An Act

ENROLLED HOUSE
BILL NO. 2869

By: Wallace of the House

and

Weaver and Paxton of the Senate

An Act relating to the Council on Law Enforcement Education and Training; amending 47 O.S. 2021, Section 156, which relates to the prohibition against purchasing automobiles or buses with public funds; updating statutory reference; broadening certain exception; amending 47 O.S. 2021, Section 156.1, which relates to the use of state-owned motor vehicles for private use; updating statutory reference; broadening certain permission; amending 70 O.S. 2021, Section 3311, which relates to the Council on Law Enforcement Education and Training; updating statutory reference; allowing the Executive Director of the Council on Law Enforcement Education and Training to hire an Assistant Director; and providing an effective date.

SUBJECT: Council on Law Enforcement Education and Training

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

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

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

1. The Department of Public Safety;

2. The Department of Human Services;

3. The State Department of Rehabilitation Services;

4. The Department of Wildlife Conservation;

5. The Department of Corrections;

6. The State Department of Education;

7. The Oklahoma School of Science and Mathematics;

8. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;

9. The Oklahoma State Bureau of Investigation;

10. The Transportation Commission;

11. The Oklahoma Department of Agriculture, Food, and Forestry;

12. The State Department of Health;

13. The Department of Mental Health and Substance Abuse Services;

14. The J.D. McCarty Center for Children with Developmental Disabilities;

15. The Military Department of the State of Oklahoma;

16. The Oklahoma Tourism and Recreation Department;

17. The Oklahoma Conservation Commission;

18. The Oklahoma Water Resources Board;

19. The Department of Mines;

20. The Office of Juvenile Affairs;

21. The Oklahoma Department of ~~Veteran~~ Veterans Affairs;

22. The Oklahoma Supreme Court;

23. The District Attorneys Council and Oklahoma district attorneys, provided adequate funding exists;

24. The Oklahoma Boll Weevil Eradication Organization; ~~and~~

25. The Oklahoma Horse Racing Commission; and

26. The Council on Law Enforcement Education and Training.

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

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

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

b. the Oklahoma School for the Blind or the Oklahoma School for the Deaf from entering into agreements with local public school districts pursuant to the Interlocal Cooperation Act for the mutual use of the schools' and the districts' vehicles. Such use may include, but is not limited to, the transportation of students from local school districts with students from the Oklahoma School for the Blind or the Oklahoma School for the Deaf in vehicles owned by the Oklahoma School for the Blind or the Oklahoma School for the Deaf when traveling to school-related activities.

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

D. The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon

written request for such use by heads of departments of the institution, approved in writing by the president of said institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of Section 156.1 of this title forbidding personal use of such vehicles, and to the penalties therein declared.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, as provided for in Section 156.1 of this title.

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

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

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

Section 156.1 A. It shall be unlawful for any state official, officer or employee, except any essential employees approved by the Governor and those officers or employees authorized in subsection B of this section, to ride to or from the place of residence of the employee in a state-owned or state-leased automobile, truck or pickup, except in the performance of the official duty of the employee, or to use or permit the use of any such automobile, truck, ambulance or pickup for other personal or private purposes. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars ($100.00) or by imprisonment in the county jail for a period to not exceed thirty (30) days, or by both

said fine and imprisonment, and in addition thereto, shall be discharged from state employment.

B. 1. Any state employee, other than the individuals provided for in paragraph 2 of this subsection and any employee of the Department of Public Safety who is an employee in the Driver License ~~Examining~~ Services Division or the Driver Compliance Division or a wrecker inspector or auditor of the Wrecker Services Division as provided for in paragraph 3 of this subsection, who receives emergency telephone calls regularly at the residence of the employee when the employee is not on duty and is regularly called upon to use a vehicle after normal work hours in response to such emergency calls, may be permitted to use a vehicle belonging to the state to provide transportation between the residence of the employee and the assigned place of employment, provided such distance does not exceed seventy-five (75) miles in any round trip or is within the county where the assigned place of employment is located. Provided further, an employee may be permitted to use a state-owned or state-leased vehicle to provide temporary transportation between a specific work location other than the assigned place of employment and the residence of the employee, if such use shall result in a monetary saving to the agency, and such authorization shall not be subject to the distance or area restrictions provided for in this paragraph. Authorization for temporary use of a state-owned or state-leased vehicle for a specific project shall be in writing stating the justification for this use and the saving expected to result. Such authorization shall be valid for not to exceed sixty (60) days. Any state entity other than law enforcement that avails itself of this provision shall keep a monthly record of all participating employees, the number of emergency calls received and the number of times that a state vehicle was used in the performance of such emergency calls.

