

1 STATE OF OKLAHOMA

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

3 SENATE BILL 886

By: Dahm

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5
6 AS INTRODUCED

7 An Act relating to law enforcement training; amending
8 70 O.S. 2011, Section 3311.4, as last amended by
9 Section 1, Chapter 339, O.S.L. 2019 (70 O.S. Supp.
10 2020, Section 3311.4), which relates to continuing
11 law enforcement training; requiring certain training;
12 amending 70 O.S. 2011, Section 3311.5, as last
13 amended by Section 66, Chapter 161, O.S.L. 2020 (70
14 O.S. Supp. 2020, Section 3311.5), which relates to
15 required curriculum for law enforcement
16 certification; requiring certain training; providing
17 for certain training; requiring participation in
18 certain training; prohibiting certain action;
19 providing for codification; and providing an
20 effective date.

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

22 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311.4, as
23 last amended by Section 1, Chapter 339, O.S.L. 2019 (70 O.S. Supp.
24 2020, Section 3311.4), is amended to read as follows:

25 Section 3311.4. A. Beginning January 1, 2008, and annually
26 thereafter, every active full-time peace officer, certified by the
27 Council on Law Enforcement Education and Training (CLEET) pursuant
28 to Section 3311 of this title, shall attend and complete a minimum
29 of twenty-five (25) hours of continuing law enforcement training

1 accredited or provided by CLEET which shall include a mandatory two
2 (2) hours on mental health issues. Effective November 1, 2019,
3 CLEET shall establish appropriate training resources which shall
4 include the policies and protocols for responding to sexual assault
5 calls, guidelines for the collection and maintenance of sexual
6 assault kits and continuing education on trauma-informed sexual
7 assault response and intervention, and shall require all CLEET-
8 certified law enforcement officers to complete such training on a
9 regular basis to be determined by CLEET. CLEET shall promulgate
10 rules to enforce the provisions of this section and shall enter into
11 contracts and agreements for the payment of classroom space,
12 training, food, and lodging expenses as may be necessary for law
13 enforcement officers attending such training in accordance with
14 subsection B of Section 3311 of this title. Such training and
15 seminars shall be conducted in all areas of this state at technology
16 center schools, institutions of higher education, or other approved
17 sites.

18 B. Beginning January 1, ~~2017~~ 2022, and annually thereafter,
19 every active reserve peace officer, certified by CLEET pursuant to
20 Section 3311 of this title, shall attend and complete a minimum of
21 eight (8) hours of continuing law enforcement training accredited or
22 provided by CLEET which shall include a mandatory one (1) hour on
23 mental health issues and one (1) hour of education and training
24 relating in protecting the rights of the people of Oklahoma as

1 enumerated in the Constitutions of the United States and the State
2 of Oklahoma, as provided in Section 3 of this act.

3 C. Every inactive full-time or reserve peace officer, certified
4 by CLEET, shall be exempt from these requirements during the
5 inactive status. Upon reentry to full-time active status, the peace
6 officer shall be required to comply with subsection A of this
7 section. If a full-time certified peace officer has been inactive
8 for five (5) or more years, the officer must complete refresher
9 training as prescribed by CLEET and which shall include a minimum of
10 four (4) hours of mental health education and training, within one
11 (1) year of employment. Upon reentry to active reserve status, the
12 peace officer shall be required to comply with subsection B of this
13 section. If a certified reserve officer has been inactive for five
14 (5) or more years, the certified reserve officer shall complete a
15 legal update as prescribed by CLEET. The Director of CLEET may
16 waive these requirements based on review of all records of
17 employment and training.

18 D. Every tribal officer who is commissioned by an Oklahoma law
19 enforcement agency pursuant to a cross-deputization agreement with
20 the State of Oklahoma or any political subdivision of the State of
21 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
22 the Oklahoma Statutes shall comply with the provisions of this
23 section.

1 E. Any active full-time or reserve certified peace officer, or
2 CLEET-certified cross-deputized tribal officer who fails to meet the
3 annual training requirements specified in this section, shall be
4 subject to having the certification of the peace officer suspended,
5 after the peace officer and the employer have been given written
6 notice of noncompliance and a reasonable time, as defined by the
7 Council, to comply with the provisions of this section. A peace
8 officer shall not be employed in the capacity of a peace officer
9 during any period of suspension. The suspension period shall be for
10 a period of time until the officer files a statement attesting to
11 full compliance with the provisions of this section. Suspension of
12 peace officer certification shall be reported to the district
13 attorney for the jurisdiction in which the officer is employed, the
14 liability insurance company of the law enforcement agency that
15 employed the peace officer, the chief elected official of the
16 governing body of the law enforcement agency and the chief law
17 enforcement officer of the law enforcement agency. Any officer
18 whose certification is suspended pursuant to this section may
19 request a hearing with CLEET. Such hearings shall be governed by
20 the Administrative Procedures Act except that the affected officer
21 has the burden to show CLEET why CLEET should not have the
22 certification of the officer suspended.

