

1 **SENATE FLOOR VERSION**

2 February 24, 2016

3 **AS AMENDED**

4 SENATE BILL NO. 1561

5 By: Shortey

6 [Unified Law Enforcement Act of 2016 - Oklahoma
7 Department of Law Enforcement - Superintendent -
8 Director of Public Safety - Oklahoma State Bureau of
9 Narcotics and Dangerous Drugs Control Commission -
10 Oklahoma Surplus Property Act - eliminating
11 references - repealer - codification -
12 noncodification - effective date]

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

14 SECTION 1. NEW LAW A new section of law not to be
15 codified in the Oklahoma Statutes reads as follows:

16 This act shall be known and may be cited as the "Unified Law
17 Enforcement Act of 2016".

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 9100 of Title 74, unless there
20 is created a duplication in numbering, reads as follows:

21 A department of the government of this state to be known as the
22 "Oklahoma Department of Law Enforcement" is hereby created. Offices
23 for the Oklahoma Department of Law Enforcement shall be furnished by
24 the Office of Management and Enterprise Services. Upon formation,
the divisions of the Oklahoma Department of Law Enforcement shall

1 consist of the Department of Public Safety, Oklahoma Highway Patrol,
2 Oklahoma State Bureau of Investigation and Oklahoma State Bureau of
3 Narcotics and Dangerous Drugs Control. The Superintendent of the
4 Oklahoma Department of Law Enforcement shall supervise the
5 Department and may at the time of formation transfer such persons
6 and assets as may be necessary for the operation of the Department
7 from any of the initial divisions.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 9101 of Title 74, unless there
10 is created a duplication in numbering, reads as follows:

11 A. There is hereby created the Oklahoma Law Enforcement
12 Commission which shall consist of seven (7) members, not more than
13 two of whom shall be from the same congressional district. When
14 congressional districts are redrawn, each member appointed prior to
15 July 1 of the year in which such modification becomes effective
16 shall complete the current term of office and appointments made
17 after July 1 of the year in which such modification becomes
18 effective shall be based on the redrawn districts. No appointments
19 may be made after July 1 of the year in which such modification
20 becomes effective if such appointment would result in more than two
21 members serving from the same modified district. All members of the
22 Commission shall be appointed by the Governor and confirmed by the
23 Senate. Members shall serve at the pleasure of the Governor. The
24 term of office of each member shall be seven (7) years. The first

1 appointments shall be announced by the Governor not later than
2 September 1, 2016, for the following terms: one member for a term
3 of one (1) year; one member for a term of two (2) years; one member
4 for a term of three (3) years; one member for a term of four (4)
5 years; one member for a term of five (5) years; one member for a
6 term of six (6) years; and one member for a term of seven (7) years.
7 A member may serve more than one term on the Commission. Vacancies
8 occurring during a term shall be filled for the unexpired portion of
9 the term by the same procedure used to make the regular
10 appointments. One member shall be a district attorney while serving
11 in that capacity, one member shall be a sheriff while serving in
12 that capacity, and one member shall be a chief of police while
13 serving in that capacity; provided, that the sheriff and police
14 chief members shall have successfully completed an approved course
15 of instruction for peace officers as required by law. The lay
16 members shall be appointed representing the public at large.

17 B. Annually the Commission shall select one of the Commission
18 members to serve as chair and one member to serve as vice-chair.
19 The Commission shall meet at least quarterly. The chair shall
20 preside at all meetings of the Commission and shall have the power
21 to call meetings of the Commission. In addition, meetings of the
22 Commission may be called by a majority of the members. The vice-
23 chair shall perform the duties of the chair in the absence or
24 incapacity of the chair. A quorum of four members of the Commission

1 shall be necessary to conduct any official business. All actions
2 taken by the Commission shall be by a simple majority vote of a
3 quorum. In the event of a tie vote, the measure being voted upon
4 shall be deemed to have failed. The Commission may adopt rules and
5 procedures for the orderly performance of its functions.

6 C. Members of the Commission shall serve without salary but may
7 be reimbursed for travel and other expenses in attending meetings
8 and performing their duties in the manner provided for under the
9 State Travel Reimbursement Act. No other provisions of law shall be
10 construed as prohibiting public officers from also serving as
11 members of the Commission, nor shall any other provisions of law be
12 construed as prohibiting public officers or public employees from
13 performing services for the Commission without compensation.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 9102 of Title 74, unless there
16 is created a duplication in numbering, reads as follows:

17 The Oklahoma Law Enforcement Commission shall have the following
18 powers, duties and responsibilities:

19 1. No later than January 1, 2017, and such time as appropriate
20 thereafter, appoint the Superintendent of the Oklahoma Department of
21 Law Enforcement, who shall serve at the pleasure of the Commission;

22 2. Oversee operations of the Oklahoma Department of Law
23 Enforcement;

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1 3. Develop and implement oversight policies that clearly
2 separate the responsibilities of the Commission and the management
3 responsibilities of the Superintendent of the Oklahoma Department of
4 Law Enforcement;

5 4. Hear any complaints against the Oklahoma Department of Law
6 Enforcement or any of its employees according to the following
7 procedure:

8 a. only those complaints which have been submitted in
9 writing and are signed will be acted upon by the
10 Commission,

