

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 64

6 By: Paddock of the Senate

7 and

8 Thomsen of the House

9 COMMITTEE SUBSTITUTE

10 An act relating to law enforcement training; amending
11 70 O.S. 2011, Section 3311, as last amended by
12 Section 1, Chapter 295, O.S.L. 2014 (70 O.S. Supp.
13 2014, Section 3311), which relates to the Council on
14 Law Enforcement Education and Training; modifying
15 certain condition that qualifies for disciplinary
16 action; allowing record requests for certain
17 reinstatements; and providing an effective date.

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

19 SECTION 1. AMENDATORY 70 O.S. 2011, Section 3311, as
20 last amended by Section 1, Chapter 295, O.S.L. 2014 (70 O.S. Supp.
21 2014, Section 3311), is amended to read as follows:

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

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

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

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

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

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

17 5. One member appointed by the Governor who shall be a chief of
18 police of a municipality with a population over one hundred thousand
19 (100,000), as determined by the latest Federal Decennial Census;

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

24

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

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

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

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

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

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

22 13. The Speaker of the House of Representatives shall appoint
23 one member from a list of three or more nominees submitted by an
24 organization that assists in the establishment of accreditation

1 standards and training programs for law enforcement agencies
2 throughout the State of Oklahoma.

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

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

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

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

- 1 3. Authorize research, basic and advanced courses, and seminars
2 to assist in program planning directly and through subcommittees;
- 3 4. Authorize additional staff and services necessary for
4 program expansion;
- 5 5. Recommend legislation necessary to upgrade Oklahoma law
6 enforcement to professional status;
- 7 6. Establish policies and regulations concerning the number,
8 geographic and police unit distribution, and admission requirements
9 of those receiving tuition or scholarship aid available through the
10 Council. Such waiver of costs shall be limited to duly appointed
11 members of legally constituted local, county, and state law
12 enforcement agencies on the basis of educational and financial need;
- 13 7. Appoint an Executive Director and an Assistant Director to
14 direct the staff, inform the Council of compliance with the
15 provisions of this section and perform such other duties imposed on
16 the Council by law. An Executive Director appointed by the Council
17 must qualify for the position with a bachelor or higher degree in
18 law enforcement from an accredited college or university, or a
19 bachelor or higher degree in a law-enforcement-related subject area,
20 and a minimum of five (5) years of active law enforcement experience
21 including, but not limited to, responsibility for enforcement,
22 investigation, administration, training, or curriculum
23 implementation.
- 24

1 The Executive Director of the Council on Law Enforcement
2 Education and Training may commission CLEET staff as peace officers
3 for purposes consistent with the duties of CLEET as set out in state
4 law. The powers and duties conferred on the Executive Director or
5 any staff member appointed by the Executive Director as a peace
6 officer shall not limit the powers and duties of other peace
7 officers of this state or any political subdivision thereof. The
8 Executive Director or any staff member appointed by the Executive
9 Director as a peace officer may, upon request, assist any federal,
10 state, county or municipal law enforcement agency;

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

24

1 9. a. Certify canine teams, consisting of a dog and a
2 handler working together as a team, trained to detect:
3 (1) controlled dangerous substances, or
4 (2) explosives, explosive materials, explosive
5 devices, or materials which could be used to
6 construct an explosive device;

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

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

21 10. Enter into a lease, loan or other agreement with the
22 Oklahoma Development Finance Authority or a local public trust for
23 the purpose of facilitating the financing of a new facility for its
24 operations and use and pledge, to the extent authorized by law, all

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

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

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

22 13. Enter into agreements with individuals, educational
23 institutions, agencies, and business and tribal entities for
24 professional services, the use of facilities and supplies, and staff

