

1 **SENATE FLOOR VERSION**

2 April 13, 2023

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED
5 HOUSE BILL NO. 2869

By: Wallace of the House

and

Weaver of the Senate

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7
8
9 [Council on Law Enforcement Education and Training -
10 public funds - exemption - motor vehicles - hiring -
11 effective date]

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

14 SECTION 1. AMENDATORY 47 O.S. 2021, Section 156, is
15 amended to read as follows:

16 Section 156. A. Unless otherwise provided for by law, no state
17 board, commission, department, institution, official, or employee,
18 except the following, shall purchase any passenger automobile or bus
19 with public funds:

- 20 1. The Department of Public Safety;
21 2. The Department of Human Services;
22 3. The State Department of Rehabilitation Services;
23 4. The Department of Wildlife Conservation;
24 5. The Department of Corrections;

- 1 6. The State Department of Education;
- 2 7. The Oklahoma School of Science and Mathematics;
- 3 8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
- 4 Control;
- 5 9. The Oklahoma State Bureau of Investigation;
- 6 10. The Transportation Commission;
- 7 11. The Oklahoma Department of Agriculture, Food, and Forestry;
- 8 12. The State Department of Health;
- 9 13. The Department of Mental Health and Substance Abuse
- 10 Services;
- 11 14. The J.D. McCarty Center for Children with Developmental
- 12 Disabilities;
- 13 15. The Military Department of the State of Oklahoma;
- 14 16. The Oklahoma Tourism and Recreation Department;
- 15 17. The Oklahoma Conservation Commission;
- 16 18. The Oklahoma Water Resources Board;
- 17 19. The Department of Mines;
- 18 20. The Office of Juvenile Affairs;
- 19 21. The Oklahoma Department of ~~Veteran~~ Veterans Affairs;
- 20 22. The Oklahoma Supreme Court;
- 21 23. The District Attorneys Council and Oklahoma district
- 22 attorneys, provided adequate funding exists;
- 23 24. The Oklahoma Boll Weevil Eradication Organization; ~~and~~
- 24 25. The Oklahoma Horse Racing Commission; and

1 26. The Council on Law Enforcement Education and Training.

2 B. 1. The Oklahoma School for the Deaf at Sulphur, the
3 Oklahoma School for the Blind at Muskogee, and any state institution
4 of higher education may purchase, own, or keep if now owned, or
5 acquire by lease or gift, and use and maintain such station wagons,
6 automobiles, trucks, or buses as are reasonably necessary for the
7 implementation of the educational programs of said institutions.

8 2. No bus operated, owned, or used by such educational
9 institutions shall be permitted to carry any person other than
10 students, faculty members, employees, or volunteers of such
11 institutions. The provisions of this section shall not be construed
12 to prohibit:

13 a. the operation of intracampus buses or buses routed
14 directly between portions of the campus of any
15 institution not adjacent to each other, nor to
16 prohibit the collection of fares from such students,
17 faculty members, or employees of such institutions,
18 sufficient in amount to cover the reasonable cost of
19 such transportation, or

20 b. the Oklahoma School for the Blind or the Oklahoma
21 School for the Deaf from entering into agreements with
22 local public school districts pursuant to the
23 Interlocal Cooperation Act for the mutual use of the
24 schools' and the districts' vehicles. Such use may

1 include, but is not limited to, the transportation of
2 students from local school districts with students
3 from the Oklahoma School for the Blind or the Oklahoma
4 School for the Deaf in vehicles owned by the Oklahoma
5 School for the Blind or the Oklahoma School for the
6 Deaf when traveling to school-related activities.

7 C. The J.D. McCarty Center for Children with Developmental
8 Disabilities, the Oklahoma Department of Libraries, the Oklahoma
9 Department of Veterans Affairs, and the Oklahoma Veterans Centers
10 may own and maintain such passenger vehicles as those institutions
11 have acquired prior to May 1, 1981.

