

SHORT TITLE: Campus police; allowing interlocal agreements to expand jurisdiction; effective date.

STATE OF OKLAHOMA

1st Session of the 46th Legislature (1997)

SENATE BILL NO. 529

By: Helton

AS INTRODUCED

An Act relating to campus police and jurisdiction; amending 74 O.S. 1991, Sections 360.15, 360.16, 360.17, 360.18, 360.19, 360.20 and 360.21, which relate to the Oklahoma Campus Security Act; amending 56 O.S. 1991, Section 162.2, as amended by Section 23, Chapter 330, O.S.L. 1993 (56 O.S. Supp. 1996, Section 162.2), which relates to authority for the Department of Human Services to appoint campus police; modifying reference; clarifying language relating to campus police authority; allowing interlocal agreements to expand jurisdiction to off campus areas; clarifying authority to enter into agreement; requiring campus police and juvenile officers to be certified as peace officers; limiting jurisdiction for campus police appointed by the Department of Human Services absent certain agreement; and providing an effective date.

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

SECTION 1. AMENDATORY 74 O.S. 1991, Section 360.15, is amended to read as follows:

Section 360.15 ~~This act~~ Section 360.15 et seq. of this title shall be known and may be cited as the "Oklahoma Campus Security Act".

SECTION 2. AMENDATORY 74 O.S. 1991, Section 360.16, is amended to read as follows:

Section 360.16 As used in the Oklahoma Campus Security Act, Section 360.15 et seq. of this title:

1. "Campus" means the real property, buildings and other improvements within this state owned, leased or rented by an institution of higher education or a public school district;

2. "Campus police officer" means an individual certified by the Council on Law Enforcement Education and Training as a peace officer and holding a commission from and employed by an institution of higher education or a public school district pursuant to the Oklahoma Campus Security Act, who may also be known as a "campus public safety officer";

3. "Commission" means a certificate of appointment by the governing board of an institution of higher education or a board of education of a public school district ~~of~~ for an individual certified as a full-time police or peace officer pursuant to Section 3311 of Title 70 of the Oklahoma Statutes;

4. "Governing board" means the board of regents or trustees which determines management policy and has responsibility for the general government of an institution of higher education or the board of education of a public school district; and

5. "Institution of higher education" means a college, university, higher educational center, or other constituent agency of The Oklahoma State System of Higher Education or a private college or university in this state whose accreditation is recognized by the Oklahoma State Regents for Higher Education pursuant to Section 4103 of Title 70 of the Oklahoma Statutes.

SECTION 3. AMENDATORY 74 O.S. 1991, Section 360.17, is amended to read as follows:

Section 360.17 A. The jurisdiction of campus police officers includes the campus and may be expanded pursuant to an agreement with the local municipal law enforcement agency or the sheriff of the county wherein the campus is located. Campus police departments are authorized by ~~this act~~ the provisions of this section to enter into agreements with the local municipal law enforcement agency or the county sheriff to expand the jurisdiction of the campus police officers. Such expanded jurisdiction may include, but shall not be limited to, the highways, streets, roads, alleys, easements, and other public ways immediately adjacent to ~~their~~ the campus and any other areas specifically authorized by ~~such~~ the agreement for which the law enforcement agency or sheriff has authority. This delineation of jurisdiction, ~~however~~ whether by the provisions of this section or by agreement, shall not be ~~understood~~ construed as limiting the completion of any necessary enforcement activities which ~~began~~ begin within ~~these jurisdictions and~~ the campus jurisdiction or are in compliance with the jurisdiction defined by agreements made with the municipality or county sheriff pursuant to this ~~act~~ section. In the absence of an agreement with a municipality or sheriff, only those law enforcement activities which ~~began~~ begin on campus may be completed off campus and such activities must be completed in a timely manner. ~~Such~~ Absent an agreement with a municipality or sheriff, the law enforcement activities beginning on campus and continuing outside the campus area shall only be authorized if the campus police have coordinated the activities with the local law enforcement agency having jurisdiction in that off campus area. ~~In addition, a campus police officer shall have jurisdiction in other locations pursuant to an agreement authorized by this act. Such agreement may authorize the~~ The chief administrative officer of the law enforcement agency ~~to~~

may request assistance from a campus police officer pursuant to the terms of the agreement. Campus police officers, commissioned pursuant to ~~this act~~ the Oklahoma Campus Security Act, shall have the same powers, liabilities, and immunities as sheriffs or police officers within their jurisdiction. Campus police officers shall be certified as peace officers by the Council on Law Enforcement Education and Training as provided in Section 3311 of Title 70 of the Oklahoma Statutes.