1 overtime costs incurred as a result of the user's requests to
2 schedule functions after-hours, on weekends, or anytime such
3 requests extend staff beyond its normal capacity, whereby
4 contracting individuals, educational institutions, agencies, and
5 business and tribal entities shall pay a fee to be determined by the
6 Council by rule. All fees collected pursuant to these agreements
7 shall be deposited to the credit of the C.L.E.E.T. Training Center
8 Revolving Fund created pursuant to Section 3311.6 of this title.
9 The Council is authorized to promulgate emergency rules to
10 effectuate the provisions of this paragraph;

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

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

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

22 a. one member shall be selected by the Chancellor for
23 Higher Education, who possesses a background of
24 creation and review of curriculum and experience

- 1 teaching criminal justice or law enforcement courses,
2 who shall serve an initial term of one (1) year,
- 3 b. one member shall represent a municipal jurisdiction
4 with a population of fifty thousand (50,000) or more
5 and who shall be a management-level CLEET-certified
6 training officer, who shall serve an initial term of
7 two (2) years,
- 8 c. one member shall represent a county jurisdiction with
9 a population of fifty thousand (50,000) or more and
10 who shall be a management-level CLEET-certified
11 training officer, who shall serve an initial term of
12 three (3) years,
- 13 d. one member shall represent a municipal jurisdiction
14 with a population of less than fifty thousand (50,000)
15 and who shall be a CLEET-certified training officer,
16 who shall serve an initial term of two (2) years,
- 17 e. one member shall represent a county jurisdiction with
18 a population of less than fifty thousand (50,000) and
19 who shall be a CLEET-certified training officer, who
20 shall serve an initial term of one (1) year, and
- 21 f. one member selected by the Oklahoma Department of
22 Career and Technology Education from the Curriculum
23 Material and Instructional Material Center, who shall
24 serve an initial term of three (3) years.

1 After the initial terms of office, all members shall be
2 appointed to serve three-year terms. Any member may be reappointed
3 to serve consecutive terms. Members shall serve without
4 compensation, but may be reimbursed for travel expenses pursuant to
5 the State Travel Reimbursement Act. The Board shall review and
6 establish curriculum for all CLEET academies and training courses
7 pursuant to procedures established by the Council on Law Enforcement
8 Education and Training;

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

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

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

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

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

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

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

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

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

17 (3) the physical resources available to officers,

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

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

4 (a) use of force,

5 (b) vehicle pursuit,

6 (c) mental health,

7 (d) professional conduct of officers,

8 (e) domestic abuse,

9 (f) response to missing persons,

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

11 (h) impartial policing,

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

14 (7) liability insurance, and

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

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

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

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

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

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

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

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

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

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

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

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

24

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

1 for mental illness, condition or disorder" means the
2 person has been diagnosed by a licensed physician ~~or~~,
3 psychologist, or licensed mental health professional
4 as being afflicted with a substantial disorder of
5 thought, mood, perception, psychological orientation
6 or memory that significantly impairs judgment,
7 behavior, capacity to recognize reality, or ability to
8 meet the ordinary demands of life and such condition
9 continues to exist,

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

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

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

18 2. To aid the evaluating psychologist in interpreting the test
19 results, including automated scoring and interpretations, the
20 employing agency shall provide the psychologist a statement
21 confirming the identity of the individual taking the test as the
22 person who is employed or seeking employment as a peace officer of
23 the agency and attesting that it administered the psychological
24 instrument in accordance with standards within the test document.

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

- 14 a. Any person found not to be suitable for employment or
15 certification by the Council shall not be employed,
16 retained in employment as a peace officer, or
17 certified by the Council for at least one (1) year, at
18 which time the employee or applicant may be
19 reevaluated by a psychologist licensed by the State of
20 Oklahoma. This section shall also be applicable to
21 all reserve peace officers in the State of Oklahoma.
- 22 b. Any person who is certified by CLEET and has undergone
23 the psychological evaluation required by this
24 subparagraph and has been found to be suitable as a

1 peace officer shall not be required to be reevaluated
2 for any subsequent employment as a peace officer
3 following retirement or any break in service as a
4 peace officer, unless such break in service exceeds
5 five (5) years or the Council determines that a peace
6 officer may present a danger to himself or herself,
7 the public, or a family or household member.

