

1 ENGROSSED SENATE  
2 BILL NO. 1561

By: Shortey of the Senate

3 and

4 Christian of the House

5  
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 -  
Oklahoma Surplus Property Act - eliminating  
references - repealer - codification -  
noncodification - effective dates ]

10

11

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

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

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

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

20 Effective December 1, 2016, a department of the government of  
21 this state to be known as the "Oklahoma Department of Law  
22 Enforcement" shall be created. It shall be the mission of the  
23 Oklahoma Department of Law Enforcement to enforce the laws  
24 protecting the safety of the public and provide for the prevention

1 and detection of crime. Upon formation, the divisions of the  
2 Oklahoma Department of Law Enforcement shall consist of the  
3 Department of Public Safety, the Oklahoma Highway Patrol, the  
4 Oklahoma State Bureau of Investigation and the Oklahoma State Bureau  
5 of Narcotics and Dangerous Drugs Control. The Superintendent of the  
6 Oklahoma Department of Law Enforcement, created in Section 5 of this  
7 act, shall oversee the Department of Law Enforcement. The  
8 Superintendent shall have authority to delegate duties and  
9 responsibilities to the respective division directors or  
10 commissioners.

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

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

1 the Governor, shall be confirmed by the Oklahoma State Senate. The  
2 term of office for each member shall be seven (7) years. The  
3 initial appointments made by the Oklahoma House of Representatives  
4 and the Oklahoma State Senate shall be announced and become  
5 effective on September 1, 2016. The appointments made by the  
6 Governor shall be announced and become effective on September 5,  
7 2016. The initial appointments shall be made for the following  
8 terms:

9 1. The Speaker of the Oklahoma House of Representatives shall  
10 appoint one member for a term of seven (7) years;

11 2. The President Pro Tempore of the Oklahoma State Senate shall  
12 appoint one member for a term of six (6) years;

13 3. The Governor shall appoint one member who shall be a  
14 district attorney while serving in that capacity for a term of five  
15 (5) years;

16 4. The Governor shall appoint one member who shall be a sheriff  
17 while serving in that capacity for a term of four (4) years;

18 5. The Governor shall appoint one member who shall be a chief  
19 of police while serving in that capacity for a term of three (3)  
20 years; and

21 6. The Governor shall appoint the two remaining members from  
22 the state at large, one of whom shall serve for a term of two (2)  
23 years and the other member shall serve for a term of one (1) year.

24

1 A member may serve more than one term on the Council. Vacancies  
2 occurring during a term shall be filled for the unexpired portion of  
3 the term by the same procedure used to make the regular  
4 appointments. The Governor may remove any member of the Council for  
5 cause.

6 B. Annually the Council shall select one of the Council members  
7 to serve as chair and one member to serve as vice-chair. The  
8 Council shall meet at least quarterly. The chair shall preside at  
9 all meetings of the Council and shall have the power to call  
10 meetings of the Council. In addition, meetings of the Council may  
11 be called by a majority of the members. The vice-chair shall  
12 perform the duties of the chair in the absence or incapacity of the  
13 chair. A quorum of four members of the Council shall be necessary  
14 to conduct any official business. All actions taken by the Council  
15 shall be by a simple majority vote of a quorum. In the event of a  
16 tie vote, the measure being voted upon shall be deemed to have  
17 failed. The Council may adopt rules and procedures for the orderly  
18 performance of its functions.

19 C. Members of the Council shall serve without salary but may be  
20 reimbursed for travel and other expenses in attending meetings and  
21 performing their duties in the manner provided for under the State  
22 Travel Reimbursement Act. No other provisions of law shall be  
23 construed as prohibiting public officers from also serving as  
24 members of the Council; provided, however, no employee of the

1 Department of Public Safety, Oklahoma Highway Patrol, Oklahoma State  
2 Bureau of Investigation or Oklahoma Bureau of Narcotics and  
3 Dangerous Drugs Control, while holding such position, shall also  
4 serve on the Council. Nor shall any other provision of law be  
5 construed as prohibiting public officers or public employees from  
6 performing services for the Council without compensation.

7 D. The initial meeting of the Council shall be held on  
8 September 15, 2016, at 7:00 p.m. The Oklahoma State Bureau of  
9 Investigation shall provide initial legal counsel to the Council.  
10 The Oklahoma Bureau of Narcotics and Dangerous Drugs Control shall  
11 facilitate the initial meetings of the Council by providing staff, a  
12 meeting location and all other services that may be required to  
13 support the activities of the Council, with exception of legal  
14 counsel. These services shall be provided to the Council until such  
15 time as the Council directs otherwise. The Council may choose to  
16 coordinate legal counsel, staffing and training services with the  
17 Executive Branch.