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

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

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

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

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

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

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

Section 3311. A. There is hereby created a Council on Law Enforcement Education and Training which shall be, and is hereby 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 functions necessary to ensure the professional training and continuing education of law enforcement officers in ~~the State of Oklahoma~~ this state. These rights, privileges and functions include, but are not limited to, those specified in Sections 3311 through 3311.15 of this title and in the Oklahoma Security Guard and Private Investigator Act and the ~~Oklahoma~~ Bail Enforcement and Licensing Act. The Council shall be authorized to require agency employees and the employees of agency contractors in positions to have access to Oklahoma Peace Officer records, Oklahoma Security Guard and Private Investigator records, ~~Oklahoma~~ Bail Enforcement and Licensing Act records, to be subject to a criminal history search by the Oklahoma State Bureau of Investigation, as well as be fingerprinted for submission of the fingerprints through the Oklahoma State Bureau of Investigation to the Federal Bureau of Investigation for a national criminal history check. The Council shall be the recipient of the results of the record check. In accordance with Section 150.9 of Title 74 of the Oklahoma Statutes, this includes a national criminal record with a finger print analysis. The Council shall be composed of thirteen (13) members as follows:

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

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

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

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

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

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

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

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

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

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

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

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

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

The Executive Director selected by the Council shall be an ex officio member of the Council and shall act as Secretary. The Council on Law Enforcement Education and Training shall select a chair and vice-chair from among its members. Members of the Council

on Law Enforcement Education and Training shall not receive a salary for duties performed as members of the Council, but shall be reimbursed for their actual and necessary expenses incurred in the performance of Council duties pursuant to the provisions of the State Travel Reimbursement Act.

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

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

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

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

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

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

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

7. Appoint an Executive Director ~~and an Assistant Director~~ to direct the staff, inform the Council of compliance with the provisions of this section and perform such other duties imposed on the Council by law. An Executive Director appointed by the Council must qualify for the position with a bachelor or higher degree in law enforcement from an accredited college or university, or a bachelor or higher degree in a law-enforcement-related subject area,

and a minimum of five (5) years of active law enforcement experience including, but not limited to, responsibility for enforcement, investigation, administration, training, or curriculum implementation.

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

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

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

9. a. Certify canine teams, consisting of a dog and a handler working together as a team, trained to detect:

(1) controlled dangerous substances, or

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

provided, the dog of a certified canine team shall not be certified at any time as both a drug dog and a bomb

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

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

10. Enter into a lease, loan or other agreement with the Oklahoma Development Finance Authority or a local public trust for the purpose of facilitating the financing of a new facility for its operations and use and pledge, to the extent authorized by law, all or a portion of its receipts of the assessment penalty herein referenced for the payment of its obligations under such lease, loan or other agreement. It is the intent of the Legislature to increase the assessment penalty to such a level or appropriate sufficient monies to the Council on Law Enforcement Education and Training to make payments on the lease, loan or other agreement for the purpose of retiring the bonds to be issued by the Oklahoma Development Finance Authority or local public trust. Such lease, loan or other agreement and the bonds issued to finance such facilities shall not constitute an indebtedness of ~~the State of Oklahoma~~ this state or be backed by the full faith and credit of ~~the State of Oklahoma~~ this state, and the lease, loan or other agreement and the bonds shall contain a statement to such effect;