11 b. all hearings on complaints shall be conducted in
12 executive sessions, and shall not be open to the
13 public, and

14 c. the Commission shall have limited access to pertinent
15 investigative files when investigating a complaint.
16 The Superintendent of the Oklahoma Department of Law
17 Enforcement shall provide a procedure whereby the
18 identification of all persons named in any
19 investigative file except the subject of the complaint
20 and the complaining witness shall not be revealed to
21 the members of the Commission. Any consideration of
22 files shall be in executive session not open to the
23 public. No information or evidence received in
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1 connection with the hearings shall be revealed to any
2 person or agency; and

3 5. Make recommendations to the Superintendent of the Oklahoma
4 Department of Law Enforcement of any needed disciplinary action
5 necessary as a result of an investigation conducted upon a complaint
6 received.

7 SECTION 5. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 9103 of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The Oklahoma Law Enforcement Commission shall appoint a
11 Superintendent for the Oklahoma Department of Law Enforcement. The
12 Superintendent of the Oklahoma Department of Law Enforcement shall
13 serve at the pleasure of the Commission. The Superintendent shall
14 be qualified for such position by character, knowledge, skill,
15 ability, education, training and successful administrative
16 experience in the field of law enforcement.

17 B. Upon the effective date of this act, the current
18 Commissioner of Public Safety, Chief of the Oklahoma Highway Patrol
19 Division, Director of the Oklahoma State Bureau of Investigation and
20 Director of the Oklahoma State Bureau of Narcotics and Dangerous
21 Drugs Control shall be affirmed by the Commission as the Director or
22 Chief of their respective agency.

23 C. Upon the effective date of this act, all functions performed
24 by the Department of Public Safety, Oklahoma Highway Patrol,

1 Oklahoma State Bureau of Investigation and Oklahoma State Bureau of
2 Narcotics and Dangerous Drugs Control shall remain under the
3 respective agency unless otherwise modified, merged or reorganized
4 by the Superintendent of the Oklahoma Department of Law Enforcement.
5 The elimination or renaming of any of the listed agencies above
6 shall require approval of the Commission.

7 SECTION 6. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 9104 of Title 74, unless there
9 is created a duplication in numbering, reads as follows:

10 The Superintendent of the Oklahoma Department of Law Enforcement
11 shall have the following powers, duties and responsibilities:

12 1. Formulate and implement a unified law enforcement strategy
13 for law enforcement activities in the State of Oklahoma with annual
14 and long-term measurable goals and objectives to achieve greater
15 public safety which shall be published on the Oklahoma Department of
16 Law Enforcement website;

17 2. Be directly responsible to the Commission for the affairs of
18 the Department of Public Safety, Oklahoma Highway Patrol, Oklahoma
19 State Bureau of Investigation and Oklahoma State Bureau of Narcotics
20 and Dangerous Drugs Control;

21 3. Appoint a Director of Public Safety, Chief of the Oklahoma
22 Highway Patrol, Director of the Oklahoma State Bureau of
23 Investigation and Director of the Oklahoma State Bureau of Narcotics
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1 and Dangerous Drugs Control, who shall serve at the pleasure of the
2 Superintendent of the Oklahoma Department of Law Enforcement;

3 4. Supervise the activities of the Department of Public Safety,
4 Oklahoma Highway Patrol, Oklahoma State Bureau of Investigation and
5 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
6 and, subject to the policies established by the Commission, act for
7 the Department of Public Safety, Oklahoma Highway Patrol, Oklahoma
8 State Bureau of Investigation and Oklahoma State Bureau of Narcotics
9 and Dangerous Drugs Control in all matters, including budgetary
10 matters and expenditures of the agencies, except as may be otherwise
11 provided in this act;

12 5. Prescribe rules and regulations, subject to approval by the
13 Commission, considered necessary for the control of the Oklahoma
14 Department of Law Enforcement;

15 6. By November 1, 2017, submit to the Commission for approval,
16 a plan for a unified position and compensation system for state law
17 enforcement;

18 7. By November 1, 2017, submit to the Commission for approval,
19 a plan to unify state law enforcement data collection and data
20 systems;

21 8. By November 1, 2017, submit to the Commission for approval,
22 a plan to standardize and integrate operational boundaries for the
23 entire Oklahoma Department of Law Enforcement;

1 9. By November 1, 2017, after consultation with the Council on
2 Law Enforcement Education and Training, submit to the Commission for
3 approval, a plan to develop a focused, common training and leader
4 development program for all members of the Oklahoma Department of
5 Law Enforcement;

6 10. Subject to approval by the Commission, create, modify,
7 merge, reorganize, rename or eliminate any of the divisions, units
8 or functions within the Department of Public Safety, Oklahoma
9 Highway Patrol, Oklahoma State Bureau of Investigation and Oklahoma
10 State Bureau of Narcotics and Dangerous Drugs Control as the
11 Superintendent of the Oklahoma Department of Law Enforcement may
12 deem appropriate to effectively administer a unified law enforcement
13 system in Oklahoma;

14 11. Have authority to commission employees of the Oklahoma
15 Department of Law Enforcement;

