

1 **SENATE FLOOR VERSION**

2 February 12, 2015

3 COMMITTEE SUBSTITUTE  
4 FOR

5 SENATE BILL NO. 64

By: Paddack of the Senate

and

Thomsen of the House

6  
7  
8  
9 An Act relating to law enforcement training; amending  
10 70 O.S. 2011, Section 3311, as last amended by  
11 Section 1, Chapter 295, O.S.L. 2014 (70 O.S. Supp.  
12 2014, Section 3311), which relates to the Council on  
13 Law Enforcement Education and Training; modifying  
14 inclusions; allowing record requests for certain  
15 reinstatements; and providing an effective date.

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

17 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as  
18 last amended by Section 1, Chapter 295, O.S.L. 2014 (70 O.S. Supp.  
19 2014, Section 3311), is amended to read as follows:

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

1 continuing education of law enforcement officers in the State of  
2 Oklahoma. These rights, privileges and functions include, but are  
3 not limited to, those specified in Sections 3311 through 3311.10 of  
4 this title and in the Oklahoma Security Guard and Private  
5 Investigator Act. The Council shall be composed of thirteen (13)  
6 members as follows:

7 1. The Commissioner of the Department of Public Safety, or  
8 designee;

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

11 3. The Director of the Oklahoma State Bureau of Investigation,  
12 or designee;

13 4. One member appointed by the Governor who shall be a law  
14 enforcement administrator representing a tribal law enforcement  
15 agency;

16 5. One member appointed by the Governor who shall be a chief of  
17 police of a municipality with a population over one hundred thousand  
18 (100,000), as determined by the latest Federal Decennial Census;

19 6. One member appointed by the Board of Directors of the  
20 Oklahoma Sheriffs' and Peace Officers Association who shall be a  
21 sheriff of a county with a population under fifty thousand (50,000),  
22 as determined by the latest Federal Decennial Census;

23 7. One member appointed by the Oklahoma Association of Police  
24 Chiefs who shall be a chief of police representing a municipality

1 with a population over ten thousand (10,000), as determined by the  
2 latest Federal Decennial Census;

3 8. One member shall be appointed by the Board of Directors of  
4 the Oklahoma Sheriffs' Association who shall be a sheriff of a  
5 county with a population of one hundred thousand (100,000) or more,  
6 as determined by the latest Federal Decennial Census;

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

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

12 11. One member who is the immediate past chair of the Council  
13 on Law Enforcement Education and Training;

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

20 13. The Speaker of the House of Representatives shall appoint  
21 one member from a list of three or more nominees submitted by an  
22 organization that assists in the establishment of accreditation  
23 standards and training programs for law enforcement agencies  
24 throughout the State of Oklahoma.

1       The Executive Director selected by the Council shall be an ex  
2 officio member of the Council and shall act as Secretary. The  
3 Council on Law Enforcement Education and Training shall select a  
4 chair and vice-chair from among its members. Members of the Council  
5 on Law Enforcement Education and Training shall not receive a salary  
6 for duties performed as members of the Council, but shall be  
7 reimbursed for their actual and necessary expenses incurred in the  
8 performance of Council duties pursuant to the provisions of the  
9 State Travel Reimbursement Act.

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

12       1. Appoint a larger Advisory Council to discuss problems and  
13 hear recommendations concerning necessary research, minimum  
14 standards, educational needs, and other matters imperative to  
15 upgrading Oklahoma law enforcement to professional status;

16       2. Promulgate rules with respect to such matters as  
17 certification, revocation, suspension, withdrawal and reinstatement  
18 of certification, minimum courses of study, testing and test scores,  
19 attendance requirements, equipment and facilities, minimum  
20 qualifications for instructors, minimum standards for basic and  
21 advanced in-service courses, and seminars for Oklahoma police and  
22 peace officers;

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

1 4. Authorize additional staff and services necessary for  
2 program expansion;

3 5. Recommend legislation necessary to upgrade Oklahoma law  
4 enforcement to professional status;

5 6. Establish policies and regulations concerning the number,  
6 geographic and police unit distribution, and admission requirements  
7 of those receiving tuition or scholarship aid available through the  
8 Council. Such waiver of costs shall be limited to duly appointed  
9 members of legally constituted local, county, and state law  
10 enforcement agencies on the basis of educational and financial need;

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

22 The Executive Director of the Council on Law Enforcement  
23 Education and Training may commission CLEET staff as peace officers  
24 for purposes consistent with the duties of CLEET as set out in state