12 D. The use of station wagons, automobiles, and buses, other
13 than as provided for in this section, shall be permitted only upon
14 written request for such use by heads of departments of the
15 institution, approved in writing by the president of said
16 institution or by some administrative official of said institution
17 authorized by the president to grant said approval. Such use shall
18 be permitted only for official institutional business or activities
19 connected therewith. Such use shall be subject to the provisions of
20 Section 156.1 of this title forbidding personal use of such
21 vehicles, and to the penalties therein declared.

22 E. Any person convicted of violating the provisions of this
23 section shall be guilty of a misdemeanor and shall be punished by
24

1 fine or imprisonment, or both, as provided for in Section 156.1 of
2 this title.

3 F. For the purpose of this section and Section 156.3 of this
4 title, a station wagon is classified as a passenger automobile and
5 may not be purchased solely for the use of transporting property.
6 Such vehicles shall include, but not be limited to, all vehicles
7 which have no separate luggage compartment or trunk but which do not
8 have open beds, whether the same are called station wagons, vans,
9 suburbans, town and country, blazers, or any other names. All state
10 boards, commissions, departments, and institutions may own and
11 maintain station wagons purchased solely for the purpose of
12 transporting property if acquired prior to July 1, 1985.

13 G. The provisions of this section and Section 156.1 of this
14 title shall not apply to public officials who are statewide elected
15 commissioners.

16 SECTION 2. AMENDATORY 47 O.S. 2021, Section 156.1, is
17 amended to read as follows:

18 Section 156.1. A. It shall be unlawful for any state official,
19 officer or employee, except any essential employees approved by the
20 Governor and those officers or employees authorized in subsection B
21 of this section, to ride to or from the place of residence of the
22 employee in a state-owned or state-leased automobile, truck or
23 pickup, except in the performance of the official duty of the
24 employee, or to use or permit the use of any such automobile, truck,

1 ambulance or pickup for other personal or private purposes. Any
2 person convicted of violating the provisions of this section shall
3 be guilty of a misdemeanor and shall be punished by a fine of not
4 more than One Hundred Dollars (\$100.00) or by imprisonment in the
5 county jail for a period to not exceed thirty (30) days, or by both
6 said fine and imprisonment, and in addition thereto, shall be
7 discharged from state employment.

8 B. 1. Any state employee, other than the individuals provided
9 for in paragraph 2 of this subsection and any employee of the
10 Department of Public Safety who is an employee in the Driver License
11 ~~Examining~~ Services Division or the Driver Compliance Division or a
12 wrecker inspector or auditor of the Wrecker Services Division as
13 provided for in paragraph 3 of this subsection, who receives
14 emergency telephone calls regularly at the residence of the employee
15 when the employee is not on duty and is regularly called upon to use
16 a vehicle after normal work hours in response to such emergency
17 calls, may be permitted to use a vehicle belonging to the state to
18 provide transportation between the residence of the employee and the
19 assigned place of employment, provided such distance does not exceed
20 seventy-five (75) miles in any round trip or is within the county
21 where the assigned place of employment is located. Provided
22 further, an employee may be permitted to use a state-owned or state-
23 leased vehicle to provide temporary transportation between a
24 specific work location other than the assigned place of employment

1 and the residence of the employee, if such use shall result in a
2 monetary saving to the agency, and such authorization shall not be
3 subject to the distance or area restrictions provided for in this
4 paragraph. Authorization for temporary use of a state-owned or
5 state-leased vehicle for a specific project shall be in writing
6 stating the justification for this use and the saving expected to
7 result. Such authorization shall be valid for not to exceed sixty
8 (60) days. Any state entity other than law enforcement that avails
9 itself of this provision shall keep a monthly record of all
10 participating employees, the number of emergency calls received and
11 the number of times that a state vehicle was used in the performance
12 of such emergency calls.