18 E. The Department of Public Safety shall provide training for  
19 the Council at the initial meeting of the Council. The training  
20 program must provide the Council with information regarding:

21 1. The legislation that created the Oklahoma Department of Law  
22 Enforcement and the Oklahoma Law Enforcement Council;

23 2. The powers, duties and responsibilities of the Council under  
24 Oklahoma law;

1           3. The requirements of the Oklahoma Open Records Act and  
2 Oklahoma Open Meeting Act;

3           4. Any administrative procedure law that may be relevant for  
4 the functioning of the Council; and

5           5. Other laws relating to public officials, including laws  
6 concerning conflicts of interest or any applicable laws or rules  
7 adopted by the Oklahoma Ethics Commission.

8           F. The Department of Public Safety, the Oklahoma Highway  
9 Patrol, the Oklahoma State Bureau of Investigation and the Oklahoma  
10 Bureau of Narcotics and Dangerous Drugs Control shall each appoint a  
11 transition coordinator to advise the Oklahoma Law Enforcement  
12 Council and present the following information to the Council  
13 regarding each of their respective agencies at the initial Council  
14 meeting:

- 15           1. The duties, powers and responsibilities of the agency;
- 16           2. The role and functions of the agency;
- 17           3. The structure of the agency; and
- 18           4. A fiscal overview and current budget of the agency.

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

22           The Oklahoma Law Enforcement Council shall have the following  
23 powers, duties and responsibilities:

- 24           1. Formulate plans and policies for:

- 1           a.    enforcement of state criminal, traffic and safety
- 2                laws,
- 3           b.    prevention of crime,
- 4           c.    detection and apprehension of persons who violate the
- 5                laws, and
- 6           d.    education of citizens of this state in the promotion
- 7                of public safety and the observance of the law;
- 8           2.    Oversee operations of the Oklahoma Department of Law
- 9   Enforcement;
- 10           3.    Maintain records of all proceedings and official orders;
- 11           4.    Appoint an advisory committee consisting of local sheriffs,
- 12   police, tribal police, district attorneys and any other person to
- 13   act in an advisory capacity to the Council or Superintendent of the
- 14   Oklahoma Department of Law Enforcement. The Council may also
- 15   formulate and put into effect plans of cooperation to prevent and
- 16   discover crime, apprehend criminals and promote public safety;
- 17           5.    No later than November 15, 2016, and at such time as
- 18   appropriate thereafter, appoint the Superintendent of the Oklahoma
- 19   Department of Law Enforcement, who shall serve at the pleasure of
- 20   the Council;
- 21           6.    Develop and implement oversight policies that clearly
- 22   separate the responsibilities of the Council and the management
- 23   responsibilities of the Superintendent of the Oklahoma Department of
- 24   Law Enforcement; and

1           7. When the position of Superintendent of the Oklahoma  
2 Department of Law Enforcement is vacant, designate an interim  
3 Superintendent until a new Superintendent is appointed.

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

7           A. The Oklahoma Law Enforcement Council shall appoint a  
8 Superintendent for the Oklahoma Department of Law Enforcement. The  
9 Superintendent of the Oklahoma Department of Law Enforcement shall  
10 serve at the pleasure of the Council for such compensation as is set  
11 by the Council. The Superintendent shall be qualified for such  
12 position by character, knowledge, skill, ability, education,  
13 training and successful administrative experience in the field of  
14 law enforcement. The Superintendent shall be subject to the advice,  
15 consent and confirmation by the Oklahoma State Senate.

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

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



1 Narcotics and Dangerous Drugs Control shall remain under the  
2 respective agency, unless otherwise modified, merged or reorganized  
3 by the Superintendent.

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

7 A. The Superintendent of the Oklahoma Department of Law  
8 Enforcement shall have the following powers, duties and  
9 responsibilities:

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

15 2. Be directly responsible to the Council for the affairs of  
16 the Oklahoma Department of Law Enforcement and all divisions under  
17 his or her control;

18 3. Act as executive director of the Oklahoma Department of Law  
19 Enforcement;

20 4. Appoint a Commissioner of Public Safety, Director of the  
21 Oklahoma State Bureau of Investigation, Chief of the Oklahoma  
22 Highway Patrol and Director of the Oklahoma State Bureau of  
23 Narcotics and Dangerous Drugs Control and any other directors,  
24 assistant directors, deputy directors and other staff that may be