1 law. The powers and duties conferred on the Executive Director or  
2 any staff member appointed by the Executive Director as a peace  
3 officer shall not limit the powers and duties of other peace  
4 officers of this state or any political subdivision thereof. The  
5 Executive Director or any staff member appointed by the Executive  
6 Director as a peace officer may, upon request, assist any federal,  
7 state, county or municipal law enforcement agency;

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

21 9. a. Certify canine teams, consisting of a dog and a  
22 handler working together as a team, trained to detect:  
23 (1) controlled dangerous substances, or  
24

1 (2) explosives, explosive materials, explosive  
2 devices, or materials which could be used to  
3 construct an explosive device;

4 provided, the dog of a certified canine team shall not  
5 be certified at any time as both a drug dog and a bomb  
6 dog, and any dog of a certified canine team who has  
7 been previously certified as either a drug dog or a  
8 bomb dog shall not be eligible at any time to be  
9 certified in the other category.

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

18 10. Enter into a lease, loan or other agreement with the  
19 Oklahoma Development Finance Authority or a local public trust for  
20 the purpose of facilitating the financing of a new facility for its  
21 operations and use and pledge, to the extent authorized by law, all  
22 or a portion of its receipts of the assessment penalty herein  
23 referenced for the payment of its obligations under such lease, loan  
24 or other agreement. It is the intent of the Legislature to increase

1 the assessment penalty to such a level or appropriate sufficient  
2 monies to the Council on Law Enforcement Education and Training to  
3 make payments on the lease, loan or other agreement for the purpose  
4 of retiring the bonds to be issued by the Oklahoma Development  
5 Finance Authority or local public trust. Such lease, loan or other  
6 agreement and the bonds issued to finance such facilities shall not  
7 constitute an indebtedness of the State of Oklahoma or be backed by  
8 the full faith and credit of the State of Oklahoma, and the lease,  
9 loan or other agreement and the bonds shall contain a statement to  
10 such effect;

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

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

19 13. Enter into agreements with individuals, educational  
20 institutions, agencies, and business and tribal entities for  
21 professional services, the use of facilities and supplies, and staff  
22 overtime costs incurred as a result of the user's requests to  
23 schedule functions after-hours, on weekends, or anytime such  
24 requests extend staff beyond its normal capacity, whereby



1 contracting individuals, educational institutions, agencies, and  
2 business and tribal entities shall pay a fee to be determined by the  
3 Council by rule. All fees collected pursuant to these agreements  
4 shall be deposited to the credit of the C.L.E.E.T. Training Center  
5 Revolving Fund created pursuant to Section 3311.6 of this title.  
6 The Council is authorized to promulgate emergency rules to  
7 effectuate the provisions of this paragraph;

8 14. Promulgate rules to establish a state firearms  
9 requalification standard for active peace officers and meet any  
10 requirements of the federal Law Enforcement Officers Safety Act of  
11 2004 for peace officers to carry concealed weapons nationwide;

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

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

19 a. one member shall be selected by the Chancellor for  
20 Higher Education, who possesses a background of  
21 creation and review of curriculum and experience  
22 teaching criminal justice or law enforcement courses,  
23 who shall serve an initial term of one (1) year,  
24

1           b. one member shall represent a municipal jurisdiction  
2           with a population of fifty thousand (50,000) or more  
3           and who shall be a management-level CLEET-certified  
4           training officer, who shall serve an initial term of  
5           two (2) years,

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

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

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

19          f. one member selected by the Oklahoma Department of  
20          Career and Technology Education from the Curriculum  
21          Material and Instructional Material Center, who shall  
22          serve an initial term of three (3) years.

23          After the initial terms of office, all members shall be  
24          appointed to serve three-year terms. Any member may be reappointed

1 to serve consecutive terms. Members shall serve without  
2 compensation, but may be reimbursed for travel expenses pursuant to  
3 the State Travel Reimbursement Act. The Board shall review and  
4 establish curriculum for all CLEET academies and training courses  
5 pursuant to procedures established by the Council on Law Enforcement  
6 Education and Training;

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

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

14 19. Summarily suspend a certification of a peace officer,  
15 without prior notice but otherwise subject to administrative  
16 proceedings, if CLEET finds that the actions of the certified peace  
17 officer may present a danger to the peace officer, the public, a  
18 family or household member, or involve a crime against a minor; and

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

21 a. this section applies only to an entity authorized by  
22 statute or by the Constitution to create a law  
23 enforcement agency or police department and  
24 commission, appoint, or employ officers that first

