

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 684

By: Weaver

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5
6 AS INTRODUCED

7 An Act relating to law enforcement interagency
8 transfers; authorizing the Oklahoma State Bureau of
9 Investigation, the Oklahoma Bureau of Narcotics and
10 Dangerous Drugs, the Oklahoma Highway Patrol and the
11 Oklahoma Alcoholic Beverage Laws Enforcement
12 Commission to enter into certain agreements;
13 prescribing minimum and maximum assignment period;
14 granting rule making authority; amending Section 8,
15 Chapter 366, O.S.L. 2016 (37A O.S. Supp. 2020,
16 Section 1-108), which relates to powers and duties of
17 the Commission Director; amending 47 O.S. 2011,
18 Section 2-108, which relates to the powers and duties
19 of the Commissioner; amending 63 O.S. 2011, Section
20 2-106, as amended by Section 1, Chapter 340, O.S.L.
21 2013 (63 O.S. Supp. 2020, Section 2-106), which
22 relates to the powers and duties of the Director;
23 amending 74 O.S. 2011, Section 150.7, as last amended
24 by Section 2, Chapter 64, O.S.L. 2019 (74 O.S. Supp.
25 2020, Section 150.7), which relates to the powers and
26 duties of the Director; authorizing certain
27 interagency transfers; providing for codification;
28 and providing an effective date.

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

31 SECTION 1. NEW LAW A new section of law to be codified
32 in the Oklahoma Statutes as Section 11000 of Title 74, unless there
33 is created a duplication in numbering, reads as follows:
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1 The Oklahoma State Bureau of Investigation, the Oklahoma Bureau
2 of Narcotics and Dangerous Drugs, the Oklahoma Highway Patrol and
3 the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission
4 are hereby authorized to enter into interagency transfers among
5 commissioned law enforcement officers. These interagency transfers
6 shall be bilateral agreements between the appointing authorities of
7 each agency. No transfer shall be for a period of two (2) years or
8 less and the temporary assignment period shall not exceed five (5)
9 years in length. Agencies authorized by this act shall have
10 authority to promulgate rules for the interagency transfer process.

11 SECTION 2. AMENDATORY Section 8, Chapter 366, O.S.L.
12 2016 (37A O.S. Supp. 2020, Section 1-108), is amended to read as
13 follows:

14 Section 1-108. A. The ABLE Commission shall appoint a
15 Director, who shall employ an Assistant Director and such other
16 personnel as are necessary to properly enforce and administer the
17 Oklahoma Alcoholic Beverage Control Act. The Director shall require
18 bonds in such instances and amounts as the ABLE Commission may
19 direct, and shall be in direct charge of all records. The Director
20 shall further have the following specific powers and duties:

21 1. To issue licenses provided for in the Oklahoma Alcoholic
22 Beverage Control Act, and to approve or reject any official bond
23 required to be filed with the Director or the ABLE Commission;
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1 2. To appoint and employ, supervise and discharge such
2 employees as may be determined necessary for the proper discharge of
3 the duties of the office of Director, upon duties and salary fixed
4 and determined by the ABLE Commission and subject to all the rules
5 that may be promulgated by the ABLE Commission. The Director and
6 the ABLE Commission, in appointing and employing personnel, shall
7 give preference to honorably discharged members of the Armed Forces
8 of the United States;

9 3. To conduct such investigations and make such reports as may
10 be necessary to keep the ABLE Commission advised concerning any
11 violations of the provisions of the Oklahoma Alcoholic Beverage
12 Control Act and make orders for its enforcement;

13 4. To make recommendations to the ABLE Commission concerning
14 the suspension or revocation of any licenses, the levying of fines
15 against licensees for violations of the provisions of the Oklahoma
16 Alcoholic Beverage Control Act or rules of the ABLE Commission or
17 any action that should be filed or commenced against any official
18 bond theretofore approved by the Director or the ABLE Commission;

19 5. To regularly inspect all places of business of licensees,
20 and all other persons, firms or corporations dealing in the
21 manufacture, distribution, transportation, sale or service of
22 alcoholic beverages under the provisions of the Oklahoma Alcoholic
23 Beverage Control Act and report to the ABLE Commission concerning
24

1 any and all violations with a recommendation to the ABLE Commission
2 for its determination;

3 6. To refer any evidence of a violation of any provision of the
4 Oklahoma Alcoholic Beverage Control Act which carries a criminal
5 penalty to the appropriate law enforcement authority for action;

6 7. To aid the enforcement authorities of this state or any
7 county or municipality of the state, or the federal government, in
8 prosecutions of violations of the Oklahoma Alcoholic Beverage
9 Control Act; ~~and~~

