

1 ENGROSSED SENATE
2 BILL NO. 1612

By: David of the Senate

3 and

4 Echols of the House

5
6 [law enforcement unification - Oklahoma Department
7 of Public Safety Unification, Recruitment, and
8 Retention Act of 2022 - Commissioner of the Oklahoma
9 Department of Public Safety - Oklahoma Board of
10 Public Safety - Oklahoma Department of Public Safety
11 Revolving Fund - creation and maintenance of a Mental
12 Wellness Division - noncodification - codification -
13 effective date]

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

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

17 This act shall be known and may be cited as the "Oklahoma
18 Department of Public Safety Unification, Recruitment, and Retention
19 Act of 2022".

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

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

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

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

- 7 1. Administration, to be comprised of the non-law enforcement
- 8 division of the current Department of Public Safety;
- 9 2. Training and Recruitment; and
- 10 3. Licensing.

11 C. The Oklahoma Board of Public Safety, established in Section
12 3 of this act, shall appoint a Commissioner for the Oklahoma
13 Department of Public Safety. Compensation for the Commissioner
14 shall be determined by the Board. Qualifications for the
15 Commissioner shall include:

- 16 1. A bachelor's degree;
- 17 2. A minimum of five (5) years of demonstrated, successful
- 18 leadership experience;
- 19 3. Relevant experience in law enforcement, public safety, or a
- 20 related field; and
- 21 4. A person of character, reputation, knowledge, and
- 22 understanding of the emerging trends facing front-line public safety
- 23 personnel, skills, integrity, ability, and training.
- 24

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

4 A. There is hereby created the Oklahoma Board of Public Safety.
5 The Board shall be comprised of eleven (11) members as follows:

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

8 2. The Secretary of Public Safety, or designee;

9 3. One member, who shall be a lay member who has a law
10 enforcement background, appointed by the President Pro Tempore of
11 the Senate;

12 4. One member, who shall be a lay member who has a law
13 enforcement background, appointed by the Speaker of the House of
14 Representatives;

15 5. The Attorney General, or designee;

16 6. One member, who shall be a currently elected district
17 attorney, appointed by the Oklahoma District Attorneys Council;

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

22 8. One member, who shall be a sheriff of a county with a
23 population under twenty-five thousand (25,000), as determined by the
24

1 latest Federal Decennial Census, appointed by the Board of Directors
2 of the Oklahoma Sheriffs' Association;

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

8 10. One member, who shall be a chief of police representing a
9 municipality with a population under one hundred thousand (100,000),
10 as determined by the latest Federal Decennial Census, appointed by
11 the Board of Directors of the Oklahoma Association of Chiefs of
12 Police.

13 B. The Secretary of Public Safety shall serve as chair of the
14 Board. The Secretary of Public Safety shall call the first meeting
15 of the Board no later than October 1, 2022. A quorum of members
16 shall be necessary to conduct any official business.

17 C. Board meetings shall be hosted by the Secretary of Public
18 Safety.

19 D. The Board shall appoint the Commissioner of the Oklahoma
20 Department of Public Safety no later than January 1, 2023.

21 E. The Secretary of Public Safety shall preside at all meetings
22 of the Board and shall have the power to call meetings of the Board.
23 In addition, meetings of the Board may be called by a majority of
24 the members.

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

The Board shall have the following powers and duties:

1. To appoint or dismiss the Commissioner of the Oklahoma Department of Public Safety;
2. To determine the compensation of the Commissioner; and
3. To hear and investigate any complaint against the Commissioner.

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

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

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

B. The Commissioner of the Oklahoma Department of Public Safety shall be the chief administrator of the Department. The Commissioner shall have the authority to delegate duties and responsibilities to the respective division chiefs.