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

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

8 (1) the need for the law enforcement agency or police  
9 department in the community,

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

15 (3) the physical resources available to officers,

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

21 (5) law enforcement policies of the law enforcement  
22 agency or police department, including published  
23 policies on:

24 (a) use of force,

- (b) vehicle pursuit,
- (c) mental health,
- (d) professional conduct of officers,
- (e) domestic abuse,
- (f) response to missing persons,
- (g) supervision of part-time officers, and
- (h) impartial policing,

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

(7) liability insurance, and

(8) any other information CLEET requires by rule,

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

d. in cases of denial, the entity may appeal the decision of the Executive Director to the full CLEET Council. The Executive Director shall ensure that the final report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first meeting of the

1 Council to occur after all members of the Council have  
2 received the report. The Council may, by majority  
3 vote:

- 4 (1) order additional information be provided,
- 5 (2) order confirmation of the opinion of the  
6 Executive Director, or
- 7 (3) order authorization of the entity.

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

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

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

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

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

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

21           a. a fingerprint search submitted to the Oklahoma State  
22 Bureau of Investigation with a return report to the  
23 submitting agency that such person has no felony  
24 record,

- 1           b. a fingerprint search submitted to the Federal Bureau  
2 of Investigation with a return report to the  
3 submitting agency that such person has no felony  
4 record,
- 5           c. such person has undergone psychological evaluation by  
6 a psychologist licensed by the State of Oklahoma and  
7 has been evaluated to be suitable to serve as a peace  
8 officer in the State of Oklahoma,
- 9           d. the employing agency has verified that such person has  
10 a high school diploma or a GED equivalency certificate  
11 as recognized by state law,
- 12           e. such person is not participating in a deferred  
13 sentence agreement for a felony, a crime involving  
14 moral turpitude, or a crime of domestic violence,
- 15           f. such person is not currently subject to an order of  
16 the Council revoking, suspending, or accepting a  
17 voluntary surrender of peace officer certification,
- 18           g. such person is not currently undergoing treatment for  
19 a mental illness, condition or disorder. For purposes  
20 of this subsection, "currently undergoing treatment  
21 for mental illness, condition or disorder" means the  
22 person has been diagnosed by a licensed physician ~~or,~~  
23 psychologist, or licensed mental health professional  
24 as being afflicted with a substantial disorder of



1 thought, mood, perception, psychological orientation  
2 or memory that significantly impairs judgment,  
3 behavior, capacity to recognize reality, or ability to  
4 meet the ordinary demands of life and such condition  
5 continues to exist,

6 h. such person is twenty-one (21) years of age.

7 Provided, this requirement shall not affect those  
8 persons who are already employed as a police or peace  
9 officer prior to November 1, 1985, and

10 i. such person has provided proof of United States  
11 citizenship or resident alien status, pursuant to an  
12 employment eligibility verification form from the  
13 United States Citizenship and Immigration Services.

14 2. To aid the evaluating psychologist in interpreting the test  
15 results, including automated scoring and interpretations, the  
16 employing agency shall provide the psychologist a statement  
17 confirming the identity of the individual taking the test as the  
18 person who is employed or seeking employment as a peace officer of  
19 the agency and attesting that it administered the psychological  
20 instrument in accordance with standards within the test document.  
21 The psychologist shall report to the employing agency the evaluation  
22 of the assessment instrument and may include any additional  
23 recommendations to assist the employing agency in determining  
24 whether to certify to the Council on Law Enforcement Education and

1 Training that the person being evaluated is suitable to serve as a  
2 peace officer in the State of Oklahoma. No additional procedures or  
3 requirements shall be imposed for performance of the psychological  
4 evaluation. The psychological instrument utilized shall be  
5 evaluated by a psychologist licensed by the State of Oklahoma, and  
6 the employing agency shall certify to the Council that the  
7 evaluation was conducted in accordance with this provision and that  
8 the employee or applicant is suitable to serve as a peace officer in  
9 the State of Oklahoma.

10 a. Any person found not to be suitable for employment or  
11 certification by the Council shall not be employed,  
12 retained in employment as a peace officer, or  
13 certified by the Council for at least one (1) year, at  
14 which time the employee or applicant may be  
15 reevaluated by a psychologist licensed by the State of  
16 Oklahoma. This section shall also be applicable to  
17 all reserve peace officers in the State of Oklahoma.