16 12. Be directly responsible for all monies appropriated for and
17 deposited to the credit of the Oklahoma Department of Law
18 Enforcement, Department of Public Safety, Oklahoma Highway Patrol,
19 Oklahoma State Bureau of Investigation and Oklahoma State Bureau of
20 Narcotics and Dangerous Drugs Control and approve all claims and
21 payoffs as provided in Section 34.68 of Title 62 of the Oklahoma
22 Statutes;

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1 13. Purchase, lease and maintain motor vehicles and other
2 equipment for use by employees of the Oklahoma Department of Law
3 Enforcement;

4 14. Purchase or lease and equip motor vehicles for the use of
5 the Governor and Lieutenant Governor; and

6 15. Prepare, swear to, submit to the Governor or a designee and
7 file in the records of each agency, a quarterly statement containing
8 an itemized list of all funds received and spent, the source of said
9 funds and the purposes for which the funds were expended.

10 SECTION 7. AMENDATORY 47 O.S. 2011, Section 2-101, as
11 amended by Section 159, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
12 2015, Section 2-101), is amended to read as follows:

13 Section 2-101. ~~(a)~~ A. A department of the government of this
14 state to be known as the "Department of Public Safety" is hereby
15 created, and offices for the Department shall be furnished by the
16 Office of Management and Enterprise Services. The Department of
17 Public Safety shall be under the control and supervision of the
18 ~~Commissioner~~ Director of Public Safety, which office and position is
19 hereby created.

20 The ~~Commissioner~~ Director shall have such powers and authority
21 as may be granted by the provisions of the Uniform Vehicle Code or
22 as may otherwise be provided by law.

23 ~~(b)~~ B. ~~The Governor shall be the chief officer of the~~
24 ~~Department of Public Safety and the Commissioner~~ Director of Public

1 Safety, under the general supervision of the Superintendent of the
2 Oklahoma Department of Law Enforcement, shall ~~execute the lawful~~
3 ~~orders of the Governor and shall~~ be responsible ~~to him~~ for the
4 operation and administration of ~~said~~ the Department. The
5 ~~Commissioner of Public Safety~~ Superintendent of the Oklahoma
6 Department of Law Enforcement shall provide personal security and
7 protection, transportation, and communications capabilities for the
8 Governor, the ~~Governor's~~ immediate family of the Governor, and the
9 Lieutenant Governor. ~~The Commissioner is authorized to provide~~
10 ~~necessary communications equipment to said persons even if said~~
11 ~~persons are not on state property or in state vehicles. The~~
12 ~~Commissioner of Public Safety is hereby authorized to purchase or~~
13 ~~lease and equip motor vehicles for the use of the Governor and~~
14 ~~Lieutenant Governor. The purchase or lease price of any such motor~~
15 ~~vehicles and equipment shall be paid from any appropriation for~~
16 ~~motor vehicles made to the Department of Public Safety.~~

17 SECTION 8. AMENDATORY 47 O.S. 2011, Section 2-102, is
18 amended to read as follows:

19 Section 2-102. A. 1. The On or after November 1, 2016, the
20 Department of Public Safety shall be under the control of an
21 executive officer to be known as the "~~Commissioner~~ Director of
22 Public Safety", who shall be appointed by the ~~Governor with the~~
23 ~~advice and consent of the Senate~~ Superintendent of the Oklahoma
24 Department of Law Enforcement.

1 2. ~~The Commissioner of Public Safety shall be a professional~~
2 ~~law enforcement officer with ten (10) years' experience in the field~~
3 ~~of law enforcement or with five (5) years' experience in the field~~
4 ~~of law enforcement and a graduate of a four-year college with a~~
5 ~~degree in law enforcement administration, law, criminology or a~~
6 ~~related science.~~

7 3. ~~Any vacancy in the office of the Commissioner shall be~~
8 ~~filled in the same manner as the original appointment is made.~~

9 4. The ~~Commissioner~~ Director shall be allowed the actual and
10 necessary expenses incurred in the performance of official duties of
11 the ~~Commissioner~~ Director while away from the office.

12 B. The ~~Commissioner~~ Director of Public Safety, after
13 appointment and before entering upon the discharge of duties, shall
14 take and subscribe to the oath of office required by the
15 Constitution. Bonding of the ~~Commissioner~~ Director of Public Safety
16 and other employees of the Department will be provided under the
17 provisions of Section 85.26 of Title 74 of the Oklahoma Statutes.

18 C. The ~~Commissioner~~ Director of Public Safety shall be eligible
19 to participate in either the Oklahoma Public Employees Retirement
20 System or in the Oklahoma Law Enforcement Retirement System and
21 shall make an irrevocable election in writing to participate in one
22 of the two retirement systems within thirty (30) days of
23 appointment. Any earned benefits or any credits toward retirement
24 benefits from previous participation within the Oklahoma Public

1 Employees Retirement System or the Oklahoma Law Enforcement
2 Retirement System shall remain intact within that System should the
3 Director elect to become a new participant in a different retirement
4 system.

5 D. On or after November 1, 2016, any reference in the Oklahoma
6 Statutes to the Commissioner of Public Safety shall be deemed to be
7 a reference to the Director of Public Safety.