13 2. Any employee of the Department of Public Safety, ~~Oklahoma~~
14 Department of Corrections, Oklahoma State Bureau of Narcotics and
15 Dangerous Drugs Control, Oklahoma State Bureau of Investigation,
16 Alcoholic Beverage Laws Enforcement Commission, Oklahoma Horse
17 Racing Commission, Oklahoma Department of Agriculture, Food, and
18 Forestry, Office of the Inspector General within the Department of
19 Human Services or Office of the State Fire Marshal, who is a law
20 enforcement officer or criminalist, Public Information officer,
21 Special Investigator or Assistant Director of the Oklahoma State
22 Bureau of Investigation, the Executive Director of CLEET, CLEET-
23 certified Investigator for a state board, or any employee of a
24 district attorney who is a law enforcement officer, may be permitted

1 to use a state-owned or state-leased vehicle to provide
2 transportation between the residence of the employee and the
3 assigned place of employment and between the residence and any
4 location other than the assigned place of employment to which the
5 employee travels in the performance of the official duty of the
6 employee.

7 3. Any employee of the Department of Public Safety who is an
8 employee in the Driver License ~~Examining~~ Services Division, an
9 employee of the Driver Compliance Division, a wrecker inspector or
10 auditor of the Wrecker Services Division, or a noncommissioned pilot
11 may be permitted, as determined by the Commissioner, to use a state-
12 owned or state-leased vehicle to provide transportation between the
13 residence of the employee and the assigned place of employment and
14 between the residence and any location other than the assigned place
15 of employment to which the employee travels in the performance of
16 the official duty of the employee.

17 4. The Director, department heads and other essential employees
18 of the Department of Wildlife Conservation, as authorized by the
19 Wildlife Conservation Commission, may be permitted to use a state-
20 owned or state-leased vehicle to provide transportation between the
21 residence of the employee and the assigned place of employment and
22 between the residence and any location other than the assigned place
23 of employment to which the employee travels in the performance of
24 the official duty of the employee.

1 5. The Director, department heads, emergency responders and
2 other essential employees of the Department of Corrections, as
3 authorized by the Director, may be permitted to use a state-owned or
4 state-leased vehicle to provide transportation between the residence
5 of the employee and the assigned place of employment and between the
6 residence and any location other than the assigned place of
7 employment to which the employee travels in the performance of the
8 official duty of the employee.

9 C. The principal administrator of the state agency with which
10 the employee is employed shall so designate the status of the
11 employee in writing or provide a copy of the temporary authorization
12 to the Governor, the President Pro Tempore of the Senate and the
13 Speaker of the House of Representatives. Such employee status
14 report shall also be provided to the State Fleet Manager of the
15 Division of Fleet Management if the motor vehicle for emergency use
16 is provided by said Division.

17 SECTION 3. AMENDATORY 70 O.S. 2021, Section 3311, is
18 amended to read as follows:

19 Section 3311. A. There is hereby created a Council on Law
20 Enforcement Education and Training which shall be, and is hereby
21 declared to be, a governmental law enforcement agency of the State
22 of Oklahoma, body politic and corporate, with powers of government
23 and with the authority to exercise the rights, privileges and
24 functions necessary to ensure the professional training and

1 continuing education of law enforcement officers in ~~the State of~~
2 ~~Oklahoma~~ this state. These rights, privileges and functions
3 include, but are not limited to, those specified in Sections 3311
4 through 3311.15 of this title and in the Oklahoma Security Guard and
5 Private Investigator Act and the ~~Oklahoma~~ Bail Enforcement and
6 Licensing Act. The Council shall be authorized to require agency
7 employees and the employees of agency contractors in positions to
8 have access to Oklahoma Peace Officer records, Oklahoma Security
9 Guard and Private Investigator records, ~~Oklahoma~~ Bail Enforcement
10 and Licensing Act records, to be subject to a criminal history
11 search by the Oklahoma State Bureau of Investigation, as well as be
12 fingerprinted for submission of the fingerprints through the
13 Oklahoma State Bureau of Investigation to the Federal Bureau of
14 Investigation for a national criminal history check. The Council
15 shall be the recipient of the results of the record check. In
16 accordance with Section 150.9 of Title 74 of the Oklahoma Statutes,
17 this includes a national criminal record with a finger print
18 analysis. The Council shall be composed of thirteen (13) members as
19 follows:

20 1. The Commissioner of the Department of Public Safety, or
21 designee;

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

24

1 3. The Director of the Oklahoma State Bureau of Investigation,
2 or designee;

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

6 5. One member appointed by the Governor who shall be a chief of
7 police of a municipality with a population over one hundred thousand
8 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

24

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

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

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

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

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

1 performance of Council duties pursuant to the provisions of the
2 State Travel Reimbursement Act.