18 b. Any person who is certified by CLEET and has undergone  
19 the psychological evaluation required by this  
20 subparagraph and has been found to be suitable as a  
21 peace officer shall not be required to be reevaluated  
22 for any subsequent employment as a peace officer  
23 following retirement or any break in service as a  
24 peace officer, unless such break in service exceeds

1 five (5) years or the Council determines that a peace  
2 officer may present a danger to himself or herself,  
3 the public, or a family or household member.

4 c. All persons seeking certification shall have their  
5 name, gender, date of birth, and address of such  
6 person submitted to the Department of Mental Health  
7 and Substance Abuse Services by the Council. The  
8 Department of Mental Health and Substance Abuse  
9 Services shall respond to the Council within ten (10)  
10 days whether the computerized records of the  
11 Department indicate the applicant has ever been  
12 involuntarily committed to an Oklahoma state mental  
13 institution. In the event that the Department of  
14 Mental Health and Substance Abuse Services reports to  
15 the Council that the applicant has been involuntarily  
16 committed, the Council shall immediately inform the  
17 employing agency.

18 All basic police courses shall include a minimum of four (4)  
19 hours of education and training in recognizing and managing a person  
20 appearing to require mental health treatment or services. The  
21 training shall include training in crime and drug prevention, crisis  
22 intervention, youth and family intervention techniques, recognizing,  
23 investigating and preventing abuse and exploitation of elderly  
24

1 persons, mental health issues, and criminal jurisdiction on  
2 Sovereign Indian Land.

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

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

8 Beginning January 1, 2014, any reserve peace officer who has  
9 completed the two-hundred-forty-hour reserve peace officer  
10 certification program, and who has been in active service in that  
11 capacity in the past two (2) years, shall be eligible to attend a  
12 three-hundred-sixty-hour basic full-time training academy to become  
13 certified as a full-time police or peace officer.

14 3. Every person who has not been certified as a police or peace  
15 officer and is duly appointed or elected as a police or peace  
16 officer shall hold such position on a temporary basis only, and  
17 shall, within six (6) months from the date of appointment or taking  
18 office, qualify as required in this subsection or forfeit such  
19 position. In computing the time for qualification, all service  
20 shall be cumulative from date of first appointment or taking office  
21 as a police or peace officer with any department in this state.

22 a. The Council may extend the time requirement specified  
23 in this paragraph for good cause as determined by the  
24 Council.

1           b. A duty is hereby imposed upon the employing agency to  
2           withhold payment of the compensation or wage of such  
3           unqualified officer.

4           c. If the police or peace officer fails to forfeit the  
5           position or the employing agency fails to require the  
6           officer to forfeit the position, the district attorney  
7           shall file the proper action to cause the forfeiting  
8           of such position. The district court of the county  
9           where the officer is employed shall have jurisdiction  
10          to hear the case.

11          4. The Council may certify officers who have completed a course  
12 of study in another state deemed by the Council to meet standards  
13 for Oklahoma peace officers providing the officer's certification in  
14 the other state has not been revoked or voluntarily surrendered and  
15 is not currently under suspension.

16          5. For purposes of this section, a police or peace officer is  
17 defined as a full-time duly appointed or elected officer who is paid  
18 for working more than twenty-five (25) hours per week and whose  
19 duties are to preserve the public peace, protect life and property,  
20 prevent crime, serve warrants, transport prisoners, and enforce laws  
21 and ordinances of this state, or any political subdivision thereof;  
22 provided, elected sheriffs and their deputies and elected,  
23 appointed, or acting chiefs of police shall meet the requirements of  
24 this subsection within the first six (6) months after assuming the

1 duties of the office to which they are elected or appointed or for  
2 which they are an acting chief; provided further, that this section  
3 shall not apply to persons designated by the Director of the  
4 Department of Corrections as peace officers pursuant to Section 510  
5 of Title 57 of the Oklahoma Statutes.

6 F. No person shall be certified as a police or peace officer by  
7 the Council or be employed by the state, a county, a city, or any  
8 political subdivision thereof, who is currently subject to an order  
9 of the Council revoking, suspending, or accepting a voluntary  
10 surrender of peace officer certification or who has been convicted  
11 of a felony, a crime involving moral turpitude, or a crime of  
12 domestic violence, unless a full pardon has been granted by the  
13 proper agency; however, any person who has been trained and  
14 certified by the Council on Law Enforcement Education and Training  
15 and is actively employed as a full-time peace officer as of November  
16 1, 1985, shall not be subject to the provisions of this subsection  
17 for convictions occurring prior to November 1, 1985.