8 SECTION 9. AMENDATORY 47 O.S. 2011, Section 2-103, is
9 amended to read as follows:

10 Section 2-103. A. ~~The Commissioner~~ Director of Public Safety
11 shall organize the Department of Public Safety as prescribed by law
12 and in such manner as may be deemed necessary and proper to
13 segregate and conduct the work of the Department. ~~The Commissioner~~
14 Subject to the approval of the Superintendent of the Oklahoma
15 Department of Law Enforcement, the Director shall appoint
16 assistants, deputies, officers, investigators and other employees as
17 may be necessary to carry out the provisions of this title.

18 B. Unless otherwise provided by law, salaries and traveling
19 expenses of employees of the Department of Public Safety and the
20 cost of equipment ~~for the Department~~ shall be paid from the
21 appropriations made to the Oklahoma Department of ~~Public Safety~~ Law
22 Enforcement.

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1 ~~C. The Commissioner is authorized to purchase and maintain~~
2 ~~motor vehicles and other equipment for use by the employees of the~~
3 ~~Department.~~

4 SECTION 10. AMENDATORY 47 O.S. 2011, Section 2-104, as
5 amended by Section 160, Chapter 304, O.S.L. 2012 (47 O.S. Supp.
6 2015, Section 2-104), is amended to read as follows:

7 Section 2-104. A. ~~The Commissioner, subject to the Merit~~
8 ~~System laws, shall appoint an Assistant Commissioner and such other~~
9 ~~deputies, subordinates, officers, investigators, and other employees~~
10 ~~as may be necessary to implement the provisions of this title. Any~~
11 ~~employee of the Department of Public Safety appointed to the~~
12 ~~position of Assistant Commissioner shall have a right to return to~~
13 ~~the previous position of the employee without any loss of rights,~~
14 ~~privileges or benefits immediately upon completion of the duties as~~
15 ~~Assistant Commissioner, provided the employee is not otherwise~~
16 ~~disqualified.~~

17 ~~B.~~ When traveling with the Governor or at ~~his~~ the request of
18 the Governor:

19 1. Those personnel assigned by the ~~Commissioner~~ Superintendent
20 of the Oklahoma Department of Law Enforcement for executive security
21 shall be allowed their actual and necessary traveling expenses, upon
22 claims approved by the ~~Commissioner~~ Superintendent, and shall
23 receive, in addition to base salary, an additional One Hundred
24 Seventy-five Dollars (\$175.00) per month; and

1 2. Those personnel serving as noncommissioned pilots in the
2 Department of Public Safety shall be allowed their actual and
3 necessary traveling expenses, upon claims approved by the
4 ~~Commissioner~~ Superintendent.

5 ~~C.~~ B. Any person appointed to the position of Assistant
6 ~~Commissioner~~ Director of Public Safety shall be eligible for
7 retirement participation as a member of the Highway Patrol Division
8 in the Oklahoma Law Enforcement Retirement System if such person at
9 the time of appointment satisfies the age qualifications of an
10 Oklahoma Highway Patrolman as provided in subsection B of Section 2-
11 105 of this title; however, the Assistant ~~Commissioner~~ Director
12 shall be eligible for participation in only one retirement system
13 and shall elect in writing the system in which he or she intends to
14 participate within thirty (30) days of appointment. Any earned
15 benefits or any credits toward retirement benefits from previous
16 participation within the Oklahoma Public Employees Retirement System
17 or the Oklahoma Law Enforcement Retirement System shall remain
18 intact within that System should the Assistant Director elect to
19 become a new participant in a different retirement system.

20 ~~D.~~ C. The salaries of the employees of the ~~Department of Public~~
21 ~~Safety,~~ Oklahoma Department of Law Enforcement shall be governed by
22 and in accordance with the procedures established by the Office of
23 Management and Enterprise Services, unless otherwise provided by
24 law.

1 D. On or after November 1, 2016, any reference in the Oklahoma
2 Statutes to the Assistant Commissioner of Public Safety shall be
3 deemed to be a reference to the Assistant Director of Public Safety.

4 SECTION 11. AMENDATORY 63 O.S. 2011, Section 2-103, as
5 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.
6 2015, Section 2-103), is amended to read as follows:

7 Section 2-103. A. The Director shall be appointed by the
8 ~~Oklahoma State Bureau of Narcotics and Dangerous Drugs Control~~
9 ~~Commission~~ Superintendent of the Oklahoma Department of Law
10 Enforcement. ~~The Director of Narcotics and Dangerous Drugs Control~~
11 ~~on January 1, 1984, shall be initially appointed as Director. The~~
12 ~~succeeding Director shall, at the time of the appointment, have a~~
13 ~~Bachelor's Degree from an accredited college or university and at~~
14 ~~least five (5) years of experience in drug law enforcement. The~~
15 Subject to the approval of the Superintendent of the Oklahoma
16 Department of Law Enforcement, the Director may appoint necessary
17 assistants, agents, and other personnel to perform the work of the
18 office and may prescribe their titles and duties and fix their
19 compensation pursuant to Merit System rules. The Subject to the
20 approval of the Superintendent, the Director may appoint employees
21 to the positions of Chief of Law Enforcement Information and
22 Technology, Public Information/Education Officer, Training Officer,
23 Program Administrators, Grants Administrator, Criminal Analysts,
24 Legal Secretary, and Typist Clerk/Spanish Transcriptionists. The

1 positions shall be unclassified and exempt from the rules and
2 procedures of the Office of Management and Enterprise Services,
3 except leave regulations. ~~The office of the Director shall be~~
4 ~~located at a suitable place in Oklahoma City, Oklahoma.~~

5 B. 1. Agents appointed by the Director shall have the powers
6 of peace officers generally; provided, subject to the approval of
7 the Superintendent, the Director may appoint special agents and
8 reserve special agents, who shall be unclassified employees of the
9 state, to meet specific investigatory needs. Special agents and
10 reserve special agents shall not be required to meet the age and
11 educational requirements as specified in this section.