1 C. No later than July 1, 2023, the Commissioner of the Oklahoma
2 Department of Public Safety shall have the authority to affirm the
3 current Commissioner of the Department of Public Safety, Chief of
4 the Oklahoma Highway Patrol Division, Director of the Oklahoma State
5 Bureau of Investigation, and the Director of the Oklahoma State
6 Bureau of Narcotics and Dangerous Drugs Control as the chief of his
7 or her respective division and to appoint a chief of a respective
8 division if the current position is vacant.

9 D. Notwithstanding any other provision of law, the Commissioner
10 of the Oklahoma Department of Public Safety shall have authority to
11 budget and expend the operating funds of the agency.

12 E. Notwithstanding any other provision of law, the Commissioner
13 of the Oklahoma Department of Public Safety shall have the authority
14 to administer all funds appropriated for the fiscal year ending on
15 June 30, 2023, for the operation of the Oklahoma State Bureau of
16 Investigation, Oklahoma State Bureau of Narcotics and Dangerous
17 Drugs Control, and the Department of Public Safety.

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

21 A. The Commissioner of the Oklahoma Department of Public Safety
22 shall have the following powers, duties, and responsibilities:

23 1. Formulate and implement a unified law enforcement and public
24 safety strategy for activities of the Department with annual and

1 long-term measurable goals and objectives to achieve greater public
2 safety, which shall be published on the Oklahoma Department of
3 Public Safety website;

4 2. Appoint or confirm division chiefs of the respective
5 divisions of the Department who shall serve at the pleasure of the
6 Commissioner;

7 3. Appoint any other staff that may be necessary and proper for
8 the administration of the Department who shall serve at the pleasure
9 of the Commissioner;

10 4. Administer the activities of the Department and all
11 divisions under control of the Department and act for the Department
12 in all matters including budgetary matters and expenditures of the
13 divisions, except as may be otherwise provided in this act;

14 5. Prepare proposed rules and regulations considered necessary
15 for the operation of the Oklahoma Department of Public Safety;

16 6. Enter into contracts with public agencies, institutions of
17 higher education, and private organizations or individuals for the
18 purpose of conducting research, demonstrations, or special projects
19 which bear directly on the operation of the Department or the
20 reduction of crime;

21 7. Enter into contracts for education and research activities
22 without performance bonds;

23 8. Create, modify, merge, or reorganize any of the divisions or
24 units within the Oklahoma Department of Public Safety as the

1 Commissioner may deem appropriate, consistent with this act, to
2 effectively administer a unified law enforcement system in this
3 state;

4 9. Commission employees as peace officers of the Oklahoma
5 Department of Public Safety;

6 10. Investigate any complaint against the Department or any of
7 its employees;

8 11. Be directly responsible for all monies appropriated for and
9 deposited to the credit of the Department and each division under
10 its control and approve all claims and payments, or delegate
11 responsibility as provided for in Section 34.68 of Title 62 of the
12 Oklahoma Statutes;

13 12. Accept gifts, bequests, devices, contributions, and grants,
14 public or private including federal funds or funds from any other
15 source for use in furthering the purpose of the Department;

16 13. Purchase, lease, and maintain motor vehicles and other
17 equipment and properties for use by employees of the Department;

18 14. Purchase or lease and equip motor vehicles for the use of
19 the Governor and Lieutenant Governor;

20 15. Authorize the use of a state-owned motor vehicle as
21 authorized in Section 156.1 of Title 47 of the Oklahoma Statutes;

22 16. Transfer assets within the Oklahoma Department of Public
23 Safety as may be necessary and proper for the operation of the
24 Department;

1 17. Maintain records of all proceedings and official orders;
2 and

3 18. No later than July 1, 2023, all employees of the Oklahoma
4 Department of Public Safety shall be under the authority of the
5 Commissioner.

6 B. After appointment and before entering upon the discharge of
7 duties, the Commissioner shall take and subscribe to the oath of
8 office required by the Oklahoma Constitution. Bonding of the
9 Commissioner and other employees of the Department shall be provided
10 under the provisions of Section 85.58Q of Title 74 of the Oklahoma
11 Statutes.