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

22 a. Oklahoma State Bureau of Investigation and Federal  
23 Bureau of Investigation reports,  
24

- b. administration of the psychological tests provided for herein,
- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

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

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

H. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the Council within ten (10) days. Failure to comply with the provisions of this subsection may disqualify a law enforcement agency from

1 participating in training programs sponsored by the Council. Every  
2 law enforcement agency employing police or peace officers in this  
3 state shall submit to CLEET on or before October 1 of each calendar  
4 year a complete list of all commissioned employees with a current  
5 mailing address and phone number for each such employee. In  
6 addition to the above, CLEET may impose an administrative fine for  
7 violations of this section.

8       2. A tribal law enforcement agency that has peace officers  
9 commissioned by an Oklahoma law enforcement agency pursuant to a  
10 cross-deputization agreement with the State of Oklahoma or any  
11 political subdivision of the State of Oklahoma pursuant to the  
12 provisions of Section 1221 of Title 74 of the Oklahoma Statutes  
13 shall report the commissioning, resignation, or termination of  
14 commission for any reason of a cross-deputized tribal police or  
15 peace officer to CLEET within ten (10) days of the commissioning,  
16 resignation, or termination. Failure to comply with the provisions  
17 of this subsection may disqualify a tribal law enforcement agency  
18 from participating in training programs sponsored by the Council.

19       I. It is unlawful for any person to willfully make any  
20 statement in an application to CLEET knowing the statement is false  
21 or intentionally commit fraud in any application to the Council for  
22 attendance in any CLEET-conducted or CLEET-approved peace officer  
23 academy or Collegiate Officer Program or for the purpose of  
24 obtaining peace officer certification or reinstatement. It is



1 unlawful for any person to willfully submit false or fraudulent  
2 documents relating to continuing education rosters, transcripts or  
3 certificates, or any canine license application. Any person  
4 convicted of a violation of this subsection shall be guilty of a  
5 felony punishable by imprisonment in the Department of Corrections  
6 for a term of not less than two (2) years nor more than five (5)  
7 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
8 or by both such fine and imprisonment. In addition to the above,  
9 CLEET may impose an administrative fine.

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

- 14 a. conviction of a felony or a crime of domestic  
15 violence,
- 16 b. conviction of a misdemeanor involving moral turpitude;  
17 provided, if the conviction is a single isolated  
18 incident that occurred more than five (5) years ago  
19 and the Council is satisfied that the person has been  
20 sufficiently rehabilitated, the Council may certify  
21 such person providing that all other statutory  
22 requirements have been met,
- 23 c. a verdict of guilt or entry of a plea of guilty or  
24 nolo contendere for a deferred sentence for a felony

1 offense, a crime of moral turpitude, or a crime of  
2 domestic violence,

3 d. falsification or a willful misrepresentation of  
4 information in an employment application or  
5 application to the Council on Law Enforcement  
6 Education and Training, records of evidence, or in  
7 testimony under oath,

8 e. revocation or voluntary surrender of police or peace  
9 officer certification in another state for a violation  
10 of any law or rule or in settlement of any  
11 disciplinary action in such state,

12 f. involuntary commitment of a reserve or peace officer  
13 in a mental institution or licensed private mental  
14 health facility for any mental illness, condition or  
15 disorder that is diagnosed by a licensed physician, ~~or~~  
16 psychologist or a licensed mental health professional  
17 as a substantial disorder of thought, mood,  
18 perception, psychological orientation, or memory that  
19 significantly impairs judgment, behavior, capacity to  
20 recognize reality, or ability to meet the ordinary  
21 demands of life. Provided, the peace officer  
22 certification may be reinstated upon the Council  
23 receiving notification of a psychological evaluation  
24 conducted by a licensed physician ~~or~~, psychologist or

1           licensed mental health professional which attests and  
2           states by affidavit that the officer and the  
3           evaluation test data of the officer have been examined  
4           and that, in the professional opinion of the physician  
5           ~~or~~ , psychologist or licensed mental health  
6           professional, the officer is psychologically suitable  
7           to return to duty as a peace officer. Notwithstanding  
8           any other provision of state law pertaining to  
9           confidentiality of hospital or other medical records,  
10           and as allowable under federal law, CLEET may subpoena  
11           or request a court to subpoena records necessary to  
12           assure compliance with these provisions. Any  
13           confidential information received by CLEET for such  
14           purpose shall retain its confidential character while  
15           in the possession of CLEET,

- 16           g. abuse of office,
- 17           h. entry of a final order of protection against applicant
- 18           or officer, or
- 19           i. any violation of the Oklahoma Private Security
- 20           Licensing Act.