12 2. Agents appointed on and after November 1, 1998, shall be at
13 least twenty-one (21) years of age and shall have a Bachelor's
14 Degree from an accredited college or university.

15 3. Each entering agent, with the exception of special agents,
16 shall be required to serve one (1) year in a probationary status as
17 a prerequisite to being placed on permanent status.

18 C. Agents appointed pursuant to the provisions of this section
19 shall have the responsibility of investigating alleged violations
20 and shall have the authority to arrest those suspected of having
21 violated the provisions of the Uniform Controlled Dangerous
22 Substances Act, as well as the crimes ~~of money laundering and human~~
23 ~~trafficking,~~ as otherwise set forth by laws of this state.

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1 D. ~~The~~ Subject to the approval of the Superintendent, the
2 Director may appoint reserve special agents who shall not be
3 considered employees of the state and shall serve at the will of the
4 Director. Reserve special agents shall complete a minimum of one
5 hundred sixty (160) hours of training pursuant to Section 3311 of
6 Title 70 of the Oklahoma Statutes and may not serve more than one
7 hundred forty (140) hours per calendar month. Upon completion of
8 training, reserve special agents appointed by the Director shall
9 have general peace officer powers and the authority to arrest those
10 suspected of having violated the provisions of the Uniform
11 Controlled Dangerous Substances Act. The agency may expend funds
12 related to training and special reserve agents may receive travel
13 expenses pursuant to the State Travel Reimbursement Act.

14 E. A commissioned employee of the Oklahoma State Bureau of
15 Narcotics and Dangerous Drugs Control shall be entitled to receive
16 upon retirement by reason of length of service, the continued
17 custody and possession of the sidearm and badge carried by such
18 employee immediately prior to retirement.

19 F. A commissioned employee of the Bureau may be entitled to
20 receive, upon retirement by reason of disability, the continued
21 custody and possession of the sidearm and badge carried by such
22 employee immediately prior to retirement upon written approval of
23 the Director.

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1 G. Custody and possession of the sidearm and badge of a
2 commissioned employee killed in the line of duty may be awarded by
3 the Director to the spouse or next of kin of the deceased employee.

4 H. Custody and possession of the sidearm and badge of a
5 commissioned employee who dies while employed at the Oklahoma State
6 Bureau of Narcotics and Dangerous Drugs Control may be awarded by
7 the Director to the spouse or next of kin of the deceased employee.

8 I. Any Director appointed on or after July 1, 2003, shall be
9 eligible to participate in either the Oklahoma Public Employees
10 Retirement System or in the Oklahoma Law Enforcement Retirement
11 System and shall make an irrevocable election in writing to
12 participate in one of the two retirement systems within thirty (30)
13 days of appointment.

14 SECTION 12. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2-103.2 of Title 63, unless
16 there is created a duplication in numbering, reads as follows:

17 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
18 Control Commission is hereby abolished. All duties and powers of
19 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control
20 Commission shall be assumed and be performed by the Oklahoma
21 Department of Law Enforcement. The Director of the Oklahoma State
22 Bureau of Narcotics and Dangerous Drugs Control shall be under the
23 general supervision of the Superintendent of the Oklahoma Department
24 of Law Enforcement.

1 B. On or after November 1, 2016, any reference in the Oklahoma
2 Statutes to the Oklahoma State Bureau of Narcotics and Dangerous
3 Drugs Control Commission shall be deemed to be a reference to the
4 Oklahoma Department of Law Enforcement.

5 SECTION 13. AMENDATORY 63 O.S. 2011, Section 2-106, as
6 amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2015,
7 Section 2-106), is amended to read as follows:

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

11 1. Cooperate with federal and other state agencies in
12 discharging the responsibilities concerning traffic in narcotics and
13 dangerous substances and in suppressing the abuse of dangerous
14 substances;

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

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

19 4. ~~Cooperate with the Oklahoma State Bureau of Narcotics and~~
20 ~~Dangerous Drugs Control by establishing~~ Establish a centralized unit
21 which will accept, catalog, file and collect statistics, including
22 records of drug-dependent persons and other dangerous substance law
23 offenders within the state, and make such information available for
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1 federal, state and local law enforcement purposes; and may collect
2 and furnish statistics for other appropriate purposes; and

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

6 B. Results, information and evidence received from the Oklahoma
7 State Bureau of Narcotics and Dangerous Drugs Control relating to
8 the regulatory functions of this act, including results of
9 inspections conducted by that agency, may be relied upon and acted
10 upon by the Director in conformance with the regulatory functions
11 under this act.