1 necessary and proper for the administration of the Oklahoma  
2 Department of Law Enforcement who shall serve at the pleasure of the  
3 Superintendent of the Oklahoma Department of Law Enforcement. Any  
4 employee in a classified position under the Merit System of  
5 Personnel Administration who is appointed as staff of the  
6 Superintendent shall have the right to return to the classified  
7 service without any loss of rights, privileges or benefits  
8 immediately upon completion of the duties of the employee provided  
9 the employee is not otherwise disqualified. Personnel transferred  
10 from their respective division to the Oklahoma Department of Law  
11 Enforcement shall not be required to accept a lesser salary than  
12 presently received; provided, the provisions of this section shall  
13 not operate to prohibit the imposition of furloughs or reductions-  
14 in-force with respect to such personnel as allowed by law.  
15 Personnel transferred shall be placed into an existing classified  
16 job family at the classification level in which they meet  
17 qualifications without an entrance exam or subject to any other  
18 competitive hiring process required by the Oklahoma Personnel Act or  
19 the Merit System of Personnel Administrative Rules. All such  
20 persons shall retain seniority, leave, sick and annual time earned  
21 and any retirement benefits which have accrued during their tenure  
22 with their respective division. The transfer of personnel among the  
23 divisions shall be coordinated with the Office of Management and  
24 Enterprise Services;

1           5.   Oversee the activities of the Oklahoma Department of Law  
2 Enforcement and all divisions under the control of the Department  
3 and, subject to the policies established by the Council, act for the  
4 Department in all matters, including budgetary matters and  
5 expenditures of the divisions, except as may be otherwise provided  
6 in this act;

7           6.   Promulgate rules and regulations, subject to the approval of  
8 the Council, considered necessary for the control of the Oklahoma  
9 Department of Law Enforcement;

10          7.   By November 1, 2017, submit to the Council for approval a  
11 plan for a unified position and compensation system for state law  
12 enforcement;

13          8.   By November 1, 2017, submit to the Council for approval a  
14 plan to unify state law enforcement data collection and data  
15 systems;

16          9.   By November 1, 2017, submit to the Council for approval a  
17 plan to standardize and integrate operational boundaries for the  
18 Oklahoma Department of Law Enforcement;

19          10.  By November 1, 2017, after consultation with the Council on  
20 Law Enforcement Education and Training (CLEET), submit to the  
21 Council for approval, a plan to develop a focused, common training  
22 and leadership development program for all members of the Oklahoma  
23 Department of Law Enforcement;

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1           11. Enter into contracts with public agencies, institutions of  
2 higher education and private organizations or individuals for the  
3 purpose of conducting research, demonstrations or special projects  
4 which bear directly on the operation of the Department or the  
5 reduction of crime;

6           12. Enter into contracts for educational and research  
7 activities without performance bonds;

8           13. Subject to approval by the Council, create, modify, merge,  
9 reorganize, rename or eliminate any of the agencies, divisions or  
10 units within the Oklahoma Department of Law Enforcement 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           14. Commission employees as peace officers of the Oklahoma  
15 Department of Law Enforcement;

16           15. Have authority to investigate any complaint against the  
17 Oklahoma Department of Law Enforcement or any of its employees;

18           16. Be directly responsible for all monies appropriated for and  
19 deposited to the credit of the Oklahoma Department of Law  
20 Enforcement and each agency under its control and approve all claims  
21 and payments as provided in Section 34.68 of Title 62 of the  
22 Oklahoma Statutes;

23

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

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

6        19. The Superintendent, peace officers and other essential  
7 employees of the Oklahoma Department of Law Enforcement may be  
8 permitted to use a state-owned or leased vehicle to provide  
9 transportation between the residence of the employee and the  
10 assigned place of employment and between the residence and any  
11 location other than the assigned place of employment to which the  
12 employee travels in the performance of the official duty of the  
13 employee;

14        20. Subject to approval by the Council, transfer assets within  
15 the Oklahoma Department of Law Enforcement as may be necessary and  
16 proper for the operation of the Department; and

17        21. By November 1, 2017, submit to the Council a plan for  
18 obtaining national accreditation for the Oklahoma Department of Law  
19 Enforcement.

20        22. Prepare, swear to, submit to the Governor or a designee and  
21 file in the records of the department, a quarterly statement  
22 containing an itemized list of all funds received and spent, the  
23 source of said funds and the purpose for which the funds were  
24 expended.

1           23. Effective July 1, 2017, the Oklahoma Department of Law  
2 Enforcement may be exempt from the Oklahoma Office of Management and  
3 Enterprise Services (OMES) Information Technology rules related to  
4 the operation and maintenance of the land mobile radio system. The  
5 Department shall be responsible for the state-wide land mobile radio  
6 system and all related equipment and software.

7           24. Effective July 1, 2017, all employees of the Oklahoma  
8 Department of Law Enforcement may be under the authority of the  
9 Superintendent and shall be exempt from OMES governance.

10          B. After appointment and before entering upon the discharge of  
11 his or her duties, the Superintendent shall take and subscribe to  
12 the oath of office required by the Constitution. Bonding of the  
13 Superintendent and other employees of the Oklahoma Department of Law  
14 Enforcement shall be provided under the provisions of Section 85.26  
15 of Title 74 of the Oklahoma Statutes.