21           2. Disciplinary proceedings shall be commenced by filing a  
22           complaint with the Council on a form approved by the Council. Any  
23           employing agency or other person having information may submit such  
24

1 information to the Council for consideration as provided in this  
2 subsection.

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

5 a. there is reason to believe the person has violated any  
6 provision of this subsection or any other provision of  
7 law or rule, or

8 b. there is reason to believe the person has been  
9 convicted of a felony, a crime involving moral  
10 turpitude or a domestic violence offense or is  
11 currently participating in a deferred sentence for  
12 such offenses.

13 4. When the investigation of a complaint does not find the  
14 person has violated any of the provisions of this subsection, or  
15 finds that the person is sufficiently rehabilitated as provided in  
16 subparagraph b or f of paragraph 1 of this subsection, no  
17 disciplinary action shall be required and the person shall remain  
18 certified as a police or peace officer. When the investigation of a  
19 complaint finds that the person has violated any of the provisions  
20 of this subsection, the matter shall be referred for disciplinary  
21 proceedings. The disciplinary proceedings shall be in accordance  
22 with Articles I and II of the Administrative Procedures Act.

23 5. The Council shall revoke the certification of any person  
24 upon determining that such person has been convicted of a felony or

1 a crime involving moral turpitude or a domestic violence offense;  
2 provided, that if the conviction has been reversed, vacated or  
3 otherwise invalidated by an appellate court, such conviction shall  
4 not be the basis for revocation of certification; provided further,  
5 that any person who has been trained and certified by the Council on  
6 Law Enforcement Education and Training and is actively employed as a  
7 full-time peace officer as of November 1, 1985, shall not be subject  
8 to the provisions of this subsection for convictions occurring prior  
9 to November 1, 1985. The sole issue to be determined at the hearing  
10 shall be whether the person has been convicted of a felony, a crime  
11 involving moral turpitude or a domestic violence offense.

12 6. The Council shall revoke the certification of any person  
13 upon determining that such person has received a deferred sentence  
14 for a felony, a crime involving moral turpitude or a domestic  
15 violence offense.

16 7. The Council may suspend the certification of any person upon  
17 a determination that such person has been involuntarily committed to  
18 a mental institution or mental health facility for a mental illness,  
19 condition or disorder as provided in subparagraph f of paragraph 1  
20 of this subsection.

21 8. Every law enforcement agency in this state shall, within  
22 thirty (30) days of a final order of termination or resignation  
23 while under investigation of a CLEET-certified peace officer, report  
24 such order or resignation in writing to the Executive Director of

1 the Council. Any report, upon receipt by the Council, shall be  
2 considered as personnel records and shall be afforded confidential  
3 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the  
4 Oklahoma Statutes. Any medical or other confidential records  
5 obtained by subpoena pursuant to this subsection shall not be made a  
6 part of such report. The Executive Director shall ensure that the  
7 report is provided to all members of the Council. The Council shall  
8 review and make recommendations concerning the report at the first  
9 meeting of the Council to occur after all members of the Council  
10 have received the report. The Council may, by a majority vote,  
11 order the suspension, for a given period of time, or revocation of  
12 the CLEET certification of the peace officer in question if there  
13 are grounds for such actions pursuant to this section and the peace  
14 officer in question has been provided with notice and an opportunity  
15 for a hearing pursuant to the Administrative Procedures Act.  
16 Suspension or revocation of CLEET certification pursuant to this  
17 paragraph shall be reported to the district attorney for the  
18 jurisdiction in which the peace officer was employed, to the  
19 liability insurance company of the law enforcement agency that  
20 employed the peace officer, the chief elected official of the  
21 governing body of the law enforcement agency and the chief law  
22 enforcement officer of the law enforcement agency.

23 9. For all other violations of this subsection, the hearing  
24 examiner shall take into consideration the severity of the

1 violation, any mitigating circumstances offered by the person  
2 subject to disciplinary action, and any other evidence relevant to  
3 the person's character to determine the appropriate disciplinary  
4 action.

5 10. a. A police or peace officer may voluntarily surrender  
6 and relinquish the peace officer certification to  
7 CLEET. Pursuant to such surrender or relinquishment,  
8 the person surrendering the certification shall be  
9 prohibited from applying to CLEET for reinstatement  
10 within five (5) years of the date of the surrender or  
11 relinquishment, unless otherwise provided by law for  
12 reinstatement.