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

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

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

overtime costs incurred as a result of the user's requests to schedule functions after-hours, on weekends, or anytime such requests extend staff beyond its normal capacity, whereby contracting individuals, educational institutions, agencies, and business and tribal entities shall pay a fee to be determined by the Council by rule. All fees collected pursuant to facilities usage shall be deposited to the credit of the C.L.E.E.T. Training Center Revolving Fund created pursuant to Section 3311.6 of this title. All other fees collected pursuant to these agreements shall be deposited to the credit of the Peace Officer Revolving Fund created pursuant to Section 3311.7 of this title. The Council is authorized to promulgate emergency rules to effectuate the provisions of this paragraph;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

a. this section applies only to an entity authorized by statute or by the Constitution to create a law enforcement agency or police department and commission, appoint, or employ officers that first creates or reactivates an inactive law enforcement agency or police department and first begins to commission, appoint, or employ officers on or after November 1, 2011,

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

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

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

(3) the physical resources available to officers,

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

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

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

(1) order additional information be provided,

(2) order confirmation of the opinion of the Executive Director, or

(3) order authorization of the entity.

C. 1. Payment of any fee provided for in this section may be made by a nationally recognized credit or debit card issued to the applicant. The Council may publicly post and collect a fee for the acceptance of the nationally recognized credit or debit card not to exceed five percent (5%) of the amount of the payment. For purposes

of this subsection, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value and which is accepted by over one thousand merchants in this state. "Debit card" means an identification card or device issued to a person by a business organization which permits such person to obtain access to or activate a consumer banking electronic facility. The Council shall determine which nationally recognized credit or debit cards will be accepted as payment for fees.

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

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

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

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

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

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

b. a fingerprint search submitted to the Federal Bureau of Investigation with a return report to the

submitting agency that such person has no felony record,

c. such person has undergone psychological evaluation by a psychologist licensed by the State of Oklahoma and has been evaluated to be suitable to serve as a peace officer in the State of Oklahoma,

d. the employing agency has verified that such person has a high school diploma or a GED equivalency certificate as recognized by state law,

e. such person is not participating in a deferred sentence agreement for a felony, a crime involving moral turpitude or a crime of domestic violence, and does not have any criminal charges pending in any court in this state, another state, in tribal court or pursuant to the United States Code,

f. such person is not currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification,

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

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

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

2. To aid the evaluating psychologist in interpreting the test results including automated scoring and interpretations, the employing agency shall provide the psychologist a statement confirming the identity of the individual taking the test as the person who is employed or seeking employment as a peace officer of the agency and attesting that it administered the psychological instrument in accordance with standards within the test document. The psychologist shall report to the employing agency the evaluation of the assessment instrument and may include any additional recommendations to assist the employing agency in determining whether to certify to the Council on Law Enforcement Education and Training that the person being evaluated is suitable to serve as a peace officer in ~~the State of Oklahoma~~ this state. No additional procedures or requirements shall be imposed for performance of the psychological evaluation. The psychological instrument utilized shall be evaluated by a psychologist licensed by the State of Oklahoma, and the employing agency shall certify to the Council that the evaluation was conducted in accordance with this provision and that the employee or applicant is suitable to serve as a peace officer in ~~the State of Oklahoma~~ this state.

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

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

c. All persons seeking certification shall have their name, gender, date of birth, and address of such person submitted to the Department of Mental Health

and Substance Abuse Services by the Council. The Department of Mental Health and Substance Abuse Services shall respond to the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution. In the event that the Department of Mental Health and Substance Abuse Services reports to the Council that the applicant has been involuntarily committed, the Council shall immediately inform the employing agency.

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

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

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

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

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

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

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

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

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

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

F. No person shall be certified as a police or peace officer by the Council or be employed by the state, a county, a city, or any political subdivision thereof, who is currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification or who has been convicted of a felony, a crime involving moral turpitude, or a crime of domestic violence, unless a full pardon has been granted by the proper agency; however, any person who has been trained and

certified by the Council on Law Enforcement Education and Training and is actively employed as a full-time peace officer as of November 1, 1985, shall not be subject to the provisions of this subsection for convictions occurring prior to November 1, 1985.