16          SECTION 7.        AMENDATORY        47 O.S. 2011, Section 2-101, as  
17 amended by Section 159, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
18 2015, Section 2-101), is amended to read as follows:

19          Section 2-101. ~~(a)~~ A. A department of the government of this  
20 state to be known as the "Department of Public Safety" is hereby  
21 created, and offices for the Department shall be furnished by the  
22 Office of Management and Enterprise Services. The Department of  
23 Public Safety shall be under the control and supervision of the  
24

1 Commissioner of Public Safety, which office and position is hereby  
2 created.

3 The Commissioner shall have such powers and authority as may be  
4 granted by the provisions of the Uniform Vehicle Code or as may  
5 otherwise be provided by law.

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

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

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

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

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

15           4. The Commissioner shall be allowed the actual and necessary  
16 expenses incurred in the performance of official duties of the  
17 Commissioner while away from the office.

18           B. The Commissioner of Public Safety, after appointment and  
19 before entering upon the discharge of duties, shall take and  
20 subscribe to the oath of office required by the Constitution.  
21 Bonding of the Commissioner of Public Safety and other employees of  
22 the Department will be provided under the provisions of Section  
23 85.26 of Title 74 of the Oklahoma Statutes.

24



1 C. The Commissioner of Public Safety shall be eligible to  
2 participate in either the Oklahoma Public Employees Retirement  
3 System or in the Oklahoma Law Enforcement Retirement System and  
4 shall make an irrevocable election in writing to participate in one  
5 of the two retirement systems within thirty (30) days of  
6 appointment. Any earned benefits or any credits toward retirement  
7 benefits from previous participation within the Oklahoma Public  
8 Employees Retirement System or the Oklahoma Law Enforcement  
9 Retirement System shall remain intact within that System should the  
10 Commissioner elect to become a new participant in a different  
11 retirement system.

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

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

22 B. Unless otherwise provided by law, salaries and traveling  
23 expenses of employees of the Department of Public Safety and the  
24 cost of equipment ~~for the Department~~ shall be paid from the

1 appropriations made to the Oklahoma Department of ~~Public Safety~~ Law  
2 Enforcement.

3 C. The Commissioner, with the approval of the Superintendent,  
4 ~~is may be~~ authorized to purchase and maintain motor vehicles and  
5 other equipment for use by the employees of the Oklahoma Department  
6 of Law Enforcement.

7 SECTION 10. AMENDATORY 47 O.S. 2011, Section 2-104, as  
8 amended by Section 160, Chapter 304, O.S.L. 2012 (47 O.S. Supp.  
9 2015, Section 2-104), is amended to read as follows:

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

21 ~~B.~~ When traveling with the Governor or at ~~his~~ the request of  
22 the Governor:

23 1. Those personnel assigned by the Commissioner of Public  
24 Safety for executive security shall be allowed their actual and

1 necessary traveling expenses, upon claims approved by the  
2 ~~Commissioner~~ Superintendent, and shall receive, in addition to base  
3 salary, an additional One Hundred Seventy-five Dollars (\$175.00) per  
4 month; and

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

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

24

1        ~~D.~~ C. The salaries of the employees of the Department of Public  
2 Safety, shall be governed by and in accordance with the procedures  
3 established by the Office of Management and Enterprise Services,  
4 unless otherwise provided by law.

5        SECTION 11.        AMENDATORY        47 O.S. 2011, Section 2-121, is  
6 amended to read as follows:

7        Section 2-121. The Department of Public Safety shall establish  
8 or provide for a Legal Division ~~and the Commissioner.~~ Subject to  
9 the approval of the Superintendent of the Oklahoma Department of Law  
10 Enforcement, the Commissioner of Public Safety may employ attorneys  
11 as needed, which may be on a full-time or part-time basis, ~~which.~~  
12 The attorneys, in addition to advising the Commissioner, the  
13 Superintendent of the Oklahoma Department of Law Enforcement, the  
14 Oklahoma Law Enforcement Council, Highway Patrol and other  
15 Department personnel on legal matters, may appear for and represent  
16 the Commissioner, the Superintendent, the Oklahoma Law Enforcement  
17 Commission, Highway Patrol and Department in administrative hearings  
18 and other legal actions and proceedings. Provided, that it shall  
19 continue to be the duty of the Attorney General to give his or her  
20 official opinion to the Commissioner and Superintendent and to  
21 prosecute and defend actions therefor, if requested to do so.

22        SECTION 12.        AMENDATORY        63 O.S. 2011, Section 2-103, as  
23 last amended by Section 1, Chapter 305, O.S.L. 2015 (63 O.S. Supp.  
24 2015, Section 2-103), is amended to read as follows:

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

23 B. 1. Agents appointed by the Director shall have the powers  
24 of peace officers generally; provided, subject to the approval of

1 the Superintendent, the Director may appoint special agents and  
2 reserve special agents, who shall be unclassified employees of the  
3 state, to meet specific investigatory needs. Special agents and  
4 reserve special agents shall not be required to meet the age and  
5 educational requirements as specified in this section.

