

1 ENGROSSED SENATE  
2 BILL NO. 1614

By: Shaw of the Senate

3 and

4 Hill of the House

5  
6 An Act relating to Oklahoma Highway Patrol; amending  
7 47 O.S. 2011, Section 2-105, as last amended by  
8 Section 1, Chapter 282, O.S.L. 2017 (47 O.S. Supp.  
9 2019, Section 2-105), which relates to  
10 qualifications; modifying allowable service for  
11 qualifications; modifying allowable hours of service;  
12 updating statutory language; providing an effective  
13 date; and declaring an emergency.

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

15 SECTION 1. AMENDATORY 47 O.S. 2011, Section 2-105, as  
16 last amended by Section 1, Chapter 282, O.S.L. 2017 (47 O.S. Supp.  
17 2019, Section 2-105), is amended to read as follows:

18 Section 2-105. A. The Commissioner of Public Safety, subject  
19 to the Oklahoma Personnel Act, shall appoint:

20 1. A Chief of the Oklahoma Highway Patrol Division with the  
21 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol  
22 Division with the rank of Lieutenant Colonel, and subordinate  
23 officers and employees of the Oklahoma Highway Patrol Division,  
24 including Majors, Captains, Lieutenants, and Highway Patrolmen with  
the rank of Trooper, who shall comprise the Oklahoma Highway Patrol  
Division of the Department of Public Safety; provided, any officer

1 appointed to a commissioned position prescribed in this paragraph  
2 which is unclassified pursuant to Section 840-5.5 of Title 74 of the  
3 Oklahoma Statutes shall have a right of return to the highest  
4 previously held classified commissioned position within the Highway  
5 Patrol Division of the Department of Public Safety without any loss  
6 of rights, privileges or benefits immediately upon completion of the  
7 duties in the unclassified commissioned position;

8       2. A Captain, Lieutenants, and Patrolmen who shall comprise the  
9 Marine Enforcement Section of the Oklahoma Highway Patrol Division  
10 of the Department of Public Safety;

11       3. A Captain, Lieutenants, and Patrolmen, who shall comprise  
12 the Capitol Patrol Section of the Oklahoma Highway Patrol Division  
13 of the Department of Public Safety; and

14       4. Communications Coordinators, Communications Superintendents,  
15 Communications Supervisors, Communications Dispatchers, Radio  
16 Technicians and Tower Maintenance Officers shall comprise the  
17 Communications Division of the Department of Public Safety.

18       B. 1. The Commissioner, when appointing commissioned officers  
19 and employees to the positions set out in subsection A of this  
20 section, shall determine, in consultation with the Director of the  
21 Office of Management and Enterprise Services, minimum qualifications  
22 and shall select such officers and employees only after examinations  
23 to determine their physical and mental qualifications for such  
24 positions. The content of the examinations shall be prescribed by

1 the Commissioner, and all such appointees shall satisfactorily  
2 complete a course of training in operations and procedures as  
3 prescribed by the Commissioner.

4 2. No person shall be appointed to any position set out in  
5 subsection A of this section unless the person is a citizen of the  
6 United States of America, of good moral character, and:

7 a. for commissioned officer positions, shall be at least  
8 twenty-one (21) years of age but less than forty-six  
9 (46) years of age, and shall ~~possess~~:

10 (1) possess an associate's degree or a minimum of  
11 sixty-two (62) successfully completed semester  
12 hours from an accredited college or university as  
13 denoted in the Database of Accredited  
14 Postsecondary Institutions and Programs provided  
15 by the U.S. Department of Education and whose  
16 hours are transferable between such recognized  
17 institutions, or

18 (2) ~~shall~~ have successfully completed thirty-two (32)  
19 semester hours from an accredited college or  
20 university as denoted in the Database of  
21 Accredited Postsecondary Institutions and  
22 Programs provided by the U.S. Department of  
23 Education and whose hours are transferable  
24 between such recognized institutions and have

1 three (3) years of honorable active military ~~or~~  
2 service, reserve military service, or law  
3 enforcement experience, as described in this  
4 section, or

5 (3) been a paid, full-time CLEET certified law  
6 enforcement officer of a state or local law  
7 enforcement agency within the State of Oklahoma,  
8 or

9 (4) been a paid, full-time sworn law enforcement  
10 officer who has been certified by a state peace  
11 officer standards and training agency as a peace  
12 officer in another state, or any officer who has  
13 been certified as a federal peace officer by a  
14 CLEET Council recognized law enforcement agency,  
15 and

16 b. ~~applicants with prior military service, shall receive~~  
17 ~~up to ten (10) semester hours for each year of~~  
18 ~~honorable service in any active military or reserve~~  
19 ~~military service up to a maximum of three (3) years or~~  
20 ~~thirty (30) semester hours, and~~

21 ~~e.~~ for any such position in the Communications Division,  
22 a person shall be at least eighteen (18) years of age  
23 and shall possess a high school diploma or General  
24 Educational Development equivalency certificate.