13 b. No person who has had a police or peace officer  
14 certification from another state revoked or  
15 voluntarily surrendered shall be considered for  
16 certification by CLEET within five (5) years of the  
17 effective date of any such revocation or voluntary  
18 surrender of certification.

19 c. Any person seeking reinstatement of police or peace  
20 officer certification which has been suspended,  
21 revoked, or voluntarily surrendered may apply for  
22 reinstatement pursuant to promulgated CLEET rules  
23 governing reinstatement. Except as provided in this  
24 subsection, any person whose certification has been

1           revoked, suspended or voluntarily surrendered for any  
2           reason, including failure to comply with mandatory  
3           education and training requirements, shall pay a  
4           reinstatement fee of One Hundred Fifty Dollars  
5           (\$150.00) to be deposited to the credit of the Peace  
6           Officer Revolving Fund created pursuant to Section  
7           3311.7 of this title.

8           11. A duty is hereby imposed upon the district attorney who, on  
9           behalf of the State of Oklahoma, prosecutes a person holding police  
10          or peace officer certification for a felony, a crime involving moral  
11          turpitude, or a crime of domestic violence in which a plea of  
12          guilty, nolo contendere, or other finding of guilt is entered by,  
13          against or on behalf of a certified police or peace officer to  
14          report such plea, agreement, or other finding of guilt to the  
15          Council on Law Enforcement Education and Training within ten (10)  
16          days of such plea agreement or the finding of guilt.

17          12. Any person or agency required or authorized to submit  
18          information pursuant to this section to the Council shall be immune  
19          from liability arising from the submission of the information as  
20          long as the information was submitted in good faith and without  
21          malice.

22          13. Any peace officer employed by a law enforcement agency in  
23          this state which has internal discipline policies and procedures on  
24          file with CLEET shall be exempt from the disciplinary proceedings



1 and actions provided for in this subsection; provided, however, such  
2 exemption shall not apply if the peace officer has been convicted of  
3 a felony crime, a crime of moral turpitude, or a crime of domestic  
4 violence.

5 14. As used in this subsection:

6 a. "law enforcement agency" means any department or  
7 agency of the state, a county, a municipality, or  
8 political subdivision thereof, with the duties to  
9 maintain public order, make arrests, and enforce the  
10 criminal laws of this state or municipal ordinances,  
11 which employs CLEET-certified personnel,

12 b. "final order of termination" means a final notice of  
13 dismissal from employment provided after all  
14 grievance, arbitration, and court actions have been  
15 completed, and

16 c. "resignation while under investigation" means the  
17 resignation from employment of a peace officer who is  
18 under investigation for any felony violation of law, a  
19 crime of moral turpitude, a crime of domestic  
20 violence, or the resignation from employment of a  
21 peace officer as part of an arbitration or plea  
22 agreement.

23 K. 1. Every canine team in the state trained to detect  
24 controlled dangerous substances shall be certified, by test, in the

1 detection of such controlled dangerous substances and shall be  
2 recertified annually so long as the canine is used for such  
3 detection purposes. The certification test and annual  
4 recertification test provisions of this subsection shall not be  
5 applicable to canines that are owned by a law enforcement agency and  
6 that are certified and annually recertified in the detection of  
7 controlled dangerous substances by the United States Customs  
8 Service.

9 2. The Council shall appoint a Drug Dog Advisory Council to  
10 make recommendations concerning minimum standards, educational  
11 needs, and other matters imperative to the certification of canines  
12 and canine teams trained to detect controlled dangerous substances.  
13 The Council shall promulgate rules based upon the recommendations of  
14 the Advisory Council. Members of the Advisory Council shall  
15 include, but need not be limited to, a commissioned officer with  
16 practical knowledge of such canines and canine teams from each of  
17 the following:

- 18 a. the Oklahoma State Bureau of Narcotics and Dangerous  
19 Drugs Control,
- 20 b. the Department of Public Safety,
- 21 c. a police department,
- 22 d. a sheriff's office, and
- 23 e. a university or college campus police department.

24

1           3. The fee for the certification test shall be Two Hundred  
2 Dollars (\$200.00) and the annual recertification test fee shall be  
3 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
4 Fifty Dollars (\$50.00) will be charged if the team fails the test.  
5 No such fee shall be charged to any local, state or federal  
6 government agency. The fees provided for in this paragraph shall be  
7 deposited to the credit of the CLEET Fund created pursuant to  
8 Section 1313.2 of Title 20 of the Oklahoma Statutes.