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

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

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

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

18 4. Authorize additional staff and services necessary for
19 program expansion;

20 5. Recommend legislation necessary to upgrade Oklahoma law
21 enforcement to professional status;

22 6. Establish policies and regulations concerning the number,
23 geographic and police unit distribution, and admission requirements
24 of those receiving tuition or scholarship aid available through the

1 Council. Such waiver of costs shall be limited to duly appointed
2 members of legally constituted local, county, and state law
3 enforcement agencies on the basis of educational and financial need;

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

15 The Executive Director of the Council on Law Enforcement
16 Education and Training may hire an Assistant Director to perform
17 such duties as directed by the Executive Director.

18 The Executive Director of the Council on Law Enforcement
19 Education and Training may commission CLEET staff as peace officers
20 for purposes consistent with the duties of CLEET as set out in state
21 law. The powers and duties conferred on the Executive Director or
22 any staff member appointed by the Executive Director as a peace
23 officer shall not limit the powers and duties of other peace
24 officers of this state or any political subdivision thereof. The

1 Executive Director or any staff member appointed by the Executive
2 Director as a peace officer may, upon request, assist any federal,
3 state, county or municipal law enforcement agency;

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

17 9. a. Certify canine teams, consisting of a dog and a
18 handler working together as a team, trained to detect:
19 (1) controlled dangerous substances, or
20 (2) explosives, explosive materials, explosive
21 devices, or materials which could be used to
22 construct an explosive device;
23 provided, the dog of a certified canine team shall not
24 be certified at any time as both a drug dog and a bomb

1 dog, and any dog of a certified canine team who has
2 been previously certified as either a drug dog or a
3 bomb dog shall not be eligible at any time to be
4 certified in the other category.

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

13 10. Enter into a lease, loan or other agreement with the
14 Oklahoma Development Finance Authority or a local public trust for
15 the purpose of facilitating the financing of a new facility for its
16 operations and use and pledge, to the extent authorized by law, all
17 or a portion of its receipts of the assessment penalty herein
18 referenced for the payment of its obligations under such lease, loan
19 or other agreement. It is the intent of the Legislature to increase
20 the assessment penalty to such a level or appropriate sufficient
21 monies to the Council on Law Enforcement Education and Training to
22 make payments on the lease, loan or other agreement for the purpose
23 of retiring the bonds to be issued by the Oklahoma Development
24 Finance Authority or local public trust. Such lease, loan or other

1 agreement and the bonds issued to finance such facilities shall not
2 constitute an indebtedness of ~~the State of Oklahoma~~ this state or be
3 backed by the full faith and credit of ~~the State of Oklahoma~~ this
4 state, and the lease, loan or other agreement and the bonds shall
5 contain a statement to such effect;

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

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

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

1 All other fees collected pursuant to these agreements shall be
2 deposited to the credit of the Peace Officer Revolving Fund created
3 pursuant to Section 3311.7 of this title. The Council is authorized
4 to promulgate emergency rules to effectuate the provisions of this
5 paragraph;

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

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

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

17 a. one member shall be selected by the Chancellor for
18 Higher Education, who possesses a background of
19 creation and review of curriculum and experience
20 teaching criminal justice or law enforcement courses,
21 who shall serve an initial term of one (1) year,

22 b. one member shall represent a municipal jurisdiction
23 with a population of fifty thousand (50,000) or more
24 and who shall be a management-level CLEET-certified

1 training officer, who shall serve an initial term of
2 two (2) years,

3 c. one member shall represent a county jurisdiction with
4 a population of fifty thousand (50,000) or more and
5 who shall be a management-level CLEET-certified
6 training officer, who shall serve an initial term of
7 three (3) years,