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

22 All basic police courses shall include a minimum of four (4)
23 hours of education and training in recognizing and managing a person
24 appearing to require mental health treatment or services. The

1 training shall include training in crime and drug prevention, crisis
2 intervention, youth and family intervention techniques, recognizing,
3 investigating and preventing abuse and exploitation of elderly
4 persons, mental health issues, and criminal jurisdiction on
5 Sovereign Indian Land.

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

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

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

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

- 1 a. The Council may extend the time requirement specified
2 in this paragraph for good cause as determined by the
3 Council.
- 4 b. A duty is hereby imposed upon the employing agency to
5 withhold payment of the compensation or wage of such
6 unqualified officer.
- 7 c. If the police or peace officer fails to forfeit the
8 position or the employing agency fails to require the
9 officer to forfeit the position, the district attorney
10 shall file the proper action to cause the forfeiting
11 of such position. The district court of the county
12 where the officer is employed shall have jurisdiction
13 to hear the case.

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

19 5. For purposes of this section, a police or peace officer is
20 defined as a full-time duly appointed or elected officer who is paid
21 for working more than twenty-five (25) hours per week and whose
22 duties are to preserve the public peace, protect life and property,
23 prevent crime, serve warrants, transport prisoners, and enforce laws
24 and ordinances of this state, or any political subdivision thereof;

1 provided, elected sheriffs and their deputies and elected,
2 appointed, or acting chiefs of police shall meet the requirements of
3 this subsection within the first six (6) months after assuming the
4 duties of the office to which they are elected or appointed or for
5 which they are an acting chief; provided further, that this section
6 shall not apply to persons designated by the Director of the
7 Department of Corrections as peace officers pursuant to Section 510
8 of Title 57 of the Oklahoma Statutes.

9 F. No person shall be certified as a police or peace officer by
10 the Council or be employed by the state, a county, a city, or any
11 political subdivision thereof, who is currently subject to an order
12 of the Council revoking, suspending, or accepting a voluntary
13 surrender of peace officer certification or who has been convicted
14 of a felony, a crime involving moral turpitude, or a crime of
15 domestic violence, unless a full pardon has been granted by the
16 proper agency; however, any person who has been trained and
17 certified by the Council on Law Enforcement Education and Training
18 and is actively employed as a full-time peace officer as of November
19 1, 1985, shall not be subject to the provisions of this subsection
20 for convictions occurring prior to November 1, 1985.

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

- a. Oklahoma State Bureau of Investigation and Federal Bureau of Investigation reports,
- 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

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

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

21 I. It is unlawful for any person to willfully make any
22 statement in an application to CLEET knowing the statement is false
23 or intentionally commit fraud in any application to the Council for
24 attendance in any CLEET-conducted or CLEET-approved peace officer

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

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

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

- 1 c. a verdict of guilt or entry of a plea of guilty or
2 nolo contendere for a deferred sentence for a felony
3 offense, a crime of moral turpitude, or a crime of
4 domestic violence,
- 5 d. falsification or a willful misrepresentation of
6 information in an employment application or
7 application to the Council on Law Enforcement
8 Education and Training, records of evidence, or in
9 testimony under oath,
- 10 e. revocation or voluntary surrender of police or peace
11 officer certification in another state for a violation
12 of any law or rule or in settlement of any
13 disciplinary action in such state,
- 14 f. involuntary commitment of a reserve or peace officer
15 in a mental institution or licensed private mental
16 health facility for any mental illness, condition or
17 disorder that is diagnosed by a licensed physician, ~~or~~
18 psychologist or a licensed mental health professional
19 as a substantial disorder of thought, mood,
20 perception, psychological orientation, or memory that
21 significantly impairs judgment, behavior, capacity to
22 recognize reality, or ability to meet the ordinary
23 demands of life. Provided, the peace officer
24 certification may be reinstated upon the Council

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

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

23 2. Disciplinary proceedings shall be commenced by filing a
24 complaint with the Council on a form approved by the Council. Any

1 employing agency or other person having information may submit such
2 information to the Council for consideration as provided in this
3 subsection.