23 F. All certified, active full-time or reserve peace officers
24 employed, commissioned or appointed for a period of ninety (90) days

1 in a calendar year, who become inactive prior to the end of a
2 calendar year, are responsible for meeting mandatory continuing
3 education requirements as set forth in this section upon return to
4 active full-time or reserve peace officer status within sixty (60)
5 days of the date of return to employment, commission or appointment.
6 Failure to complete the mandatory continuing education within sixty
7 (60) days may result in disciplinary action as set forth in CLEET
8 Rules at OAC 390:2. Full-time or reserve certified peace officers
9 who return to active status within the calendar year they become
10 inactive must complete the annual mandatory continuing education
11 requirements outlined in this section within the remaining portion
12 of the calendar year.

13 G. Peace officers with full-time certification who worked
14 during a calendar year only as a reserve officer are required to
15 complete only the training requirements for reserve certification.
16 For purposes of the requirements outlined in subsection F of this
17 section, full-time peace officers who worked both in the capacity of
18 a full-time peace officer and reserve officer in a calendar year
19 must complete full-time continuing education requirements.

20 SECTION 2. AMENDATORY 70 O.S. 2011, Section 3311.5, as
21 last amended by Section 66, Chapter 161, O.S.L. 2020 (70 O.S. Supp.
22 2020, Section 3311.5), is amended to read as follows:

23 Section 3311.5. A. On and after November 1, 2007, the Council
24 on Law Enforcement Education and Training (CLEET), pursuant to its

1 authority granted by Section 3311 of this title, shall include in
2 its required basic training courses for law enforcement
3 certification a minimum of four (4) hours of education and training
4 relating to recognizing and managing a person appearing to require
5 mental health treatment or services. The Council shall further
6 offer a minimum of four (4) hours of education and training on
7 specific mental health issues pursuant to Section 3311.4 of this
8 title to meet the annual requirement for continuing education in the
9 areas of mental health issues.

10 B. By January 1, 2008, CLEET, pursuant to its authority granted
11 by Sections 3311 and 3311.4 of this title, shall include in its
12 required courses of study for law enforcement certification a
13 minimum of six (6) hours of evidence-based sexual assault and sexual
14 violence training. A portion of the sexual assault and sexual
15 violence training shall include instruction presented by a certified
16 sexual assault service provider.

17 C. By January 1, 2012, every active full-time peace officer,
18 previously certified by CLEET pursuant to Section 3311 of this
19 title, shall be required to attend and complete the evidence-based
20 sexual assault and sexual violence training provided in subsection B
21 of this section.

22 D. CLEET shall promulgate rules to enforce the provisions of
23 subsections B and C of this section and shall, with the assistance
24 of certified sexual assault service providers, establish a

1 comprehensive integrated curriculum for the teaching of evidence-
2 based sexual assault and sexual violence issues.

3 E. The Council is required to update that block of training or
4 course materials relating to legal issues, concepts, and state laws
5 annually, but not later than ninety (90) days following the
6 adjournment of any legislative session.

7 F. By January 1, 2009, CLEET, pursuant to its authority granted
8 by Sections 3311 and 3311.4 of this title, shall include in its
9 required courses of study for law enforcement certification oil
10 field equipment theft training.

11 G. By January 1, 2012, CLEET, pursuant to its authority granted
12 by Sections 3311 and 3311.4 of this title, shall establish and
13 include in its required courses of study for law enforcement
14 certification a minimum of eight (8) hours of evidence-based
15 domestic violence and stalking investigation training. The training
16 should include, at a minimum, the importance of reporting domestic
17 violence incidents, determining the predominant aggressor, evidence-
18 based investigation of domestic violence and stalking, lethality
19 assessment, and personal safety planning necessary at the pretrial
20 stages of a potential criminal case. A portion of the training
21 shall include instruction presented by an expert victim advocate
22 selected from recommendations provided by the Office of the Attorney
23 General or the Domestic Violence Fatality Review Board. The
24 training shall be developed in collaboration with the Domestic

1 Violence Fatality Review Board, and where applicable, shall replace
2 existing domestic violence and stalking courses currently required.

3 H. By January 1, 2012, the evidence-based domestic violence and
4 stalking investigation curriculum developed in collaboration with
5 the Domestic Violence Fatality Review Board shall be submitted to
6 the Council for approval.