9           L. 1. Every canine team in the state trained to detect  
10 explosives, explosive materials, explosive devices, and materials  
11 which could be used to construct an explosive device shall be  
12 certified, by test, in the detection of such explosives and  
13 materials and shall be recertified annually so long as the canine is  
14 used for such detection purposes. The certification test and annual  
15 recertification test provisions of this subsection shall not be  
16 applicable to canines that are owned by a law enforcement agency if  
17 such canines are certified and annually recertified in the detection  
18 of explosives and materials by the United States Department of  
19 Defense.

20           2. The Council shall appoint a Bomb Dog Advisory Council to  
21 make recommendations concerning minimum standards, educational  
22 needs, and other matters imperative to the certification of canines  
23 and canine teams trained to detect explosives, explosive materials,  
24 explosive devices and materials which could be used to construct an

1 explosive device. The Council shall promulgate rules based upon the  
2 recommendations of the Advisory Council. Members of the Advisory  
3 Council shall include, but need not be limited to, a commissioned  
4 officer with practical knowledge of such canines and canine teams  
5 from each of the following:

- 6 a. the Department of Public Safety,
- 7 b. a police department,
- 8 c. a sheriff's office, and
- 9 d. a university or college campus police department.

10 3. The fee for the certification test shall be Two Hundred  
11 Dollars (\$200.00) and the annual recertification test fee shall be  
12 One Hundred Dollars (\$100.00) per canine team. A retest fee of  
13 Fifty Dollars (\$50.00) will be charged if the team fails the test.  
14 No such fee shall be charged to any local, state or federal  
15 government agency. The fees provided for in this paragraph shall be  
16 deposited to the credit of the CLEET Fund created pursuant to  
17 Section 1313.2 of Title 20 of the Oklahoma Statutes.

18 M. All tribal police officers of any Indian tribe or nation who  
19 have been commissioned by an Oklahoma law enforcement agency  
20 pursuant to a cross-deputization agreement with the State of  
21 Oklahoma or any political subdivision of the State of Oklahoma  
22 pursuant to the provisions of Section 1221 of Title 74 of the  
23 Oklahoma Statutes shall be eligible for peace officer certification  
24 under the same terms and conditions required of members of the law

1 enforcement agencies of the State of Oklahoma and its political  
2 subdivisions. CLEET shall issue peace officer certification to  
3 tribal police officers who, as of July 1, 2003, are commissioned by  
4 an Oklahoma law enforcement agency pursuant to a cross-deputization  
5 agreement with the State of Oklahoma or any political subdivision of  
6 the State of Oklahoma pursuant to the provisions of Section 1221 of  
7 Title 74 of the Oklahoma Statutes and have met the training and  
8 qualification requirements of this section.

9 N. If an employing law enforcement agency in this state has  
10 paid the salary of a person while that person is completing in this  
11 state a basic police course approved by the Council and if within  
12 one (1) year after certification that person resigns and is hired by  
13 another law enforcement agency in this state, the second agency or  
14 the person receiving the training shall reimburse the original  
15 employing agency for the salary paid to the person while completing  
16 the basic police course by the original employing agency.

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

20 P. Peace officers, reserve peace officers, tribal peace  
21 officers, agencies, bail enforcers, security guards and private  
22 investigators shall maintain with the Council current residential  
23 addresses and shall notify the Council, in writing, of any change of  
24 name. Notification of change of name shall require certified copies

1 of any marriage license or other court document which reflects the  
2 change of name. Notice of change of address or telephone number  
3 must be made within ten (10) days of the effected change. Notices  
4 shall not be accepted over the phone. In any proceeding in which  
5 the Council is required to serve notice or an order on an individual  
6 or an agency, the Council may send a letter to the address on file  
7 with the Council. If the letter is returned and a notation of the  
8 U.S. Postal Service indicates "unclaimed", or "moved", or "refused"  
9 or any other nondelivery markings and the records of the Council  
10 indicate that no change of address as required by this subsection  
11 has been received by the Council, the notice and any subsequent  
12 notices or orders shall be deemed by the Court as having been  
13 legally served for all purposes.

14 SECTION 2. This act shall become effective November 1, 2015.

15 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY  
16 February 12, 2015 - DO PASS AS AMENDED  
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