1        3. Applicants with prior military service shall receive up to  
2 ten (10) semester hours for each year of honorable service in any  
3 active military or reserve military up to a maximum of three (3)  
4 years or thirty (30) semester hours.

5        4. Applicants with prior law enforcement experience shall  
6 receive up to ten (10) semester hours for each year of service as a  
7 paid, full-time, sworn law enforcement officer up to a maximum of  
8 three (3) years or thirty (30) semester hours.

9        ~~3.~~ 5. No commissioned officer of the Department shall, while in  
10 such position, be a candidate for any political office or take part  
11 in or contribute any money or other thing of value, directly or  
12 indirectly, to any political campaign or to any candidate for public  
13 office. Anyone convicted of violating the provisions of this  
14 paragraph shall be guilty of a misdemeanor and shall be punished as  
15 provided by law.

16        ~~4.~~ 6. The Commissioner or any employee of the Department shall  
17 not be a candidate for any political office, or in any way be active  
18 or participate in any political contest of any Primary, General, or  
19 Special Election, except to cast a ballot. No commissioned officer  
20 of the Department, while in the performance of the officer's  
21 assigned duty of providing security and protection, shall be  
22 considered as participating in a political campaign. The provisions  
23 of this paragraph shall not be construed to preclude a commissioned  
24 officer of the Oklahoma Highway Patrol Division of the Department of

1 Public Safety from being a candidate for a position on a local board  
2 of education.

3 ~~5.~~ 7. Drunkenness or being under the influence of intoxicating  
4 substances shall be sufficient grounds for the removal of any  
5 commissioned officer of the Department, in and by the manner  
6 provided for in this section.

7 C. 1. Upon initial appointment to the position of Cadet  
8 Highway Patrolman or Probationary Communications Dispatcher, the  
9 appointed employee shall be required to serve an initial  
10 probationary period of twelve (12) months. The Commissioner may  
11 extend the probationary period for up to three (3) additional months  
12 provided that the employee and the Office of Management and  
13 Enterprise Services are notified in writing as to such action and  
14 the reasons thereof. During such probationary period, the employee  
15 may be terminated at any time and for any reason at the discretion  
16 of the Commissioner. Retention in the service after expiration of  
17 the initial probationary period shall entitle such employee to be  
18 classified as a permanent employee and the employee shall be so  
19 classified. No permanent employee may be discharged or removed  
20 except as provided for in this section.

21 2. A commissioned officer of the Oklahoma Highway Patrol  
22 Division may be promoted during the initial probationary period if  
23 such officer satisfactorily completes all training requirements  
24 prescribed by the Commissioner.

1 D. 1. No permanent employee, as provided for in this section,  
2 who is a commissioned officer of the Department, may be suspended  
3 without pay or dismissed unless the employee has been notified in  
4 writing by the Commissioner of such intended action and the reasons  
5 thereof. No such notice shall be given by the Commissioner unless  
6 sworn charges or statements have been obtained to justify the  
7 action.

8 2. Whenever such charges are preferred, the Commissioner may  
9 suspend the accused pending the hearing and final determination of  
10 such charges. If the charges are not sustained in whole or in part,  
11 the accused shall be entitled to pay during the period of such  
12 suspension. If the charges are sustained in whole or in part, the  
13 accused shall not receive any pay for the period of such suspension.

14 3. Commissioned officers of the Department of Public Safety are  
15 not entitled to appeal intra-agency transfer to the Oklahoma Merit  
16 Protection Commission pursuant to the Oklahoma Personnel Act unless  
17 transfer is in violation of Section 840-2.5 or 840-2.9 of Title 74  
18 of the Oklahoma Statutes.

19 4. The Department of Public Safety shall follow the uniform  
20 grievance procedure established and adopted by the Office of  
21 Management and Enterprise Services for permanent classified  
22 employees, except for those employees who are commissioned officers  
23 of the Department. The Department of Public Safety shall establish  
24 and adopt a proprietary grievance procedure for commissioned

1 officers of the Department which is otherwise in compliance with the  
2 provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

3 E. 1. The Commissioner is hereby authorized to purchase and  
4 issue uniforms and necessary equipment for all commissioned officers  
5 of the Highway Patrol Division of the Department. All uniforms and  
6 equipment shall be used only in the performance of the official  
7 duties of such officers and shall remain the property of the  
8 Department, except as provided in Section 2-150 of this title.

9 2. Each commissioned officer of the Highway Patrol Division of  
10 the Department of Public Safety shall be entitled to reimbursement  
11 of expenses pursuant to the State Travel Reimbursement Act while  
12 away from the assigned area of the officer as designated by the  
13 Chief of the Oklahoma Highway Patrol Division, when such expense is  
14 incurred in the service of the state.