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

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

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

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

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

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

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

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

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

15 ~~9.~~ Supervise and direct agents appointed in the performance of
16 their function of enforcement of the provisions of this act.

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

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

20 2. Cooperate in establishing methods to assess accurately the
21 effects of controlled dangerous substances and to identify and
22 characterize controlled dangerous substances with potential for
23 abuse; and
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1 3. Cooperate in making studies and in undertaking programs of
2 research to:

3 a. develop new or improved approaches, techniques,
4 systems, equipment and devices to strengthen the
5 enforcement of this act,

6 b. determine patterns of misuse and abuse of controlled
7 dangerous substances and the social effects thereof,
8 and

9 c. improve methods for preventing, predicting,
10 understanding and dealing with the misuse and abuse of
11 controlled dangerous substances.

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

20 F. The ~~Director~~ Superintendent of the Oklahoma Department of
21 Law Enforcement may enter into contracts with public agencies,
22 institutions of higher education and private organizations or
23 individuals for the purpose of conducting research, demonstrations
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1 or special projects which bear directly on misuse and abuse of
2 controlled dangerous substances.

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

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

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

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

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

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

10 ~~M. The Director shall be in charge of all monies appropriated
11 for or deposited to the credit of the office of the Director and is
12 authorized to approve claims and payrolls as provided in Section
13 41.26 of Title 62 of the Oklahoma Statutes.~~

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

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

1 SECTION 14. AMENDATORY 63 O.S. 2011, Section 2-106.2, is
2 amended to read as follows:

3 Section 2-106.2. A. The Oklahoma ~~State Bureau of Narcotics and~~
4 ~~Dangerous Drugs Control~~ Department of Law Enforcement, pursuant to
5 rules promulgated by the Oklahoma ~~State Bureau of Narcotics and~~
6 ~~Dangerous Drugs Control~~ Law Enforcement Commission, is hereby
7 authorized to:

8 1. Make available for sale used vehicles, used equipment and
9 forfeited property to any federal, state, county, or municipal
10 agency, trust authority or public school district;

11 2. Sell at public auction any used vehicles, used equipment and
12 any property forfeited to the Bureau; and

13 3. Donate or transfer title to any surplus property as defined
14 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property
15 forfeited to the Bureau, to any law enforcement agency of any
16 political subdivision of the State of Oklahoma. The use of such
17 donated equipment shall be limited to valid and authorized law
18 enforcement efforts by the receiving agency.

19 B. Any property subject to this section shall be exempted from
20 the provisions set forth in Section 62.3 of Title 74 of the Oklahoma
21 Statutes.

22 SECTION 15. AMENDATORY 63 O.S. 2011, Section 2-110, as
23 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2015,
24 Section 2-110), is amended to read as follows:

1 Section 2-110. ~~The Director of the Oklahoma State Bureau of~~
2 ~~Narcotics and Dangerous Drugs Control~~ Department of Law Enforcement
3 may employ attorneys, who shall be unclassified employees of the
4 state, or contract with attorneys, as needed. These attorneys may
5 advise the ~~Director~~ Superintendent of the Oklahoma Department of Law
6 Enforcement, the Oklahoma ~~State Bureau of Narcotics and Dangerous~~
7 ~~Drugs Control~~ Law Enforcement Commission and ~~Bureau~~ Oklahoma
8 Department of Law Enforcement personnel on all legal matters and
9 shall appear for and represent the ~~Director~~ Superintendent, the
10 Oklahoma Law Enforcement Commission and ~~Bureau~~ Oklahoma Department
11 of Law Enforcement personnel in all administrative hearings and all
12 litigation or other proceedings which may arise in the discharge of
13 their duties. At the request of the Oklahoma ~~State Bureau of~~
14 ~~Narcotics and Dangerous Drugs Control Commission~~ Superintendent,
15 such attorney shall assist the district attorney in prosecuting
16 charges of violators of the Uniform Controlled Dangerous Substances
17 Act or any felony relating to or arising from a violation of the
18 Uniform Controlled Dangerous Substances Act. Attorneys for the
19 ~~Bureau~~ Oklahoma Department of Law Enforcement who have been
20 certified by the Council on Law Enforcement Education and Training
21 to carry a weapon or have been issued a handgun license pursuant to
22 the provisions of the Oklahoma Self-Defense Act shall be allowed to
23 carry weapons pursuant to paragraph 3 of subsection A of Section
24 1272 of Title 21 of the Oklahoma Statutes. These attorneys,

1 pursuant to this provision, shall not be considered eligible to
2 participate in the Oklahoma Law Enforcement Retirement System. If a
3 conflict of interest would be created by such attorney representing
4 the ~~Director~~ Superintendent, the Oklahoma Law Enforcement Commission
5 or ~~Bureau~~ Oklahoma Department of Law Enforcement personnel,
6 additional counsel may be hired upon approval of the Oklahoma ~~State~~
7 ~~Bureau of Narcotics and Dangerous Drugs Control~~ Law Enforcement
8 Commission.

9 SECTION 16. AMENDATORY 74 O.S. 2011, Section 62.3, as
10 amended by Section 707, Chapter 304, O.S.L. 2012 (74 O.S. Supp.
11 2015, Section 62.3), is amended to read as follows:

12 Section 62.3. A. The Director of the Office of Management and
13 Enterprise Services shall promulgate rules for use by state agencies
14 and the Office of Management and Enterprise Services to dispose of
15 surplus property. The rules shall include standards for
16 recordkeeping, methods for removal or disposal of surplus property,
17 and acquisition by state agencies and authorized entities of surplus
18 property, and for Office management of surplus property programs.