G. 1. The Council is hereby authorized to provide to any employing agency the following information regarding a person who is or has applied for employment as a police or peace officer of such 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 Council within ten (10) days. Failure to comply with the provisions of this subsection may disqualify a law enforcement agency from participating in training programs sponsored by the Council. Every law enforcement agency employing police or peace officers in this

state shall submit to CLEET on or before October 1 of each calendar year a complete list of all commissioned employees with a current mailing address and phone number for each such employee. In addition to the above, CLEET may impose an administrative fine for violations of this section.

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

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

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

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

b. conviction of a misdemeanor involving moral turpitude; provided, if the conviction is a single isolated incident that occurred more than five (5) years ago

and the Council is satisfied that the person has been sufficiently rehabilitated, the Council may, in its discretion, certify such person providing that all other statutory requirements have been met,

c. a verdict of guilt or entry of a plea of guilty or nolo contendere or an "Alford" plea or any plea other than a not guilty plea for a felony offense, a crime of moral turpitude, or a crime of domestic violence,

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

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

f. involuntary commitment of a reserve or peace officer in a mental institution or licensed private mental health facility for any mental illness, condition or disorder that is diagnosed by a licensed physician, psychologist or a licensed mental health professional as a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. Provided, the peace officer certification may be reinstated upon the Council receiving notification of a psychological evaluation conducted by a licensed physician, psychologist or licensed mental health professional which attests and states by affidavit that the officer and the evaluation test data of the officer have been examined and that, in the professional opinion of the physician, psychologist or licensed mental health professional, the officer is psychologically suitable to return to duty as a peace officer. Notwithstanding any other provision of state law pertaining to confidentiality of hospital or other medical records, and as allowable under federal law, CLEET may subpoena or request a court to subpoena records necessary to

assure compliance with these provisions. Any confidential information received by CLEET for such purpose shall retain its confidential character while in the possession of CLEET,

g. abuse of office,

h. entry of a final order of protection against applicant or officer, or

i. any violation of the Oklahoma Private Security Licensing Act.

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

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

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

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

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

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

a crime involving moral turpitude or a domestic violence offense or has entered a plea of guilty, or nolo contendere or an "Alford" plea or any plea other than a not guilty plea for a felony offense, a crime of moral turpitude or a crime of domestic violence or is the respondent in a final ~~Victims Protective Order~~ victim protective order; provided, that if the conviction has been reversed, vacated or otherwise invalidated by an appellate court, such conviction shall not be the basis for revocation of certification; provided further, that any person who has been trained and certified by the Council on Law Enforcement Education and Training and is actively employed as a full-time peace officer as of November 1, 1985, shall not be subject to the provisions of this subsection for convictions occurring prior to November 1, 1985. The sole issue to be determined at the hearing shall be whether the person has been convicted of a felony, a crime involving moral turpitude or a domestic violence offense or is the named respondent/defendant in a final ~~Victims Protective Order~~ victim protective order.

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

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

8. Every law enforcement agency in this state shall, within thirty (30) days of a final order of termination or resignation while under investigation of a CLEET-certified peace officer, report such order or resignation in writing to the Executive Director of the Council. Any report, upon receipt by the Council, shall be considered as personnel records and shall be afforded confidential protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma Statutes. Any medical or other confidential records obtained by subpoena pursuant to this subsection shall not be made a part of such report. The Executive Director shall ensure that the 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 Council to occur after all members of the Council have received the report. The Council may, by a majority vote, order the suspension, for a given period of time, or revocation of the CLEET certification of the peace officer in question if there

are grounds for such actions pursuant to this section and the peace officer in question has been provided with notice and an opportunity for a hearing pursuant to the Administrative Procedures Act. Suspension or revocation of CLEET certification pursuant to this paragraph shall be reported to the district attorney for the jurisdiction in which the peace officer was employed, to the liability insurance company of the law enforcement agency that employed the peace officer, the chief elected official of the governing body of the law enforcement agency and the chief law enforcement officer of the law enforcement agency.