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

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

12 C. Agents appointed pursuant to the provisions of this section  
13 shall have the responsibility of investigating alleged violations  
14 and shall have the authority to arrest those suspected of having  
15 violated the provisions of the Uniform Controlled Dangerous  
16 Substances Act, as well as the crimes of money laundering and human  
17 trafficking, as otherwise set forth by laws of this state.

18 D. ~~The~~ Subject to the approval of the Superintendent, the  
19 Director may appoint reserve special agents who shall not be  
20 considered employees of the state and shall serve at the will of the  
21 Director. Reserve special agents shall complete a minimum of one  
22 hundred sixty (160) hours of training pursuant to Section 3311 of  
23 Title 70 of the Oklahoma Statutes and may not serve more than one  
24 hundred forty (140) hours per calendar month. Upon completion of

1 training, reserve special agents appointed by the Director shall  
2 have general peace officer powers and the authority to arrest those  
3 suspected of having violated the provisions of the Uniform  
4 Controlled Dangerous Substances Act. The agency may expend funds  
5 related to training and special reserve agents may receive travel  
6 expenses pursuant to the State Travel Reimbursement Act.

7 E. A commissioned employee of the Oklahoma State Bureau of  
8 Narcotics and Dangerous Drugs Control shall be entitled to receive  
9 upon retirement by reason of length of service, the continued  
10 custody and possession of the sidearm and badge carried by such  
11 employee immediately prior to retirement.

12 F. A commissioned employee of the Bureau may be entitled to  
13 receive, upon retirement by reason of disability, the continued  
14 custody and possession of the sidearm and badge carried by such  
15 employee immediately prior to retirement upon written approval of  
16 the Director.

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

20 H. Custody and possession of the sidearm and badge of a  
21 commissioned employee who dies while employed at the Oklahoma State  
22 Bureau of Narcotics and Dangerous Drugs Control may be awarded by  
23 the Director to the spouse or next of kin of the deceased employee.  
24

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

7 SECTION 13. NEW LAW A new section of law to be codified  
8 in the Oklahoma Statutes as Section 2-103.2 of Title 63, unless  
9 there is created a duplication in numbering, reads as follows:

10 A. The Oklahoma State Bureau of Narcotics and Dangerous Drugs  
11 Control Commission is hereby abolished. All duties and powers of  
12 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control  
13 Commission shall be assumed and be performed by the Oklahoma Law  
14 Enforcement Council. The Director of the Oklahoma State Bureau of  
15 Narcotics and Dangerous Drugs Control shall be under the general  
16 supervision of the Superintendent of the Oklahoma Department of Law  
17 Enforcement.

18 B. On or after December 15, 2016, any reference in the Oklahoma  
19 Statutes to the Oklahoma State Bureau of Narcotics and Dangerous  
20 Drugs Control Commission shall be deemed to be a reference to the  
21 Oklahoma Law Enforcement Council.

22 SECTION 14. AMENDATORY 63 O.S. 2011, Section 2-106, as  
23 amended by Section 1, Chapter 340, O.S.L. 2013 (63 O.S. Supp. 2015,  
24 Section 2-106), is amended to read as follows:



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

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

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

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

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

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

22 B. Results, information and evidence received from the Oklahoma  
23 State Bureau of Narcotics and Dangerous Drugs Control relating to  
24 the regulatory functions of this act, including results of

1 inspections conducted by that agency, may be relied upon and acted  
2 upon by the Director in conformance with the regulatory functions  
3 under this act.

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

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

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

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

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

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

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

23

24

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

4           8. ~~Conduct~~ Subject to the availability of funds, conduct an  
5 annual seminar to be attended by selected law enforcement officers  
6 in order to teach new techniques and advances in the investigation  
7 of violations of the Uniform Controlled Dangerous Substances Act;  
8 and

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

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

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

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

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

20           a. develop new or improved approaches, techniques,  
21 systems, equipment and devices to strengthen the  
22 enforcement of this act,

23

24

1           b. determine patterns of misuse and abuse of controlled  
2           dangerous substances and the social effects thereof,  
3           and

4           c. improve methods for preventing, predicting,  
5           understanding and dealing with the misuse and abuse of  
6           controlled dangerous substances.

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

15           F. ~~The~~ Subject to the approval of the Superintendent, the  
16 Director may enter into contracts with public agencies, institutions  
17 of higher education and private organizations or individuals for the  
18 purpose of conducting research, demonstrations or special projects  
19 which bear directly on misuse and abuse of controlled dangerous  
20 substances.

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

23           H. The Director may authorize persons engaged in research or  
24 scientific activities on the use and effects of dangerous substances

1 to withhold the names and other identifying characteristics of  
2 persons who are the subjects of such research. Persons who obtain  
3 this authorization may not be compelled in any state civil,  
4 criminal, administrative, legislative or other proceeding to  
5 identify the subjects of research for which such authorization was  
6 obtained.