8 d. one member shall represent a municipal jurisdiction
9 with a population of less than fifty thousand (50,000)
10 and who shall be a CLEET-certified training officer,
11 who shall serve an initial term of two (2) years,

12 e. one member shall represent a county jurisdiction with
13 a population of less than fifty thousand (50,000) and
14 who shall be a CLEET-certified training officer, who
15 shall serve an initial term of one (1) year, and

16 f. one member selected by the Oklahoma Department of
17 Career and Technology, who shall have experience in
18 the creation and review of curriculum as well as
19 experience in teaching criminal justice or law
20 enforcement courses, who shall serve an initial term
21 of three (3) years.

22 After the initial terms of office, all members shall be
23 appointed to serve three-year terms. Any member may be reappointed
24 to serve consecutive terms. Members shall serve without

1 compensation, but may be reimbursed for travel expenses pursuant to
2 the State Travel Reimbursement Act. The Board shall review and
3 establish curriculum for all CLEET academies and training courses
4 pursuant to procedures established by the Council on Law Enforcement
5 Education and Training;

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

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

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

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

23 a. this section applies only to an entity authorized by
24 statute or by the Constitution to create a law

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

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

10 (1) the need for the law enforcement agency or police
11 department in the community,

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

17 (3) the physical resources available to officers,

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

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

4 (a) use of force,

5 (b) vehicle pursuit,

6 (c) mental health,

7 (d) professional conduct of officers,

8 (e) domestic abuse,

9 (f) response to missing persons,

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

11 (h) impartial policing,

12 (6) the administrative structure of the law
13 enforcement agency or police department,

14 (7) liability insurance, and

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

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

23 d. in cases of denial, the entity may appeal the decision
24 of the Executive Director to the full CLEET Council.

1 The Executive Director shall ensure that the final
2 report is provided to all members of the Council. The
3 Council shall review and make recommendations
4 concerning the report at the first meeting of the
5 Council to occur after all members of the Council have
6 received the report. The Council may, by majority
7 vote:

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

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

1 banking electronic facility. The Council shall determine which
2 nationally recognized credit or debit cards will be accepted as
3 payment for fees.

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

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

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

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

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

24

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

1 g. such person is not currently undergoing treatment for
2 a mental illness, condition or disorder. For purposes
3 of this subsection, "currently undergoing treatment
4 for mental illness, condition or disorder" means the
5 person has been diagnosed by a licensed physician,
6 psychologist, or licensed mental health professional
7 as being afflicted with a substantial disorder of
8 thought, mood, perception, psychological orientation
9 or memory that significantly impairs judgment,
10 behavior, capacity to recognize reality, or ability to
11 meet the ordinary demands of life and such condition
12 continues to exist,

13 h. such person is twenty-one (21) years of age.
14 Provided, this requirement shall not affect those
15 persons who are already employed as a police or peace
16 officer prior to November 1, 1985, and

17 i. such person has provided proof of United States
18 citizenship or resident alien status, pursuant to an
19 employment eligibility verification form from the
20 United States Citizenship and Immigration Services.

21 2. To aid the evaluating psychologist in interpreting the test
22 results including automated scoring and interpretations, the
23 employing agency shall provide the psychologist a statement
24 confirming the identity of the individual taking the test as the

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

17 a. Any person found not to be suitable for employment or
18 certification by the Council shall not be employed,
19 retained in employment as a peace officer, or
20 certified by the Council for at least one (1) year, at
21 which time the employee or applicant may be
22 reevaluated by a psychologist licensed by the State of
23 Oklahoma. This section shall also be applicable to
24

1 all reserve peace officers in ~~the State of Oklahoma~~
2 this state.

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

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

1 committed, the Council shall immediately inform the
2 employing agency.

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

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

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

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

22 4. Every person who has not been certified as a police or peace
23 officer and is duly appointed or elected as a police or peace
24 officer shall hold such position on a temporary basis only, and

1 shall, within six (6) months from the date of appointment or taking
2 office, qualify as required in this subsection or forfeit such
3 position. In computing the time for qualification, all service
4 shall be cumulative from date of first appointment or taking office
5 as a police or peace officer with any department in this state.