B. ~~As limited by law, the provisions of this section, and~~ Except as otherwise prohibited by law or by the governing board of a campus police authority, a CLEET certified campus police officer shall have the authority to enforce:

1. State criminal statutes;
2. Municipal ordinances, if authorized by an agreement with the municipality; and
3. Rules ~~and regulations~~ of the school or institution of higher education employing ~~such~~ the campus police officer.

C. ~~As limited by law, the provisions of this section, and~~ Except as otherwise prohibited by law or the governing board of the campus police authority, the campus police department shall have the same authority as a municipal police department.

D. Campus police departments formed by private institutions of higher education pursuant to ~~this act~~ the provisions of the Oklahoma Campus Security Act shall be deemed to be public agencies in ~~the State of Oklahoma~~ this state for the limited purposes of enforcing the criminal statutes of ~~Oklahoma~~ this state and ~~making~~ entering into agreements with local municipal law enforcement agencies or political subdivisions of the state pursuant to ~~this act~~ the authority of the Oklahoma Campus Security Act.

SECTION 4. AMENDATORY 74 O.S. 1991, Section 360.18, is amended to read as follows:

Section 360.18 A. Governing boards of institutions of higher education and boards of education of public school districts are authorized to establish campus police departments pursuant to the provisions of the Oklahoma Campus Security Act, Section 360.15 et seq of this title. These boards may employ and commission campus police officers and may designate uniforms, badges and insignia to be worn by such officers and displayed on vehicles or other equipment of the department. Campus police departments shall use the following words or phrases, alone or in any combination, in conjunction with the uniform, badges, insignia or on vehicles utilized by these departments: university police, university public safety department, campus police department, campus police officer, campus public safety department, campus public safety officer, or any standardized title such as director, chief, major, captain, lieutenant, sergeant, or corporal. Upon appointment, each ~~such~~ officer shall be given a written commission, with a photo identification, evidencing the officer's appointment and authority. The form of this commission shall be prescribed by the governing boards specified in this ~~act~~ section. Persons employed by a governing board which has established a campus police department but who are not campus police officers shall not be permitted to wear uniforms, badges or insignia specified in this subsection or receive commissions or photo identification of the type provided campus police officers.

B. The commission of a campus police officer may be suspended or revoked by the governing board for any reason. ~~Such commission also~~ The district attorney in whose district a campus police officer is working may be suspended or revoked by the district attorney in ~~whose district the officer is employed~~ suspend or revoke an officer's commission for cause related to the campus police officer's ability to exercise the powers of such commission in the interest of public security ~~or suspended or revoked by the.~~ The

district attorney shall suspend or revoke an officer's commission upon conviction of the campus police officer for larceny, theft, embezzlement, false pretense, fraud, any nonconsensual sex offense, any offense involving a minor as a victim, any offense involving the possession, use, distribution or sale of a controlled dangerous substance, or any offense involving a firearm. The commission of a campus police officer convicted of a felony ~~or of a crime involving moral turpitude~~ shall be revoked by the district attorney ~~upon conviction~~. The commission of a campus police officer no longer employed by the governing board, except when an officer ~~who~~ is retiring, shall be relinquished to the board, or its representative, at the time of cessation of said employment. When a commission is revoked or relinquished, the campus police department shall take possession of all campus police officer insignia, badges, identification cards and weapons issued to the officer. A person who fails to relinquish said insignia, badges, identification cards or weapons, upon conviction, shall be deemed guilty of a misdemeanor and shall be punished by ~~the imposition of~~ a fine of not more than One Thousand Dollars (\$1,000.00) ~~or~~, by imprisonment in the county jail for a term not to exceed exceeding one (1) year, or by both such fine and imprisonment.

C. Governing boards shall notify the Council on Law Enforcement Education and Training (CLEET) when an officer is commissioned or a commission is relinquished, suspended, or revoked. The governing boards shall provide CLEET with all information regarding commissioned officers when requested by CLEET.

D. A campus police officer employed pursuant to the Oklahoma Campus Security Act shall not be ~~able~~ eligible to participate in either the Oklahoma Police Pension and Retirement System or the Oklahoma Law Enforcement Retirement System, unless otherwise entitled to by law.