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

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

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

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

24

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

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

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

23 8. Every law enforcement agency in this state shall, within
24 thirty (30) days of a final order of termination or resignation

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

1 9. For all other violations of this subsection, the hearing
2 examiner shall take into consideration the severity of the
3 violation, any mitigating circumstances offered by the person
4 subject to disciplinary action, and any other evidence relevant to
5 the person's character to determine the appropriate disciplinary
6 action.

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

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

21 c. Any person seeking reinstatement of police or peace
22 officer certification which has been suspended,
23 revoked, or voluntarily surrendered may apply for
24 reinstatement pursuant to promulgated CLEET rules

1 governing reinstatement. Except as provided in this
2 subsection, any person whose certification has been
3 revoked, suspended or voluntarily surrendered for any
4 reason, including failure to comply with mandatory
5 education and training requirements, shall pay a
6 reinstatement fee of One Hundred Fifty Dollars
7 (\$150.00) to be deposited to the credit of the Peace
8 Officer Revolving Fund created pursuant to Section
9 3311.7 of this title.

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

19 12. Any person or agency required or authorized to submit
20 information pursuant to this section to the Council shall be immune
21 from liability arising from the submission of the information as
22 long as the information was submitted in good faith and without
23 malice.
24

1 13. Any peace officer employed by a law enforcement agency in
2 this state which has internal discipline policies and procedures on
3 file with CLEET shall be exempt from the disciplinary proceedings
4 and actions provided for in this subsection; provided, however, such
5 exemption shall not apply if the peace officer has been convicted of
6 a felony crime, a crime of moral turpitude, or a crime of domestic
7 violence.

8 14. As used in this subsection:

- 9 a. "law enforcement agency" means any department or
10 agency of the state, a county, a municipality, or
11 political subdivision thereof, with the duties to
12 maintain public order, make arrests, and enforce the
13 criminal laws of this state or municipal ordinances,
14 which employs CLEET-certified personnel,
- 15 b. "final order of termination" means a final notice of
16 dismissal from employment provided after all
17 grievance, arbitration, and court actions have been
18 completed, and
- 19 c. "resignation while under investigation" means the
20 resignation from employment of a peace officer who is
21 under investigation for any felony violation of law, a
22 crime of moral turpitude, a crime of domestic
23 violence, or the resignation from employment of a
24

1 peace officer as part of an arbitration or plea
2 agreement.

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

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

- 22 a. the Oklahoma State Bureau of Narcotics and Dangerous
23 Drugs Control,
- 24 b. the Department of Public Safety,

- 1 c. a police department,
- 2 d. a sheriff's office, and
- 3 e. a university or college campus police department.

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

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

23 2. The Council shall appoint a Bomb Dog Advisory Council to
24 make recommendations concerning minimum standards, educational

1 needs, and other matters imperative to the certification of canines
2 and canine teams trained to detect explosives, explosive materials,
3 explosive devices and materials which could be used to construct an
4 explosive device. The Council shall promulgate rules based upon the
5 recommendations of the Advisory Council. Members of the Advisory
6 Council shall include, but need not be limited to, a commissioned
7 officer with practical knowledge of such canines and canine teams
8 from each of the following:

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

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

21 M. All tribal police officers of any Indian tribe or nation who
22 have been commissioned by an Oklahoma law enforcement agency
23 pursuant to a cross-deputization agreement with the State of
24 Oklahoma or any political subdivision of the State of Oklahoma

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

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

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

23 P. Peace officers, reserve peace officers, tribal peace
24 officers, agencies, bail enforcers, security guards and private

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

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

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19 55-1-7202 GRS 03/25/15

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