

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

SENATE BILL NO. 1612

By: David of the Senate

5 and

6 Echols of the House

7
8
9 COMMITTEE SUBSTITUTE

10 [law enforcement unification - Oklahoma Department
11 of Public Safety Unification, Recruitment, and
12 Retention Act of 2022 - Commissioner of the
13 Oklahoma Department of Public Safety - Oklahoma
14 Board of Public Safety - Oklahoma Department of
15 Public Safety Revolving Fund - creation and
16 maintenance of a Mental Wellness Division -
17 effective date]

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

20 SECTION 1. NEW LAW A new section of law not to be
21 codified in the Oklahoma Statutes reads as follows:

22 This act shall be known and may be cited as the "Oklahoma
23 Department of Public Safety Unification, Recruitment, and Retention
24 Act of 2022".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9101 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. Upon the effective date of this act, there is hereby created the Oklahoma Department of Public Safety. The Oklahoma Department of Public Safety shall include the following law enforcement departments and agencies:

1. The Oklahoma Highway Patrol Division;
2. The Oklahoma State Bureau of Investigation; and
3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs Control.

B. The Oklahoma Department of Public Safety may include, but shall not be limited to, the following divisions:

1. Administration, to be comprised of the nonlaw enforcement division of the current Department of Public Safety;
2. Training and Recruitment; and
3. Licensing.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 9102 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Board of Public Safety. The Board shall be comprised of nine (9) members as follows:

1. Three members, who shall be lay members, who have a law enforcement background, appointed by the Governor;

1 2. One member, who shall be a lay member who has a law
2 enforcement background, appointed by the Lieutenant Governor;

3 3. One member, who shall be a district attorney, duly elected
4 by the citizens of this state, appointed by the Attorney General;

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

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

13 6. One member, who shall be a chief of police representing a
14 municipality with a population over one hundred thousand (100,000),
15 as determined by the latest Federal Decennial Census, appointed by
16 the Board of Directors of the Oklahoma Association of Chiefs of
17 Police; and

18 7. One member, who shall be a chief of police representing a
19 municipality with a population under one hundred thousand (100,000),
20 as determined by the latest Federal Decennial Census, appointed by
21 the Board of Directors of the Oklahoma Association of Chiefs of
22 Police.

23 B. The Secretary of Public Safety shall call the first
24 meeting of the Board no later than October 1, 2022. A quorum of

1 members shall be necessary to conduct any official business. At the
2 first meeting of the Board, the members shall elect a chair from its
3 membership to serve for a term of one (1) year. No member of the
4 Board shall be elected to consecutive terms.

5 C. Board meetings shall be hosted by the Secretary of Public
6 Safety.

7 D. The Chair of the Board shall preside at all meetings of the
8 Board and shall have the power to call meetings of the Board. In
9 addition, meetings of the Board may be called by a majority of the
10 members.

11 SECTION 4. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 9103 of Title 74, unless there
13 is created a duplication in numbering, reads as follows:

14 The Oklahoma Board of Public Safety shall have the following
15 powers, duties, and responsibilities:

16 1. To formulate and implement a unified law enforcement and
17 public safety strategy for activities of the Department with annual
18 and long-term measurable goals and objectives to achieve greater
19 public safety, which shall be published on the website of the
20 Oklahoma Department of Public Safety;

21 2. To appoint or confirm division chiefs of the respective
22 divisions of the Department who shall serve at the pleasure of the
23 Commissioner;

1 3. To appoint any other staff that may be necessary and proper
2 for the administration of the Department who shall serve at the
3 pleasure of the Board;

4 4. To delegate duties and responsibilities to the chiefs of the
5 divisions within the Department;

6 5. To prepare proposed rules and regulations considered
7 necessary for the operation of the Department;

8 6. To enter into contracts with public agencies, institutions
9 of higher education, and private organizations or individuals for
10 the purpose of conducting research, demonstrations, or special
11 projects which bear directly on the operation of the Department or
12 the reduction of crime;