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

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

b. No person who has had a police or peace officer certification from another state revoked or voluntarily surrendered and has not been reinstated by that state shall be considered for certification by CLEET.

c. Any person seeking reinstatement of police or peace officer certification which has been suspended, revoked, or voluntarily surrendered may apply for reinstatement pursuant to promulgated CLEET rules governing reinstatement. Except as provided in this subsection, any person whose certification has been revoked, suspended or voluntarily surrendered for any reason including failure to comply with mandatory education and training requirements, shall pay a reinstatement fee of One Hundred Fifty Dollars ($150.00) to be deposited to the credit of the Peace

Officer Revolving Fund created pursuant to Section 3311.7 of this title.

11. A duty is hereby imposed upon the district attorney who, on behalf of the State of Oklahoma, prosecutes a person holding police or peace officer or reserve peace officer certification for a felony, a crime involving moral turpitude, or a crime of domestic violence in which a plea of guilty, nolo contendere, or an "Alford" plea or any other plea other than a not guilty plea or other finding of guilt is entered by, against or on behalf of a certified police or peace officer to report such plea, agreement, or other finding of guilt to the Council on Law Enforcement Education and Training within ten (10) days of such plea agreement or the finding of guilt.

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

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

14. All criminal proceedings initiated against a CLEET-certified peace officer or reserve peace officer shall be reported by the officer to CLEET immediately after arrest or discovery of the filing of such criminal proceeding. All CLEET-certified peace officers and reserve peace officers shall be required to report when a ~~Victim Protective Order~~ victim protective order has been issued against the officer including orders issued on an emergency basis and all final orders of protection. Failure to give notice pursuant to the provisions of this paragraph may be cause to initiate an action against the officer by CLEET.

15. As used in this subsection:

a. "law enforcement agency" means any department or agency of the state, a county, a municipality, or political subdivision thereof, with the duties to maintain public order, make arrests, and enforce the

criminal laws of this state or municipal ordinances, which employs CLEET-certified personnel,

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

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

K. 1. Every canine team in the state trained to detect controlled dangerous substances shall be certified, by test, in the detection of such controlled dangerous substances and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency and that are certified and annually recertified in the detection of controlled dangerous substances by the United States Customs Service. No employee of CLEET may be involved in the training or testing of a canine team.

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

a. the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,

b. the Department of Public Safety,

c. a police department,

d. a sheriff's office, and

e. a university or college campus police department.

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

L. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense. No employee of CLEET may be involved in the training or testing of a canine team.

2. The Council shall appoint a Bomb Dog Advisory Council to make recommendations concerning minimum standards, educational needs, and other matters imperative to the certification of canines and canine teams trained to detect explosives, explosive materials, explosive devices and materials which could be used to construct an explosive device. The Council shall promulgate rules based upon the recommendations of the Advisory Council. Members of the Advisory Council shall include, but need not be limited to, a commissioned officer with practical knowledge of such canines and canine teams from each of the following:

a. the Department of Public Safety,

b. a police department,

c. a sheriff's office, and

d. a university or college campus police department.

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

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

N. If an employing law enforcement agency in this state has paid for CLEET training and the salary of a person while that person is completing in this state a basic police course approved by the Council and if within one (1) year after initial employment with the original employing agency that person resigns and is hired by another law enforcement agency in this state, the second agency or the person receiving the training shall reimburse the original employing agency for the cost of CLEET training and salary paid to the person while completing the basic police course by the original employing agency. If the person leaves the original employing agency later than one (1) year, but less than two (2) years, after the initial employment, the second agency or the person receiving the training shall reimburse the original employing agency fifty percent (50%) of the cost of CLEET training and salary paid to the person while completing the basic police course by the original employing agency. CLEET shall not be a party to any court action based on this provision.

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

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

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

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

Passed the House of Representatives the 17th day of May, 2023.

Presiding Officer of the House of Representatives

Passed the Senate the 26th day of April, 2023.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 18th day of May, 20 23, at 10:10 o'clock a. M.

By: [signature]

Approved by the Governor of the State of Oklahoma this 22nd day of May, 20 23, at 8:40 o'clock a. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 22nd day of May, 20 23, at 9:11 o'clock A M.

By: [signature]