10 8. To enforce the provisions of the Prevention of Youth Access
11 to Tobacco Act including but not limited to the levying of
12 administrative fines against persons violating the provisions of the
13 Prevention of Youth Access to Tobacco Act, and to at least annually
14 conduct random unannounced inspections at locations where tobacco
15 products are sold or distributed and conduct targeted inspections at
16 those locations which have been in violation of the provisions of
17 the Prevention of Youth Access to Tobacco Act; and

18 9. To enter into interagency transfers with the Oklahoma State
19 Bureau of Investigation, the Oklahoma Bureau of Narcotics and
20 Dangerous Drugs and the Oklahoma Highway Patrol as provided for in
21 Section 1 of this act.

22 B. The Director may employ or contract with attorneys, as
23 needed, to advise the Director and the ABLE Commission on all legal
24 matters and shall appear for and represent the Director and the ABLE

1 Commission in all administrative hearings and all litigation or
2 other proceedings which may arise in the discharge of their duties.
3 At the request of the ABLE Commission, such attorneys shall assist
4 district attorneys in prosecuting charges of violators of the
5 Oklahoma Alcoholic Beverage Control Act.

6 SECTION 3. AMENDATORY 47 O.S. 2011, Section 2-108, is
7 amended to read as follows:

8 Section 2-108. A. The Commissioner is hereby vested with the
9 power and is charged with the duty of observing, administering, and
10 enforcing the provisions of this title and of all laws regulating
11 the operation of vehicles or the use of the highways, the
12 enforcement and administration of which are now or hereafter vested
13 in the Department. The Commissioner may appoint any employee of the
14 Department to serve as the personal representative of the
15 Commissioner for the purpose of fulfilling any such duty or
16 combination of duties.

17 B. The Commissioner is hereby authorized to adopt and enforce
18 such rules as may be necessary to carry out the provisions of ~~this~~
19 ~~act~~ the Highway Safety Code and any other laws the enforcement and
20 administration of which are vested in the Department.

21 C. The Commissioner may adopt an official seal for the use of
22 the Department.

23 D. The Commissioner may adopt an authorized facsimile signature
24 of the Commissioner, and may appoint any employee of the Department

1 to serve as the personal representative of the Commissioner for the
2 purpose of affixing the authorized facsimile signature of the
3 Commissioner to administrative letters, notices, and orders to
4 enforce the provisions of the law. Provided, however, it shall be
5 unlawful and shall constitute the crime of forgery to affix or
6 endorse the facsimile signature of the Commissioner, as herein
7 provided, to any instrument, voucher, check, claim, or draft for the
8 payment of money due and owing to the State of Oklahoma. In lieu of
9 the signature of the Commissioner or the authorized facsimile
10 signature of the Commissioner, the Commissioner may direct and
11 authorize any employee of the Department to affix the signature of
12 the employee to administrative letters, notices, and orders to
13 enforce the provisions of the law.

14 E. The Commissioner have the authority to enter into
15 interagency transfers with the Oklahoma State Bureau of
16 Investigation, the Oklahoma Bureau of Narcotics and Dangerous Drugs
17 and the Oklahoma Alcoholic Beverages Laws Enforcement Commission as
18 provided for in Section 1 of this act.

19 SECTION 4. AMENDATORY 63 O.S. 2011, Section 2-106, as
20 amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2020,
21 Section 2-106), is amended to read as follows:

22 Section 2-106. A. The Director of the Oklahoma State Bureau of
23 Narcotics and Dangerous Drugs Control shall, in addition to other
24 powers and duties vested in the Director:

1 1. Cooperate with federal and other state agencies in
2 discharging the responsibilities concerning traffic in narcotics and
3 dangerous substances and in suppressing the abuse of dangerous
4 substances;

5 2. Arrange for the exchange of information between governmental
6 officials concerning the use and abuse of dangerous substances;

7 3. Coordinate and cooperate in training programs on dangerous
8 substances law enforcement at the local and state levels;

9 4. Cooperate with the Oklahoma State Bureau of Narcotics and
10 Dangerous Drugs Control by establishing a centralized unit which
11 will accept, catalog, file and collect statistics, including records
12 of drug-dependent persons and other dangerous substance law
13 offenders within the state, and make such information available for
14 federal, state and local law enforcement purposes; and may collect
15 and furnish statistics for other appropriate purposes; and

16 5. Coordinate and cooperate in programs of eradication aimed at
17 destroying wild or illicit growth of plant species from which
18 controlled dangerous substances may be extracted.