6 a. The Council may extend the time requirement specified
7 in this paragraph for good cause as determined by the
8 Council.

9 b. A duty is hereby imposed upon the employing agency to
10 withhold payment of the compensation or wage of such
11 unqualified officer.

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

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

24

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

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

1 1, 1985, shall not be subject to the provisions of this subsection
2 for convictions occurring prior to November 1, 1985.

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

7 a. Oklahoma State Bureau of Investigation and Federal
8 Bureau of Investigation reports,

9 b. administration of the psychological tests provided for
10 herein,

11 c. performance in the course of study or other basis of
12 certification,

13 d. previous certifications issued, and

14 e. any administrative or judicial determination denying
15 certification.

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

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

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

17 2. A tribal law enforcement agency that has peace officers
18 commissioned by an Oklahoma law enforcement agency pursuant to a
19 cross-deputization agreement with the State of Oklahoma or any
20 political subdivision of the State of Oklahoma pursuant to the
21 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
22 shall report the commissioning, resignation, or termination of
23 commission for any reason of a cross-deputized tribal police or
24 peace officer to CLEET within ten (10) days of the commissioning,

1 resignation, or termination. Failure to comply with the provisions
2 of this subsection may disqualify a tribal law enforcement agency
3 from participating in training programs sponsored by the Council.

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

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

23 a. conviction of a felony or a crime of domestic
24 violence,

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

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

- 1 g. abuse of office,
- 2 h. entry of a final order of protection against applicant
- 3 or officer, or
- 4 i. any violation of the Oklahoma Private Security
- 5 Licensing Act.

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

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

- 13 a. there is reason to believe the person has violated any
- 14 provision of this subsection or any other provision of
- 15 law or rule, or
- 16 b. there is reason to believe the person has been
- 17 convicted of a felony, a crime involving moral
- 18 turpitude or a domestic violence offense or is
- 19 currently participating in a deferred sentence for
- 20 such offenses.

21 4. When the investigation of a complaint does not find the
22 person has violated any of the provisions of this subsection, or
23 finds that the person is sufficiently rehabilitated as provided in
24 subparagraph b or f of paragraph 1 of this subsection, no

1 disciplinary action shall be required and the person shall remain
2 certified as a police or peace officer. When the investigation of a
3 complaint finds that the person has violated any of the provisions
4 of this subsection, the matter shall be referred for disciplinary
5 proceedings. The disciplinary proceedings shall be in accordance
6 with Articles I and II of the Administrative Procedures Act.

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

1 domestic violence offense or is the named respondent/defendant in a
2 final ~~Victims Protective Order~~ victim protective order.

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~~ victim protective order has been issued
2 against the officer including orders issued on an emergency basis
3 and all final orders of protection. Failure to give notice pursuant
4 to the provisions of this paragraph may be cause to initiate an
5 action against the 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 for CLEET training and the salary of a person while that person
14 is completing in this state a basic police course approved by the
15 Council and if within one (1) year after initial employment with the
16 original employing agency that person resigns and is hired by
17 another law enforcement agency in this state, the second agency or
18 the person receiving the training shall reimburse the original
19 employing agency for the cost of CLEET training and salary paid to
20 the person while completing the basic police course by the original
21 employing agency. If the person leaves the original employing
22 agency later than one (1) year, but less than two (2) years, after
23 the initial employment, the second agency or the person receiving
24 the training shall reimburse the original employing agency fifty

1 percent (50%) of the cost of CLEET training and salary paid to the
2 person while completing the basic police course by the original
3 employing agency. CLEET shall not be a party to any court action
4 based on this provision.

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

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

24

1 Council, the notice and any subsequent notices or orders shall be
2 deemed by the Court as having been legally served for all purposes.

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

8 SECTION 4. This act shall become effective November 1, 2023.

9 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
10 April 13, 2023 - DO PASS AS AMENDED BY CS

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