19 B. A state agency selling, trading, redistributing or otherwise
20 disposing of surplus property shall comply with the rules
21 promulgated by the Director.

22 C. The Office shall make surplus property available to state
23 agencies and authorized entities, which shall include political
24

1 subdivisions, school districts, and nonprofit entities of this
2 state.

3 D. The provisions of the Oklahoma Surplus Property Act shall
4 not apply to institutions of higher education in this state, or the
5 Northeast Oklahoma Public Facilities Authority. The Grand River Dam
6 Authority shall be exempt from the provisions of the Oklahoma
7 Surplus Property Act for any surplus property disposed of prior to
8 November 1, 2006. ~~CompSource Oklahoma shall be exempt from the~~
9 ~~provisions of the Oklahoma Surplus Property Act if CompSource~~
10 ~~Oklahoma is operating pursuant to a pilot program authorized by~~
11 ~~Sections 3316 and 3317 of this title.~~

12 E. Notwithstanding the provisions of the Oklahoma Surplus
13 Property Act, the Oklahoma ~~State Bureau of Investigation~~ Department
14 of Law Enforcement may, pursuant to rules promulgated by the
15 Oklahoma ~~State Bureau of Investigation~~ Law Enforcement Commission
16 for that purpose, donate any surplus property, as defined in Section
17 62.2 of this title, to any law enforcement agency of any political
18 subdivision of the State of Oklahoma. The use of such donated
19 equipment shall be limited to valid and authorized law enforcement
20 efforts by the receiving agency.

21 SECTION 17. AMENDATORY 74 O.S. 2011, Section 150.2, as
22 amended by Section 7, Chapter 397, O.S.L. 2015 (74 O.S. Supp. 2015,
23 Section 150.2), is amended to read as follows:

24

1 Section 150.2. The Oklahoma ~~State Bureau of Investigation~~
2 Department of Law Enforcement shall have the power and duty to:

3 1. Maintain a nationally accredited scientific laboratory to
4 assist all law enforcement agencies in the discovery and detection
5 of criminal activity;

6 2. Maintain fingerprint and other identification files
7 including criminal history records, juvenile identification files,
8 and DNA profiles;

9 3. Establish, coordinate and maintain the automated
10 fingerprinting identification system (AFIS) and the deoxyribonucleic
11 acid (DNA) laboratory;

12 4. Operate teletype, mobile and fixed radio or other
13 communications systems;

14 5. Conduct schools and training programs for the agents, peace
15 officers, and technicians of this state charged with the enforcement
16 of law and order and the investigation and detection of crime;

17 6. Assist the ~~Director of the Oklahoma State Bureau of~~
18 ~~Narcotics and Dangerous Drugs Control,~~ the Chief Medical Examiner,
19 and all law enforcement officers and district attorneys when such
20 assistance is requested, in accordance with the policy determined by
21 the Oklahoma ~~State Bureau of Investigation~~ Law Enforcement
22 ~~Commission established in Section 150.3 of this title;~~

23 7. Investigate and detect criminal activity when directed to do
24 so by the Governor;

1 8. Investigate, detect, institute and maintain actions
2 involving vehicle theft pursuant to Section 150.7a of this title or
3 oil, gas or oil field equipment theft pursuant to Sections 152.2
4 through 152.9 of this title;

5 9. Investigate any criminal threat made to the physical safety
6 of elected or appointed officials of this state or any political
7 subdivision of the state ~~and forward the results of that~~
8 ~~investigation to the Department of Public Safety,~~ and provide
9 security to foreign elected or appointed officials while they are in
10 this state on official business;

11 10. Investigate and detect violations of the Oklahoma Computer
12 Crimes Act; and

13 11. Investigate and enforce all laws relating to any crime
14 listed in Section 571 of Title 57 of the Oklahoma Statutes that
15 ~~occur~~ occurs on the turnpikes.

16 SECTION 18. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 150.2a of Title 74, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Oklahoma State Bureau of Investigation Commission is
20 hereby abolished. All duties and powers of the Oklahoma State
21 Bureau of Investigation Commission shall be assumed and be performed
22 by the Oklahoma Department of Law Enforcement. The Director of the
23 Oklahoma State Bureau of Investigation shall be under the general
24

1 supervision of the Superintendent of the Oklahoma Department of Law
2 Enforcement.

3 B. On or after November 1, 2016, any reference in the Oklahoma
4 Statutes to the Oklahoma State Bureau of Investigation Commission
5 shall be deemed to be a reference to the Oklahoma Department of Law
6 Enforcement.