19 B. Results, information and evidence received from the Oklahoma
20 State Bureau of Narcotics and Dangerous Drugs Control relating to
21 the regulatory functions of ~~this act~~, Section 2-101 et seq. of this
22 title including results of inspections conducted by that agency, may
23 be relied upon and acted upon by the Director in conformance with
24

1 the regulatory functions under ~~this act~~ Section 2-101 et seq. of
2 this title.

3 C. The Director is further authorized and directed to:

4 1. Coordinate and cooperate in educational programs designed to
5 prevent and deter misuse and abuse of controlled dangerous
6 substances;

7 2. Promote better recognition of the problems of misuse and
8 abuse of controlled dangerous substances within the regulated
9 industry and among interested groups and organizations;

10 3. Assist the regulated industry, interested groups and
11 organizations in contributing to the reduction of misuse and abuse
12 of controlled dangerous substances;

13 4. Consult with interested groups and organizations to aid them
14 in solving administrative and organizational problems;

15 5. Assist in evaluating procedures, projects, techniques and
16 controls conducted or proposed as part of educational programs on
17 misuse and abuse of controlled dangerous substances;

18 6. Disseminate the results of research on misuse and abuse of
19 controlled dangerous substances to promote a better public
20 understanding of what problems exist and what can be done to combat
21 them;

22 7. Assist in the education and training of state and local law
23 enforcement officials in their efforts to control misuse and abuse
24 of controlled dangerous substances;

1 8. Conduct an annual seminar to be attended by selected law
2 enforcement officers in order to teach new techniques and advances
3 in the investigation of violations of the Uniform Controlled
4 Dangerous Substances Act; and

5 9. Supervise and direct agents appointed in the performance of
6 their function of enforcement of the provisions of ~~this act~~ Section
7 2-101 et seq. of this title.

8 D. The Director is further authorized and directed to:

9 1. Encourage research on misuse and abuse of controlled
10 dangerous substances;

11 2. Cooperate in establishing methods to assess accurately the
12 effects of controlled dangerous substances and to identify and
13 characterize controlled dangerous substances with potential for
14 abuse; and

15 3. Cooperate in making studies and in undertaking programs of
16 research to:

17 a. develop new or improved approaches, techniques,
18 systems, equipment and devices to strengthen the
19 enforcement of ~~this act~~ Section 2-101 et seq. of this
20 title,

21 b. determine patterns of misuse and abuse of controlled
22 dangerous substances and the social effects thereof,
23 and

1 c. improve methods for preventing, predicting,
2 understanding and dealing with the misuse and abuse of
3 controlled dangerous substances.

4 E. The Director shall prepare a yearly report on all deaths and
5 nonfatal overdoses which were the result or probable result of abuse
6 of a controlled dangerous substance. The yearly report shall be
7 limited to statistical information including, but not limited to,
8 the county where the death or nonfatal overdose occurred, age, race,
9 gender, type of controlled dangerous substances involved in the
10 death or nonfatal overdose, and the method in which the controlled
11 dangerous substance was obtained by the person, when available.

12 F. The Director may enter into contracts with public agencies,
13 institutions of higher education and private organizations or
14 individuals for the purpose of conducting research, demonstrations
15 or special projects which bear directly on misuse and abuse of
16 controlled dangerous substances.

17 G. The Director may enter into contracts for educational and
18 research activities without performance bonds.

19 H. The Director may authorize persons engaged in research or
20 scientific activities on the use and effects of dangerous substances
21 to withhold the names and other identifying characteristics of
22 persons who are the subjects of such research. Persons who obtain
23 this authorization may not be compelled in any state civil,
24 criminal, administrative, legislative or other proceeding to

1 identify the subjects of research for which such authorization was
2 obtained.

3 I. The Director may authorize the lawful possession,
4 distribution and use of controlled dangerous substances by persons
5 engaged in research or scientific activities; authorization for
6 possession of controlled dangerous substances may be extended to
7 persons engaged in a program of drug education or persons in the
8 performance of an official duty. Persons who obtain this
9 authorization shall be exempt from state prosecution for possession,
10 distribution or use of dangerous substances to the extent authorized
11 by the Director.

12 J. The Director is authorized to accept gifts, bequests,
13 devises, contributions and grants, public or private, including
14 federal funds or funds from any other source for use in furthering
15 the purpose of the office of the Director.

16 K. The Director is authorized to purchase or sell real
17 property, together with appurtenances, in the name of the Oklahoma
18 State Bureau of Narcotics and Dangerous Drugs Control upon approval
19 of the Oklahoma State Bureau of Narcotics and Dangerous Drugs
20 Control Commission.

21 L. The Director is authorized to purchase and maintain motor
22 vehicles and other equipment for use by the employees of the Bureau.