SECTION 5. AMENDATORY 74 O.S. 1991, Section 360.19, is amended to read as follows:

Section 360.19 Whether or not governing boards establish campus police departments pursuant to the Oklahoma Campus Security Act, Section 360.15 et seq. of this title, nothing in this ~~act~~ section shall be construed as prohibiting governing boards from:

1. Employing personnel licensed pursuant to the Oklahoma Security Guard and Private Investigator Act, Section 1750.1 et seq. of Title 59 of the Oklahoma Statutes to be employed as campus security;

2. Contracting with municipalities to authorize their local municipal police department, or with sheriffs departments, or with retired commissioned police officers to provide security services; or

3. Providing courtesy patrols, watchmen, traffic control personnel or other persons for the performance of safety or security duties for which such personnel are trained.

SECTION 6. AMENDATORY 74 O.S. 1991, Section 360.20, is amended to read as follows:

Section 360.20 ~~Municipalities~~ Any municipal police agency and county sheriff departments having overlapping or concurrent jurisdiction with a proposed campus police department, may enter into agreements with the proposed campus police department ~~recognizing~~ for purposes of delineating jurisdictional boundaries and providing for mutual assistance. Any such agreements enter pursuant to the provisions of the Oklahoma Campus Security Act, Section 360.15 et seq. of this title shall be executed by the governing boards of the educational institution and the governing body of the municipality or sheriff, and shall not serve to prevent other law enforcement agencies from having concurrent or overlapping jurisdiction. Nothing in this ~~act~~ section or any action pursuant to ~~this act~~ the Oklahoma Campus Security Act shall be deemed to create

an agent-principal relationship between any campus police officer and any municipality or county.

SECTION 7. AMENDATORY 74 O.S. 1991, Section 360.21, is amended to read as follows:

Section 360.21 A. Criminal fines, penalties, fees or other penalty assessments imposed by a municipal or district court pursuant to state law or municipal ordinance as the result of an arrest or a citation issued by an officer commissioned pursuant to ~~this act~~ the Oklahoma Campus Security Act, Section 360.15 et seq. of this title, shall be collected and distributed as required by law.

B. The district attorney of the district where the unlawful conduct is alleged to have taken place shall have authority to prosecute such offense upon complaint being signed by a campus police officer commissioned pursuant to ~~this act~~ the provisions of the Oklahoma Campus Security Act. Any violation of a municipal ordinance offense shall be prosecuted in a municipal court.

C. A campus police department or any officer thereof enforcing state law or municipal ordinance as authorized by the Oklahoma Campus Security Act shall not be deemed to be acting under the authority of any political subdivision of the state, except by agreement with a municipality or when the governing board establishing the department or commissioning the officer ~~if such governing board~~ is the governing board of an institution in The Oklahoma State System of Higher Education or is a school district.

SECTION 8. AMENDATORY 56 O.S. 1991, Section 162.2, as amended by Section 23, Chapter 330, O.S.L. 1993 (56 O.S. Supp. 1996, Section 162.2), is amended to read as follows:

Section 162.2 The Department of Human Services shall have the authority to appoint and commission CLEET certified campus police officers for institutions, county office buildings and any other buildings and their adjacent grounds under the jurisdiction of the Department, in the same manner and with the same powers as campus

police appointed by governing boards of state institutions for higher education under the provisions of ~~Sections 360.11 through 360.14~~ the Oklahoma Campus Security Act, Section 360.15 et seq. of Title 74 of the Oklahoma Statutes. The Department may also appoint and commission CLEET certified juvenile officers to assist it in maintaining custody of children committed to the custody of the Department, and in making investigations ~~and in prosecuting for~~ court proceedings ~~under~~ pursuant to the provisions of Sections 233 through 236 of this title, relating to child support enforcement. Such officers shall have the powers of peace officers when certified by the Council on Law Enforcement Education and Training (CLEET) and commissioned by the Department, including the authority to serve and execute process, bench warrants and other court orders in cases in which the Department is a party or a participant. Each juvenile officer shall be required to execute a bond in such form and amount as may be approved by the Department, the cost thereof to be paid by the Department. The jurisdiction of any appointed campus police officer or juvenile officer commissioned by the Department of Human Services shall be limited to that jurisdiction of property controlled by the Department of Human Services, unless an agreement has been made with a local municipal law enforcement agency or the sheriff pursuant to the provisions of the Oklahoma Campus Security Act.

SECTION 9. This act shall become effective November 1, 1997.

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