7 SECTION 19. AMENDATORY 74 O.S. 2011, Section 150.7, as
8 amended by Section 1, Chapter 136, O.S.L. 2015 (74 O.S. Supp. 2015,
9 Section 150.7), is amended to read as follows:

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

13 1. ~~To~~ Subject to the approval of the Superintendent of the
14 Oklahoma Department of Law Enforcement, appoint or dismiss a Deputy
15 Director who shall have the same qualifications as the Director;

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

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

3 3. ~~To report~~ Report to the Superintendent of the Oklahoma
4 Department of Law Enforcement Commission ~~at each regular meeting,~~ or
5 as directed by the Oklahoma Law Enforcement Commission, the current
6 workload of the Bureau. Such reports shall be submitted by category
7 of the persons or entities authorized to initiate investigations as
8 provided for in subsection A of Section 150.5 of this title, and any
9 other category the Superintendent or Commission may request which
10 does not violate the confidentiality restrictions imposed in
11 Sections 150.1 through 152.9 of this title. Such reports shall
12 contain the following information:

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

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

22 4. ~~Fe~~ Upon approval of the Superintendent of the Oklahoma
23 Department of Law Enforcement designate positions, and appoint
24 employees and fix salaries of the Bureau, other than the salaries

1 established by subsection A of Section 150.6a of this title, and ~~to~~
2 authorize the payment of necessary certification expenses for the
3 employees; and

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

12 ~~6. To~~ Upon approval of the Superintendent of the Oklahoma
13 Department of Law Enforcement, enter into local cooperative
14 agreements with local law enforcement agencies for the purpose of
15 appointing affiliate task force agents to assist ~~the Bureau~~ in the
16 investigation of major crimes under the jurisdiction of the ~~Bureau~~
17 Oklahoma Department of Law Enforcement. Affiliate task force agents
18 shall be employees and commissioned law enforcement officers of the
19 local law enforcement agency entering into agreement with the ~~Bureau~~
20 Oklahoma Department of Law Enforcement and shall not be employees of
21 the ~~Bureau~~ Oklahoma Department of Law Enforcement. Affiliate task
22 force agents shall have general peace officer powers and the
23 authority to arrest persons throughout the state while serving as an
24 affiliate task force agent. Affiliate task force agents serve

1 solely at the discretion and will of the Director. ~~The~~ Upon
2 approval of the Superintendent, the Director may renew, suspend, or
3 revoke any agreement appointing an affiliate task force agent at any
4 time.

5 SECTION 20. AMENDATORY 74 O.S. 2011, Section 150.13A, as
6 amended by Section 1, Chapter 89, O.S.L. 2012 (74 O.S. Supp. 2015,
7 Section 150.13A), is amended to read as follows:

8 Section 150.13A. A. The Director of the Oklahoma State Bureau
9 of Investigation is hereby authorized to appoint, with the approval
10 of the ~~Oklahoma State Bureau of Investigation Commission~~
11 Superintendent of the Oklahoma Department of Law Enforcement,
12 special officers that shall have enforcement authority related to
13 the investigation of oil and gas industry crimes, which shall
14 include the larceny of equipment, property, supplies or products.
15 The number of special officers shall not exceed twenty (20)
16 positions and those special officers shall not be salaried employees
17 of the ~~Bureau~~ Oklahoma Department of Law Enforcement, but shall at
18 all times be subject to the orders and directions of the Director.
19 In addition, the special officers shall not have authority to
20 enforce any laws except the provisions of the Oklahoma Statutes
21 relating directly to oil and gas industry crimes, for which they
22 will have the same authority as any other peace officer. The
23 special officers shall be known as Special Investigators.

24

1 B. Special Investigators shall not receive any compensation or
2 expenses from this state or any of its departments, agencies or
3 subdivisions for their services. Before the issuance of a special
4 commission, each Special Investigator shall enter into a good and
5 sufficient bond executed by a surety company authorized to do
6 business in this state in the sum of Five Hundred Thousand Dollars
7 (\$500,000.00). The bond shall also be approved by the ~~Director~~
8 Superintendent of the Oklahoma Department of Law Enforcement and
9 shall indemnify all persons against damages accruing as a result of
10 any illegal or unlawful acts on the part of the Special
11 Investigators. The special commissions shall expire on January 1 of
12 the odd-numbered year after the appointment. The ~~Director~~
13 Superintendent of the Oklahoma Department of Law Enforcement may
14 renew, suspend or revoke any special commission at any time.

15 SECTION 21. AMENDATORY 74 O.S. 2011, Section 150.16, as
16 amended by Section 1, Chapter 156, O.S.L. 2012 (74 O.S. Supp. 2015,
17 Section 150.16), is amended to read as follows:

18 Section 150.16. The Oklahoma ~~State Bureau of Investigation~~
19 Department of Law Enforcement is hereby authorized to own and
20 operate aircraft and to rent or charter aircraft on a project or
21 mission basis, such rental or charter to last only for the duration
22 of the project or mission. The ~~Bureau~~ Superintendent of the
23 Oklahoma Department of Law Enforcement is also authorized to pay,
24 from any funds available ~~to the Bureau~~, expenses involved in

1 qualifying multiengine and instrument pilots as may be required to
2 accomplish agency responsibilities.

3 SECTION 22. REPEALER 63 O.S. 2011, Section 2-104.1, is
4 hereby repealed.

5 SECTION 23. REPEALER 74 O.S. 2011, Sections 150.3 and
6 150.4, are hereby repealed.

7 SECTION 24. This act shall become effective November 1, 2016.

8 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
9 February 24, 2016 - DO PASS AS AMENDED

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