13 7. To enter into contracts for education and research
14 activities without performance bonds;

15 8. To commission employees as peace officers of the Oklahoma
16 Department of Public Safety;

17 9. To investigate any complaint against the Department or any
18 of its employees for actions directly related to their official
19 duties;

20 10. To be directly responsible for all monies appropriated for
21 and deposited to the credit of the Department and each division
22 under its control and approve all claims and payments, or delegate
23 responsibility as provided for in Section 34.68 of Title 62 of the
24 Oklahoma Statutes;

1 11. To accept gifts, bequests, devices, contributions, and
2 grants, public or private including federal funds or funds from any
3 other source for use in furthering the purpose of the Department;

4 12. To purchase, lease, and maintain motor vehicles and other
5 equipment and properties for use by employees of the Department;

6 13. To purchase or lease and equip motor vehicles for the use
7 of the Governor and Lieutenant Governor;

8 14. To authorize the use of a state-owned motor vehicle as
9 authorized in Section 156.1 of Title 47 of the Oklahoma Statutes;

10 15. To transfer assets within the Department as may be
11 necessary and proper for the operation of the Department; and

12 16. To maintain records of all proceedings and official orders.

13 SECTION 5. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 9104 of Title 74, unless there
15 is created a duplication in numbering, reads as follows:

16 A. Effective July 1, 2023, the Oklahoma Board of Public Safety
17 shall merge the following agencies into the Oklahoma Department of
18 Public Safety as divisions of the Department, each maintaining its
19 unique statutory mission:

20 1. The Oklahoma Highway Patrol Division;

21 2. The Oklahoma State Bureau of Investigation; and

22 3. The Oklahoma State Bureau of Narcotics and Dangerous Drugs
23 Control.

1 B. No later than July 1, 2023, the Board shall have the
2 authority to affirm the current Chief of the Oklahoma Highway Patrol
3 Division, Director of the Oklahoma State Bureau of Investigation,
4 and the Director of the Oklahoma State Bureau of Narcotics and
5 Dangerous Drugs Control as chiefs of their respective divisions and
6 to appoint a chief of a respective division if the current position
7 is vacant.

8 C. The Board shall have authority to budget and expend the
9 operating funds of the agency.

10 D. The Board shall have the authority to administer all funds
11 appropriated for the fiscal year ending on June 30, 2023, for the
12 operation of the Oklahoma State Bureau of Investigation, Oklahoma
13 State Bureau of Narcotics and Dangerous Drugs Control, and the
14 Department of Public Safety.

15 SECTION 6. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 9105 of Title 74, unless there
17 is created a duplication in numbering, reads as follows:

18 A. No later than July 1, 2023, all employees of the Oklahoma
19 Department of Public Safety shall be under the authority of the
20 Oklahoma Board of Public Safety.

21 B. Should an emergency be proclaimed by the Governor due to the
22 existence of a natural or manmade disaster, the Governor shall have
23 and may exercise operational authority over the Oklahoma Highway
24 Patrol Division of the Oklahoma Department of Public Safety.

1 SECTION 7. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 9106 of Title 74, unless there
3 is created a duplication in numbering, reads as follows:

4 There is hereby created in the State Treasury a revolving fund
5 for the Oklahoma Department of Public Safety to be designated the
6 "Oklahoma Department of Public Safety Revolving Fund". The fund
7 shall be a continuing fund, not subject to fiscal year limitations,
8 and shall consist of any monies received from the sale of surplus
9 and confiscated property, fees, and receipts collected pursuant to
10 the Oklahoma Open Records Act, gifts, bequests, devises,
11 contributions, or grants, public or private including federal funds
12 unless otherwise provided for by federal law or regulation,
13 reimbursements, refunds, fees, and receipts from any other source.
14 All monies, and other money as provided by law, accruing to the
15 credit of the fund are hereby appropriated and may be budgeted and
16 expended by the Oklahoma Department of Public Safety for general
17 operations of the Department. Expenditures from the fund shall be
18 made upon warrants issued by the State Treasurer against claims
19 filed as prescribed by law with the Director of the Office of
20 Management and Enterprise Services for approval and payment.