7 I. CLEET shall establish the training provided in subsection G
8 of this section as a part of CLEET's peace officer continuing
9 education program and develop a plan to train full-time peace
10 officers previously certified by CLEET pursuant to Section 3311 of
11 this title where applicable. The Office of the Attorney General
12 shall provide a list of expert victim advocates that are available
13 to assist in the training.

14 J. The Council is authorized to pay for and send training staff
15 and employees to one or more training and education courses in
16 jurisdictions outside this state for the purpose of expanding
17 curriculum, training skill development, and general knowledge within
18 the field of law enforcement education and training.

19 K. On and after November 1, 2013, CLEET, pursuant to its
20 authority granted by Section 3311 of this title, shall include in
21 its required basic training courses for law enforcement
22 certification a minimum of two (2) hours of education and training
23 relating to recognizing and managing a person experiencing dementia
24 or Alzheimer's disease.

1 L. By November 1, 2019, CLEET shall establish appropriate
2 training resources focused on protocol for handling and processing
3 sexual assault calls. The training shall include, but not be
4 limited to:

- 5 1. How to handle the sexual assault call upon first contact;
- 6 2. Determining when the assault occurred;
- 7 3. Where to take the victim;
- 8 4. Questioning witnesses and collecting evidence; and
- 9 5. Informing and assisting the victim in accessing resources,
10 help and information.

11 M. By November 1, 2021, CLEET, pursuant to its authority
12 granted by Section 3311 of this title, shall include in its required
13 basic training courses for law enforcement certification a minimum
14 of one (1) hour of education and training in relation to protecting
15 the rights of the people of Oklahoma as enumerated in the
16 Constitutions of the United States and the State of Oklahoma, as
17 provided in Section 3 of this act.

18 N. The Council shall promulgate rules to evaluate and approve
19 municipalities and counties that are deemed capable of conducting
20 separate basic law enforcement training academies in their
21 jurisdiction and to certify officers successfully completing such
22 academy training courses. Upon application to the Council, any
23 municipality with a population of sixty-five thousand (65,000) or
24 more or any county with a population of five hundred thousand

1 (500,000) or more shall be authorized to operate a basic law
2 enforcement academy. In addition, upon application and approval
3 from the Council, a municipality with a population under sixty-five
4 thousand (65,000) or a county with a population under five hundred
5 thousand (500,000) may be authorized to operate a basic law
6 enforcement academy; provided, however, the Council may approve no
7 more than two such applications per year. The Council shall approve
8 an application when the municipality or county making the
9 application meets the criteria for a separate training academy and
10 demonstrates to the satisfaction of the Council that the academy has
11 sufficient resources to conduct the training, the instructional
12 staff is appropriately trained and qualified to teach the course
13 materials, the curriculum is composed of comparable or higher
14 quality course segments to the CLEET academy curriculum, and the
15 facilities where the academy will be conducted are safe and
16 sufficient for law enforcement training purposes. Any municipality
17 or county authorized to operate a basic law enforcement academy
18 after November 1, 2007, shall not be eligible to receive funds
19 pursuant to subsection E of Section 1313.2 of Title 20 of the
20 Oklahoma Statutes. The Council shall not provide any funding for
21 the operation of any separate training academy authorized by this
22 subsection.

23 ~~N.~~ O. Any municipality or county that, prior to November 1,
24 2007, was authorized to conduct a basic law enforcement academy

1 shall continue to receive funding pursuant to subsection E of
2 Section 1313.2 of Title 20 of the Oklahoma Statutes.

3 SECTION 3. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 3311.19 of Title 70, unless
5 there is created a duplication in numbering, reads as follows:

6 A. Every law enforcement officer, certified by the Council on
7 Law Enforcement Education and Training as provided in Section 3311.5
8 of this title, shall receive training in protecting the rights of
9 the people of Oklahoma as enumerated in the Constitutions of the
10 United States and the State of Oklahoma to ensure their rights are
11 not limited or infringed, including but not limited to freedom of
12 religion, press, speech, assembly, petition, the keeping and bearing
13 of arms, facing an accuser, trial by jury, being secure from illegal
14 searches and seizures, right to life, liberty, the pursuit of
15 happiness and the enjoyment of the gains of their own industry.

16 B. Each law enforcement officer shall receive training in their
17 rights to refuse to implement any order, mandate or directive that
18 they deem to be a violation of the rights of the people of the State
19 of Oklahoma.

20 C. No political subdivision of this state may discipline, fine,
21 demote, fire or otherwise punish any law enforcement officer for
22 refusing to implement any order, mandate or directive that the
23 officer believes and articulates as being a violation of the rights
24 of the people of the State of Oklahoma.

1 SECTION 4. This act shall become effective November 1, 2021.

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