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

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

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

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

3 ~~M. The Director shall be in charge of all monies appropriated~~  
4 ~~for or deposited to the credit of the office of the Director and is~~  
5 ~~authorized to approve claims and payrolls as provided in Section~~  
6 ~~41.26 of Title 62 of the Oklahoma Statutes.~~

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

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

18 SECTION 15. AMENDATORY 63 O.S. 2011, Section 2-106.2, is  
19 amended to read as follows:

20 Section 2-106.2 A. The Superintendent of the Oklahoma State  
21 ~~Bureau of Narcotics and Dangerous Drugs Control, pursuant to rules~~  
22 ~~promulgated by the Oklahoma State Bureau of Narcotics and Dangerous~~  
23 ~~Drugs Control Commission~~ Department of Law Enforcement, is hereby  
24 authorized to:

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

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

6 3. Donate or transfer title to any surplus property as defined  
7 in Section 62.2 of Title 74 of the Oklahoma Statutes, or property  
8 forfeited to the Bureau, to any law enforcement agency of any  
9 political subdivision of the State of Oklahoma. The use of such  
10 donated equipment shall be limited to valid and authorized law  
11 enforcement efforts by the receiving agency.

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

15 SECTION 16. AMENDATORY 63 O.S. 2011, Section 2-110, as  
16 amended by Section 46, Chapter 259, O.S.L. 2012 (63 O.S. Supp. 2015,  
17 Section 2-110), is amended to read as follows:

18 Section 2-110. The Subject to the approval of the  
19 Superintendent of the Oklahoma Department of Law Enforcement, the  
20 Director of the Oklahoma State Bureau of Narcotics and Dangerous  
21 Drugs Control may employ attorneys, who shall be unclassified  
22 employees of the state, or contract with attorneys, as needed.  
23 These attorneys may advise the Director, the Superintendent of the  
24 Oklahoma Department of Law Enforcement, the Oklahoma State Bureau of

1 ~~Narcotics and Dangerous Drugs Control~~ Law Enforcement Council  
2 ~~Commission~~ and Bureau personnel on all legal matters and shall  
3 appear for and represent the Director, the ~~Commission~~  
4 Superintendent, the Oklahoma Law Enforcement Council and Bureau  
5 personnel in all administrative hearings and all litigation or other  
6 proceedings which may arise in the discharge of their duties. At  
7 the request of the ~~Oklahoma State Bureau of Narcotics and Dangerous~~  
8 ~~Drugs Control Commission~~ Superintendent, such attorney shall assist  
9 the district attorney in prosecuting charges of violators of the  
10 Uniform Controlled Dangerous Substances Act or any felony relating  
11 to or arising from a violation of the Uniform Controlled Dangerous  
12 Substances Act. Attorneys for the Bureau who have been certified by  
13 the Council on Law Enforcement Education and Training to carry a  
14 weapon or have been issued a handgun license pursuant to the  
15 provisions of the Oklahoma Self-Defense Act shall be allowed to  
16 carry weapons pursuant to paragraph 3 of subsection A of Section  
17 1272 of Title 21 of the Oklahoma Statutes. These attorneys,  
18 pursuant to this provision, shall not be considered eligible to  
19 participate in the Oklahoma Law Enforcement Retirement System. If a  
20 conflict of interest would be created by such attorney representing  
21 the Director, the ~~Commission~~ the Superintendent, Oklahoma Law  
22 Enforcement Council or Bureau personnel, additional counsel may be  
23 hired upon approval of the Superintendent of the Oklahoma State  
24



1 ~~Bureau of Narcotics and Dangerous Drugs Control Commission~~  
2 Department of Law Enforcement.

3 SECTION 17. AMENDATORY 74 O.S. 2011, Section 62.3, as  
4 amended by Section 707, Chapter 304, O.S.L. 2012 (74 O.S. Supp.  
5 2015, Section 62.3), is amended to read as follows:

6 Section 62.3. A. The Director of the Office of Management and  
7 Enterprise Services shall promulgate rules for use by state agencies  
8 and the Office of Management and Enterprise Services to dispose of  
9 surplus property. The rules shall include standards for  
10 recordkeeping, methods for removal or disposal of surplus property,  
11 and acquisition by state agencies and authorized entities of surplus  
12 property, and for Office management of surplus property programs.

13 B. A state agency selling, trading, redistributing or otherwise  
14 disposing of surplus property shall comply with the rules  
15 promulgated by the Director.

16 C. The Office shall make surplus property available to state  
17 agencies and authorized entities, which shall include political  
18 subdivisions, school districts, and nonprofit entities of this  
19 state.

