

An Act

ENROLLED SENATE
BILL NO. 684

By: Weaver of the Senate

and

Moore of the House

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

SUBJECT: Law enforcement interagency transfers

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 11000 of Title 74, unless there is created a duplication in numbering, reads as follows:

The Oklahoma State Bureau of Investigation, the Oklahoma Bureau of Narcotics and Dangerous Drugs, the Oklahoma Highway Patrol and the Oklahoma Alcoholic Beverage Laws Enforcement (ABLE) Commission are hereby authorized to enter into interagency transfers among commissioned law enforcement officers. These interagency transfers shall be bilateral agreements between the appointing authorities of each agency. No transfer shall be for a period of two (2) years or less and the temporary assignment period shall not exceed five (5) years in length. Agencies authorized by this act shall have authority to promulgate rules for the interagency transfer process.

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

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

1. To issue licenses provided for in the Oklahoma Alcoholic Beverage Control Act, and to approve or reject any official bond required to be filed with the Director or the ABLE Commission;

2. To appoint and employ, supervise and discharge such employees as may be determined necessary for the proper discharge of the duties of the office of Director, upon duties and salary fixed and determined by the ABLE Commission and subject to all the rules that may be promulgated by the ABLE Commission. The Director and the ABLE Commission, in appointing and employing personnel, shall give preference to honorably discharged members of the Armed Forces of the United States;

3. To conduct such investigations and make such reports as may be necessary to keep the ABLE Commission advised concerning any

violations of the provisions of the Oklahoma Alcoholic Beverage Control Act and make orders for its enforcement;

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

5. To regularly inspect all places of business of licensees, and all other persons, firms or corporations dealing in the manufacture, distribution, transportation, sale or service of alcoholic beverages under the provisions of the Oklahoma Alcoholic Beverage Control Act and report to the ABLE Commission concerning any and all violations with a recommendation to the ABLE Commission for its determination;

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

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

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

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

B. The Director may employ or contract with attorneys, as needed, to advise the Director and the ABLE Commission on all legal matters and shall appear for and represent the Director and the ABLE Commission in all administrative hearings and all litigation or other proceedings which may arise in the discharge of their duties. At the request of the ABLE Commission, such attorneys shall assist district attorneys in prosecuting charges of violators of the Oklahoma Alcoholic Beverage Control Act.

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

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

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

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

D. The Commissioner may adopt an authorized facsimile signature of the Commissioner, and may appoint any employee of the Department to serve as the personal representative of the Commissioner for the purpose of affixing the authorized facsimile signature of the Commissioner to administrative letters, notices, and orders to enforce the provisions of the law. Provided, however, it shall be unlawful and shall constitute the crime of forgery to affix or endorse the facsimile signature of the Commissioner, as herein provided, to any instrument, voucher, check, claim, or draft for the payment of money due and owing to the State of Oklahoma. In lieu of the signature of the Commissioner or the authorized facsimile signature of the Commissioner, the Commissioner may direct and

authorize any employee of the Department to affix the signature of the employee to administrative letters, notices, and orders to enforce the provisions of the law.

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

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

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

1. Cooperate with federal and other state agencies in discharging the responsibilities concerning traffic in narcotics and dangerous substances and in suppressing the abuse of dangerous substances;
2. Arrange for the exchange of information between governmental officials concerning the use and abuse of dangerous substances;
3. Coordinate and cooperate in training programs on dangerous substances law enforcement at the local and state levels;
4. Cooperate with the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control by establishing a centralized unit which will accept, catalog, file and collect statistics, including records of drug-dependent persons and other dangerous substance law offenders within the state, and make such information available for federal, state and local law enforcement purposes; and may collect and furnish statistics for other appropriate purposes; and
5. Coordinate and cooperate in programs of eradication aimed at destroying wild or illicit growth of plant species from which controlled dangerous substances may be extracted.

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

C. The Director is further authorized and directed to:

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

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

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

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

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

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

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

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

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

D. The Director is further authorized and directed to:

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

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

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

- a. develop new or improved approaches, techniques, systems, equipment and devices to strengthen the enforcement of ~~this act~~ Section 2-101 et seq. of this title,
- b. determine patterns of misuse and abuse of controlled dangerous substances and the social effects thereof, and
- c. improve methods for preventing, predicting, understanding and dealing with the misuse and abuse of controlled dangerous substances.

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

F. The Director may enter into contracts with public agencies, institutions of higher education and private organizations or

individuals for the purpose of conducting research, demonstrations or special projects which bear directly on misuse and abuse of controlled dangerous substances.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

2. To supervise the maintaining of all reports and records of the Bureau and to promulgate administrative rules concerning the destruction and retention of such records. Such records shall not be transferred to the custody or control of the Archives and Records Commission or be subject to the provisions of Section 590 of Title 21 of the Oklahoma Statutes. The Director may, pursuant to adopted and promulgated administrative rule, order destruction of records deemed to be no longer of value to the Bureau, excluding

criminalistic and investigative records which shall forever be kept and maintained;

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

- a. what types of investigations are pending,
- b. what new types of investigations have been opened,
- c. what types of investigations have been closed, and
- d. what criminal charges have been filed as a result of Bureau investigations.

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

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

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

6. To enter into local cooperative agreements with local law enforcement agencies for the purpose of appointing affiliate task force agents to assist the Bureau in the investigation of major crimes under the jurisdiction of the Bureau. Affiliate task force agents shall be employees and commissioned law enforcement officers of the local law enforcement agency entering into agreement with the Bureau and shall not be employees of the Bureau. Affiliate task force agents shall have general peace officer powers and the authority to arrest persons throughout the state while serving as an affiliate task force agent. Affiliate task force agents serve solely at the discretion and will of the Director. The Director may renew, suspend, or revoke any agreement appointing an affiliate task force agent at any time; and

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

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

Passed the Senate the 9th day of March, 2021.

Presiding Officer of the Senate

Passed the House of Representatives the 13th day of April, 2021.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____