23 M. The Director shall be in charge of all monies appropriated
24 for or deposited to the credit of the office of the Director and is

1 authorized to approve claims and payrolls as provided in Section
2 41.26 of Title 62 of the Oklahoma Statutes.

3 N. The Director shall have the authority of a peace officer and
4 is authorized to commission assistants of the office as peace
5 officers.

6 O. The Director shall have the authority to enter into
7 interagency transfers with the Oklahoma State Bureau of
8 Investigation, the Oklahoma Highway Patrol and the Oklahoma
9 Alcoholic Beverages Laws Enforcement Commission as provided for in
10 Section 1 of this act.

11 ~~O.~~ P. Upon determining that a practitioner is prescribing a
12 controlled dangerous substance to a person engaged in fraudulent or
13 deceptive efforts to fill or refill multiple prescriptions for
14 controlled dangerous substances, the Director shall provide written
15 or electronic notification alerting the practitioner to the
16 possibility that the person may be unlawfully obtaining prescription
17 drugs in violation of the Uniform Controlled Dangerous Substances
18 Act.

19 SECTION 5. AMENDATORY 74 O.S. 2011, Section 150.7, as
20 last amended by Section 2, Chapter 64, O.S.L. 2019 (74 O.S. Supp.
21 2020, Section 150.7), is amended to read as follows:

22 Section 150.7. The Director of the Oklahoma State Bureau of
23 Investigation shall have the following powers, duties and
24 responsibilities:

1 1. To appoint or dismiss a Deputy Director to assist in the
2 administration of the Bureau;

3 2. To supervise the maintaining of all reports and records of
4 the Bureau and to promulgate administrative rules concerning the
5 destruction and retention of such records. Such records shall not
6 be transferred to the custody or control of the Archives and Records
7 Commission or be subject to the provisions of Section 590 of Title
8 21 of the Oklahoma Statutes. The Director may, pursuant to adopted
9 and promulgated administrative rule, order destruction of records
10 deemed to be no longer of value to the Bureau, excluding
11 criminalistic and investigative records which shall forever be kept
12 and maintained;

13 3. To report to the Commission at each regular meeting, or as
14 directed by the Commission, the current workload of the Bureau.
15 Such reports shall be submitted by category of the persons or
16 entities authorized to initiate investigations as provided for in
17 subsection A of Section 150.5 of this title, and any other category
18 the Commission may request which does not violate the
19 confidentiality restrictions imposed in Sections 150.1 through 152.9
20 of this title. Such reports shall contain the following
21 information:

- 22 a. what types of investigations are pending,
- 23 b. what new types of investigations have been opened,
- 24 c. what types of investigations have been closed, and

1 d. what criminal charges have been filed as a result of
2 Bureau investigations.

3 The reports shall not contain any information on the individual
4 subjects of the investigation or persons questioned in connection
5 with an investigation. These reports shall be open for public
6 inspection;

7 4. To designate positions, appoint employees and fix salaries
8 of the Bureau, other than the salaries established by subsection A
9 of Section 150.6a of this title, and to authorize the payment of
10 necessary certification expenses for the employees;

11 5. To authorize the purchase and issuance of uniforms for all
12 law enforcement officers, criminalists, and other personnel of the
13 Bureau as designated by the Director and to purchase and issue
14 necessary equipment for all employees of the Bureau. All uniforms
15 and equipment shall be used only in the performance of the official
16 duties of the officers, criminalists or other personnel and shall
17 remain the property of the Bureau except as otherwise provided by
18 law; ~~and~~

19 6. To enter into local cooperative agreements with local law
20 enforcement agencies for the purpose of appointing affiliate task
21 force agents to assist the Bureau in the investigation of major
22 crimes under the jurisdiction of the Bureau. Affiliate task force
23 agents shall be employees and commissioned law enforcement officers
24 of the local law enforcement agency entering into agreement with the

1 Bureau and shall not be employees of the Bureau. Affiliate task
2 force agents shall have general peace officer powers and the
3 authority to arrest persons throughout the state while serving as an
4 affiliate task force agent. Affiliate task force agents serve
5 solely at the discretion and will of the Director. The Director may
6 renew, suspend, or revoke any agreement appointing an affiliate task
7 force agent at any time; and

8 7. To enter into interagency transfers with the Oklahoma Bureau
9 of Narcotics and Dangerous Drugs, the Oklahoma Bureau of Narcotics
10 and Dangerous Drugs and the Oklahoma Alcoholic Beverages Laws
11 Enforcement Commission as provided for in Section 1 of this act.

12 SECTION 6. This act shall become effective November 1, 2021.

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