after certification that person resigns and is hired by  
16 another law enforcement agency in this state, the second agency or  
17 the person receiving the training shall reimburse the original  
18 employing agency for the salary paid to the person while completing  
19 the basic police course by the original employing agency. CLEET  
20 shall not be a party to any court action based on this provision.

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

24

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

19 Q. All CLEET records of Bail Enforcers may be released only in  
20 compliance with this section and the Oklahoma Bail Enforcement and  
21 Licensing Act. All records in CLEET possession concerning other  
22 persons or entities shall be released only in compliance with this  
23 section and the Oklahoma Open Records Act.

24

SECTION 2. This act shall become effective November 1, 2019.

COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
February 25, 2019 - DO PASS AS AMENDED

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