15 F. 1. The positions with the rank of Colonel and Lieutenant  
16 Colonel of the Oklahoma Highway Patrol Division shall be filled from  
17 the body of commissioned officers of the Oklahoma Highway Patrol  
18 Division and appointment to ~~said~~ the position shall be based on  
19 qualifications, previous record as a commissioned officer of the  
20 Oklahoma Highway Patrol Division, length of service, years of  
21 experience within the Oklahoma Highway Patrol Division or other  
22 service as prescribed in this subsection, and efficiency of service  
23 performed.



1           2. In addition to the requirements of paragraph 1 of this  
2 subsection, the position of Chief of the Oklahoma Highway Patrol  
3 Division shall be based on one of the following:

4           a. one (1) year of experience in any combination:

5                 (1) as Commissioner of Public Safety,

6                 (2) as Assistant Commissioner of Public Safety, or

7                 (3) as Assistant Chief,

8           b. two (2) years of experience in any combination:

9                 (1) as Deputy Chief or higher rank, or

10                (2) if the experience was prior to April 21, 2006, as  
11                    Major or higher rank,

12           c. four (4) years of experience in any combination:

13                 (1) as Major or higher rank, or

14                 (2) if the experience was prior to April 21, 2006, as  
15                    Captain or higher rank, or

16           d. six (6) years of experience in any combination:

17                 (1) as Captain or higher rank, or

18                 (2) if the experience was prior to April 21, 2006, as  
19                    First Lieutenant or higher rank.

20           3. In addition to the requirements of paragraph 1 of this  
21 subsection, the position of Deputy Chief of the Oklahoma Highway  
22 Patrol Division shall be based on one of the following:

23           a. one (1) year of experience in any combination:

24                 (1) as Commissioner of Public Safety,

1 (2) as Assistant Commissioner of Public Safety, or

2 (3) as Colonel,

3 b. two (2) years of experience in any combination:

4 (1) as Major or higher rank, or

5 (2) if the experience was prior to April 21, 2006, as  
6 Captain or higher rank, or

7 c. four (4) years of experience in any combination:

8 (1) as Captain or higher rank, or

9 (2) if the experience was prior to April 21, 2006, as  
10 Highway Patrol First Lieutenant or higher rank.

11 G. The Commissioner of Public Safety is hereby authorized to  
12 send employees of the Department of Public Safety to schools such as  
13 Northwestern University Center for Public Safety, Southern Police  
14 Institute, the FBI National Academy, the Institute of Police  
15 Technology and Management, or to any other schools of similar  
16 training which would be conducive to improving the efficiency of the  
17 Oklahoma Highway Patrol Division and the Department of Public  
18 Safety. While an employee is attending a school, the Commissioner  
19 is authorized to permit the employee to use a state-owned vehicle  
20 and to use a fuel-purchasing card for any expenses related to the  
21 operation of the vehicle. In addition, while an employee is  
22 attending the FBI National Academy, a one-time expense allowance of  
23 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room  
24 and board, and other related expenses shall be paid to the employee

1 by the Department; provided, the employee shall not be further  
2 compensated through the State Travel Reimbursement Act, and, if any  
3 other agency reimburses the employee for any expenses, the  
4 reimbursement shall be given to the Department. All purchases made  
5 by the employee with the expense allowance shall be considered  
6 property of the employee.

7 H. 1. Any former commissioned officer of the Department whose  
8 separation from the Department was at such officer's own request and  
9 not a result of such officer's own actions contrary to the policy of  
10 the Department or was not as a result of the retirement of that  
11 officer from the Department may make application for reinstatement  
12 as a commissioned officer of the division or section of the  
13 Department in which such officer was previously employed, provided  
14 such reinstated officer will be able to complete twenty (20) years  
15 of credited service by the time the reinstated officer reaches  
16 sixty-two (62) years of age. The Commissioner may waive the  
17 requirements of possessing the number of semester hours or degree as  
18 required in subsection B of this section for any former commissioned  
19 officer making application for reinstatement as a commissioned  
20 officer of the Department. The Commissioner may require the  
21 applicant for reinstatement to attend selected courses of  
22 instruction, as prescribed by the Commissioner.

23 2. In the event of future hostilities wherein the Congress of  
24 the United States declares this nation in a state of war with a

1 foreign nation, including military service brought about by the  
2 Vietnam War, any period of military service served by a commissioned  
3 officer of the Department shall be considered as continued service  
4 with such Department, provided such commissioned officer returns to  
5 duty with the Department within sixty (60) days after release from  
6 military service.

7 SECTION 2. This act shall become effective July 1, 2020.

8 SECTION 3. It being immediately necessary for the preservation  
9 of the public peace, health or safety, an emergency is hereby  
10 declared to exist, by reason whereof this act shall take effect and  
11 be in full force from and after its passage and approval.

12 Passed the Senate the 3rd day of March, 2020.

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\_\_\_\_\_  
Presiding Officer of the Senate

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16 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
17 2020.

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Presiding Officer of the House  
of Representatives

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