20 D. The provisions of the Oklahoma Surplus Property Act shall  
21 not apply to institutions of higher education in this state, or the  
22 Northeast Oklahoma Public Facilities Authority. The Grand River Dam  
23 Authority shall be exempt from the provisions of the Oklahoma  
24 Surplus Property Act for any surplus property disposed of prior to

1 November 1, 2006. ~~CompSource Oklahoma shall be exempt from the~~  
2 ~~provisions of the Oklahoma Surplus Property Act if CompSource~~  
3 ~~Oklahoma is operating pursuant to a pilot program authorized by~~  
4 ~~Sections 3316 and 3317 of this title.~~

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

14 SECTION 18. AMENDATORY 74 O.S. 2011, Section 150.2, as  
15 amended by Section 7, Chapter 397, O.S.L. 2015 (74 O.S. Supp. 2015,  
16 Section 150.2), is amended to read as follows:

17 Section 150.2 The Oklahoma State Bureau of Investigation, under  
18 the general supervision of the Superintendent of the Oklahoma  
19 Department of Law Enforcement, shall have the power and duty to:

- 20 1. Maintain a nationally accredited scientific laboratory to  
21 assist all law enforcement agencies in the discovery and detection  
22 of criminal activity;

23  
24

- 1           2. Maintain fingerprint and other identification files  
2 including criminal history records, juvenile identification files,  
3 and DNA profiles;
- 4           3. Establish, coordinate and maintain the automated  
5 fingerprinting identification system (AFIS) and the deoxyribonucleic  
6 acid (DNA) laboratory;
- 7           4. Operate teletype, mobile and fixed radio or other  
8 communications systems;
- 9           5. Conduct schools and training programs for the agents, peace  
10 officers, and technicians of this state charged with the enforcement  
11 of law and order and the investigation and detection of crime;
- 12           6. Assist the Director of the Oklahoma State Bureau of  
13 Narcotics and Dangerous Drugs Control, the Chief Medical Examiner,  
14 and all law enforcement officers and district attorneys when such  
15 assistance is requested, in accordance with the policy determined by  
16 the Oklahoma ~~State Bureau of Investigation Commission~~ established in  
17 ~~Section 150.3 of this title~~ Law Enforcement Council;
- 18           7. Investigate and detect criminal activity when directed to do  
19 so by the Governor;
- 20           8. Investigate, detect, institute and maintain actions  
21 involving vehicle theft pursuant to Section 150.7a of this title or  
22 oil, gas or oil field equipment theft pursuant to Sections 152.2  
23 through 152.9 of this title;
- 24

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

8 10. Investigate and detect violations of the Oklahoma Computer  
9 Crimes Act; and

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

13 SECTION 19. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 150.2a of Title 74, unless there  
15 is created a duplication in numbering, reads as follows:

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

23 B. On or after December 15, 2016, any reference in the Oklahoma  
24 Statutes to the Oklahoma State Bureau of Investigation Commission

1 shall be deemed to be a reference to the Oklahoma Department of Law  
2 Enforcement.

3 SECTION 20. AMENDATORY 74 O.S. 2011, Section 150.6, is  
4 amended to read as follows:

5 Section 150.6 A. The Oklahoma State Bureau of Investigation  
6 shall be under the operational control of a Director. The Director  
7 shall be appointed or dismissed by ~~a majority vote of the total~~  
8 ~~membership of the Commission~~ Superintendent of the Oklahoma  
9 Department of Law Enforcement. The Director shall be a ~~professional~~  
10 ~~law enforcement~~ full-time, certified peace officer who possesses a  
11 bachelor's degree from an accredited college or university ~~and who~~  
12 ~~shall have,~~ has a minimum of five (5) ~~years'~~ years of experience ~~in~~  
13 ~~criminal investigation and/or law enforcement or five (5) years'~~  
14 ~~experience as an agent with said~~ at the Bureau and ~~must have~~ has at  
15 least two (2) ~~years'~~ years of experience in an administrative  
16 position.

17 B. Any Director appointed on or after July 1, 2003, may  
18 participate in either the Oklahoma Public Employees Retirement  
19 System or in the Oklahoma Law Enforcement Retirement System and  
20 shall make an irrevocable election in writing to participate in one  
21 of the two retirement systems within thirty (30) days of  
22 appointment. Any earned benefits or any credits toward retirement  
23 benefits from previous participation within the Oklahoma Public  
24 Employees Retirement System or the Oklahoma Law Enforcement

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

4 SECTION 21. AMENDATORY 74 O.S. 2011, Section 150.7, as  
5 amended by Section 1, Chapter 136, O.S.L. 2015 (74 O.S. Supp. 2015,  
6 Section 150.7), is amended to read as follows:

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

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

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

23 3. ~~To report~~ Report to the ~~Commission at each regular meeting~~  
24 Superintendent of the Oklahoma Department of Law Enforcement, or as

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

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

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

18 4. ~~Te~~ Upon approval of the Superintendent of the Oklahoma  
19 Department of Law Enforcement, designate positions, and appoint  
20 employees and fix salaries of the Bureau, other than the salaries  
21 established by subsection A of Section 150.6a of this title, and ~~te~~  
22 authorize the payment of necessary certification expenses for the  
23 employees;