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

15 There is hereby created in the State Treasury a revolving fund
16 for the Oklahoma Department of Public Safety to be designated the
17 "Oklahoma Department of Public Safety Revolving Fund". The fund
18 shall be a continuing fund, not subject to fiscal year limitations,
19 and shall consist of any monies received from the sale of surplus
20 and confiscated property, fees, and receipts collected pursuant to
21 the Oklahoma Open Records Act, gifts, bequests, devises,
22 contributions, or grants, public or private including federal funds
23 unless otherwise provided for by federal law or regulation,
24 reimbursements, refunds, fees, and receipts from any other source.

1 All monies, and other money as provided by law, accruing to the
2 credit of the fund are hereby appropriated and may be budgeted and
3 expended by the Oklahoma Department of Public Safety for general
4 operations of the Department. Expenditures from the fund shall be
5 made upon warrants issued by the State Treasurer against claims
6 filed as prescribed by law with the Director of the Office of
7 Management and Enterprise Services for approval and payment.

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

11 A. The Oklahoma Department of Public Safety shall establish and
12 maintain a Mental Wellness Division to provide mental wellness
13 services and programs to public safety personnel to promote good
14 mental wellness. The Commissioner shall appoint the Director of the
15 Mental Wellness Division.

16 B. The Director of the Mental Wellness Division shall report to
17 the Commissioner. All current and former employees of the Mental
18 Wellness Division shall maintain the privacy of all public safety
19 personnel served by the Division or who participate in its programs.
20 No privileged personal health information shall ever be shared with
21 the Commissioner or made public without the consent of that person.
22 However, aggregate mental health information may be shared with the
23 Commissioner. Aggregate mental health information may be made
24 public by the Commissioner if, in the judgment of the Commissioner,

1 doing so could improve public safety mental wellness policies for
2 public safety personnel and is made public for this sole purpose.
3 Provided, no aggregate mental health information may be shared or
4 made public if doing so could reveal otherwise privileged personal
5 mental health information about any specific individual. It shall
6 be the duty of the Director of the Division to establish the
7 necessary policies and procedures to ensure the privacy and
8 confidentiality requirements of this section and of all other
9 applicable health privacy laws. Any breach of the privacy
10 provisions of this section and of any other applicable health
11 privacy laws must be timely and thoroughly investigated and the
12 appropriate disciplinary and corrective actions taken.

13 C. The Mental Wellness Division is authorized to enter into
14 partnerships with public and private entities to fulfill its
15 mandate.

16 D. The offices, records, communications, information
17 technology, equipment, and any other resources of the Mental
18 Wellness Division shall be located and maintained separately from
19 that of the other divisions within the Department.

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

23 There is hereby created in the State Treasury a revolving fund
24 for the Oklahoma Department of Public Safety on behalf of the Mental

1 Wellness Division of the Oklahoma Department of Public Safety to be
2 designated the "Mental Wellness Division Revolving Fund". The fund
3 shall be a continuing fund, not subject to fiscal year limitations,
4 and shall consist of those monies appropriated to the fund by law or
5 deposited in the fund as provided pursuant to the provisions of
6 Section 10 of this act. All monies accruing to the credit of the
7 fund are hereby appropriated and may be budgeted and expended by the
8 Mental Wellness Division for the purpose of providing mental
9 wellness services and programs to public safety personnel.
10 Expenditures from the fund shall be made upon warrants issued by the
11 State Treasurer against claims filed as prescribed by law with the
12 Director of the Office of Management and Enterprise Services for
13 approval and payment.

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

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

21 B. The foundation created pursuant to this section may receive
22 funds from any public or private source to carry out the purposes of
23 this act including, but not limited to, gifts or grants from any
24 department, agency, or instrumentality of the United States or of

1 this state for any purpose consistent with the provisions of this
2 act.

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

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

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

12 Passed the Senate the 24th day of March, 2022.

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Presiding Officer of the Senate

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16 Passed the House of Representatives the ____ day of _____,
17 2022.

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Presiding Officer of the House
of Representatives

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