21 SECTION 8. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 9107 of Title 74, unless there
23 is created a duplication in numbering, reads as follows:

1 A. The Oklahoma Department of Public Safety shall establish and
2 maintain a Mental Wellness Division to provide mental wellness
3 services and programs to public safety personnel to promote good
4 mental wellness. The Oklahoma Board of Public Safety shall appoint
5 the Director of the Mental Wellness Division.

6 B. The Director of the Mental Wellness Division shall report to
7 the Board. All current and former employees of the Mental Wellness
8 Division shall maintain the privacy of all public safety personnel
9 served by the Division or who participate in its programs. No
10 privileged personal health information shall ever be shared with the
11 Board or made public without the consent of that person. However,
12 aggregate mental health information may be shared with the Board.
13 Aggregate mental health information may be made public by the Board
14 if, in the judgment of the Board, doing so could improve public
15 safety mental wellness policies for public safety personnel and is
16 made public for this sole purpose. Provided, no aggregate mental
17 health information may be shared or made public if doing so could
18 reveal otherwise privileged personal mental health information about
19 any specific individual. It shall be the duty of the Director of
20 the Division to establish the necessary policies and procedures to
21 ensure the privacy and confidentiality requirements of this section
22 and of all other applicable health privacy laws. Any breach of the
23 privacy provisions of this section and of any other applicable

1 health privacy laws must be timely and thoroughly investigated and
2 the appropriate disciplinary and corrective actions taken.

3 C. The Mental Wellness Division is authorized to enter into
4 partnerships with public and private entities to fulfill its
5 mandate.

6 D. The offices, records, communications, information
7 technology, equipment, and any other resources of the Mental
8 Wellness Division shall be located and maintained separately from
9 that of the other divisions within the Department.

10 SECTION 9. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 9108 of Title 74, unless there
12 is created a duplication in numbering, reads as follows:

13 There is hereby created in the State Treasury a revolving fund
14 for the Oklahoma Department of Public Safety on behalf of the Mental
15 Wellness Division of the Oklahoma Department of Public Safety to be
16 designated the "Mental Wellness Division Revolving Fund". The fund
17 shall be a continuing fund, not subject to fiscal year limitations,
18 and shall consist of those monies appropriated to the fund by law or
19 deposited in the fund as provided pursuant to the provisions of
20 Section 10 of this act. All monies accruing to the credit of the
21 fund are hereby appropriated and may be budgeted and expended by the
22 Mental Wellness Division for the purpose of providing mental
23 wellness services and programs to public safety personnel.
24 Expenditures from the fund shall be made upon warrants issued by the

1 State Treasurer against claims filed as prescribed by law with the
2 Director of the Office of Management and Enterprise Services for
3 approval and payment.

4 SECTION 10. NEW LAW A new section of law to be codified
5 in the Oklahoma Statutes as Section 9109 of Title 74, unless there
6 is created a duplication in numbering, reads as follows:

7 A. There is hereby authorized the establishment of a not-for-
8 profit foundation to raise funds for the Mental Wellness Division
9 Revolving Fund, created in Section 9 of this act, and the
10 achievement of the goals of this act.

11 B. The foundation created pursuant to this section may receive
12 funds from any public or private source to carry out the purposes of
13 this act including, but not limited to, gifts or grants from any
14 department, agency, or instrumentality of the United States or of
15 this state for any purpose consistent with the provisions of this
16 act.

17 C. Upon proper incorporation, the foundation shall secure tax-
18 exempt status under the appropriate provision of Section 501(c) of
19 the Internal Revenue Code, 26 U.S.C., Section 501(c).

20 D. Any member of the foundation who may have a financial
21 interest in an action under consideration by the foundation shall
22 abstain from voting on such matter.

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1 SECTION 11. This act shall become effective in accordance with
2 the provisions of Section 58 of Article V of the Oklahoma
3 Constitution.
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