24

1        5. ~~Fe~~ Upon approval of the Superintendent of the Oklahoma  
2 Department of Law Enforcement, authorize the purchase and issuance  
3 of uniforms for all law enforcement officers, criminalists, and  
4 other personnel of the Bureau as designated by the Director and to  
5 purchase and issue necessary equipment for all employees of the  
6 Bureau. All uniforms and equipment shall be used only in the  
7 performance of the official duties of the officers, criminalists or  
8 other personnel and shall remain the property of the Bureau except  
9 as otherwise provided by law; and

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



1 SECTION 22. AMENDATORY 74 O.S. 2011, Section 150.13A, as  
2 amended by Section 1, Chapter 89, O.S.L. 2012 (74 O.S. Supp. 2015,  
3 Section 150.13A), is amended to read as follows:

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

20 B. Special Investigators shall not receive any compensation or  
21 expenses from this state or any of its departments, agencies or  
22 subdivisions for their services. Before the issuance of a special  
23 commission, each Special Investigator shall enter into a good and  
24 sufficient bond executed by a surety company authorized to do

1 business in this state in the sum of Five Hundred Thousand Dollars  
2 (\$500,000.00). The bond shall also be approved by the ~~Director~~  
3 Superintendent of the Oklahoma Department of Law Enforcement and  
4 shall indemnify all persons against damages accruing as a result of  
5 any illegal or unlawful acts on the part of the Special  
6 Investigators. The special commissions shall expire on January 1 of  
7 the odd-numbered year after the appointment. ~~The~~ Upon approval of  
8 the Superintendent of the Oklahoma Department of Law Enforcement,  
9 the Director may renew, suspend or revoke any special commission at  
10 any time.

11 SECTION 23. AMENDATORY 74 O.S. 2011, Section 150.16, as  
12 amended by Section 1, Chapter 156, O.S.L. 2012 (74 O.S. Supp. 2015,  
13 Section 150.16), is amended to read as follows:

14 Section 150.16 ~~The Oklahoma State Bureau of Investigation~~  
15 Department of Law Enforcement is hereby authorized to own and  
16 operate aircraft and to rent or charter aircraft on a project or  
17 mission basis, such rental or charter to last only for the duration  
18 of the project or mission. ~~The Bureau~~ Superintendent of the  
19 Oklahoma Department of Law Enforcement is also authorized to pay,  
20 from any funds available ~~to the Bureau,~~ expenses involved in  
21 qualifying multiengine and instrument pilots as may be required to  
22 accomplish agency responsibilities.

23 SECTION 24. AMENDATORY 74 O.S. 2011, Section 150.21, is  
24 amended to read as follows:

1           Section 150.21 The Oklahoma State Bureau of Investigation shall  
2 establish or provide for a legal division ~~and~~. Subject to the  
3 approval of the Superintendent of the Oklahoma Department of Law  
4 Enforcement, the Director may employ ~~two~~ attorneys as needed, ~~which~~.  
5 The attorneys, in addition to advising the Director, the ~~Commission~~  
6 Superintendent of the Oklahoma Department of Law Enforcement, the  
7 Oklahoma Law Enforcement Council and employees of the Bureau on  
8 legal matters, may appear for and represent the Director, the  
9 ~~Commission~~ Superintendent, Oklahoma Law Enforcement Council and  
10 employees of the Bureau in administrative hearings and other legal  
11 actions and proceedings. No Bureau attorney shall enter an  
12 appearance in a criminal action nor engage in private practice of  
13 the law while in the employment of the Oklahoma State Bureau of  
14 Investigation, except for the purpose of representing the agency in  
15 motions to quash subpoenas, other discovery matters, expungement  
16 applications, evidentiary hearings, and forfeiture proceedings. It  
17 shall continue to be the duty of the Attorney General to give  
18 official opinions to and to prosecute and defend actions for the  
19 Director, ~~Commission~~ the Superintendent, the Oklahoma Law  
20 Enforcement Council and employees of the Bureau, if requested to do  
21 so.

22           SECTION 25.           REPEALER           63 O.S. 2011, Section 2-104.1, is  
23 hereby repealed.

24

1 SECTION 26. REPEALER 74 O.S. 2011, Sections 150.3 and  
2 150.4, are hereby repealed.

3 SECTION 27. Sections 1 through 24 of this act shall become  
4 effective November 1, 2016.

5 SECTION 28. Sections 25 and 26 of this act shall become  
6 effective December 1, 2016.

7 Passed the Senate the 9th day of March, 2016.

8  
9 \_\_\_\_\_  
10 Presiding Officer of the Senate

11 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
12 2016.

13  
14 \_\_\_\_\_  
15 Presiding Officer of the House  
16 of Representatives

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