

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 COMMITTEE SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 2914

By: Wallace and Caldwell (Trey)
of the House

and

Hall and Rosino of the
Senate

8
9 COMMITTEE SUBSTITUTE

10 An Act relating to law enforcement funding; creating
11 the Oklahoma Sheriff's Office Funding Assistance
12 Grant Program Act of 2024; authorizing certain
13 reference and citation; establishing the Oklahoma
14 Sheriff's Office Funding Assistance Grant Program;
15 defining terms; providing for administration by the
16 Attorney General's Office; declaring purpose;
17 establishing program procedures and criteria;
18 establishing grant amounts at certain levels under
19 certain qualifications; authorizing proportional
20 reductions; limiting use of proceeds; prohibiting
21 reduction and supplanting of exiting funding prior to
22 certain date; authorizing the promulgation of rules;
23 creating the Oklahoma Sheriff's Office Funding
24 Assistance Revolving Fund; establishing revolving
fund characteristics; deeming funds appropriated;
providing purpose for expenditures; authorizing and
limiting budgeting and expenditures; requiring
budgeting and expenditure procedures; amending 19
O.S. 2021, Section 180.62, which relates to county
officer salaries; exempting sheriff from salary
range; requiring sheriff salary not be below certain
benchmark; establishing sheriff salary range;
amending 19 O.S. 2021, Section 180.43, which relates
to payments by sheriffs; expanding authority for use
of funds; amending 19 O.S. 2021, Section 180.65,
which relates to deputy pay; authorizing certain
payments and stipends; providing for codification;

1 providing an effective date; and declaring an
2 emergency.

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

5 SECTION 1. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 20k-1A of Title 74, unless there
7 is created a duplication in numbering, reads as follows:

8 A. This act shall be known and may be cited as the "Oklahoma
9 Sheriff's Office Funding Assistance Grant Program Act of 2024".

10 B. There is hereby established the Oklahoma Sheriff's Office
11 Funding Assistance Grant Program.

12 C. As used in the Oklahoma Sheriff's Office Funding Assistance
13 Grant Program Act of 2024:

14 1. "Gross assessed total tangible property valuation" means the
15 amount determined pursuant to the calculation provided in Section
16 180.59 of Title 19 of the Oklahoma Statutes;

17 2. "Grant" means an amount authorized to be awarded under the
18 provisions of this section; and

19 3. "Qualified county" means any county recognized as a county
20 of this state as of the effective date of this act.

21 D. The Office of Attorney General shall establish and
22 administer the Oklahoma Sheriff's Office Funding Assistance Grant
23 Program to support the state purpose of ensuring professional law
24 enforcement throughout the state by providing financial assistance

1 to sheriff's offices in qualified counties. Such program shall
2 embody the following procedures and criteria:

3 1. Not later than the thirtieth day after the first day of a
4 qualified county's fiscal year, the county may submit an application
5 for a grant to the Office of the Attorney General. A county may
6 submit only one application each fiscal year;

7 2. Grants awarded under the provisions of this section shall be
8 to qualified counties in the following amounts, or in proportionally
9 equivalent reduced amounts if available funding for the program is
10 limited:

11 a. One Hundred Fifty Thousand Dollars (\$150,000.00) for a
12 county in the lower twenty-six (26) of qualified
13 counties ranked by gross assessed total tangible
14 property valuation,

15 b. Two Hundred Fifty Thousand Dollars (\$250,000.00) for a
16 county ranked higher than twenty-six (26) but lower
17 than fifty-three (53) of qualified counties ranked by
18 gross assessed total tangible property valuation, and

19 c. Three Hundred Thousand Dollars (\$300,000.00) for a
20 county ranked equal to or greater than fifty-three
21 (53) of qualified counties ranked by gross assessed
22 total tangible property valuation.

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1 E. Counties awarded a grant from the program shall limit use of
2 the grant proceeds to the lawful operation of the sheriff's office,
3 provided such proceeds shall not be used for the payment of salary.

4 F. Until the completion of the fiscal year ending June 30,
5 2026, no county shall reduce or supplant existing funding or the
6 county's methodology for allocating funds to a county sheriff's
7 office due to the award of grant funding as provided under the
8 provisions of this section.

9 G. The Office of the Attorney General is hereby authorized to
10 adopt rules and procedures as necessary to carry out the provisions
11 of this section.

12 SECTION 2. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 20k-1B 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 Office of the Attorney General to be designated the
17 "Oklahoma Sheriff's Office Funding Assistance Revolving Fund". The
18 fund shall be a continuing fund, not subject to fiscal year
19 limitations, and shall consist of all monies directed to the fund
20 and eligible for deposit by law. All monies accruing to the credit
21 of said fund are hereby appropriated and may be budgeted and
22 expended by the Office of the Attorney General exclusively for the
23 purposes and in compliance with the Oklahoma Sheriff's Office
24 Funding Assistance Grant Program, created in Section 1 of this act.

1 Expenditures from said fund shall be made upon warrants issued by
2 the State Treasurer against claims filed as prescribed by law with
3 the Director of the Office of Management and Enterprise Services for
4 approval and payment.

5 SECTION 3. AMENDATORY 19 O.S. 2021, Section 180.62, is
6 amended to read as follows:

7 Section 180.62 A. The basic salaries of county officers upon
8 which all salaries and future increases or decreases thereof shall
9 not be less than Nineteen Thousand Dollars (\$19,000.00) per annum
10 nor shall they exceed Forty-nine Thousand Five Hundred Dollars
11 (\$49,500.00) per annum, provided the basic salary for the sheriff,
12 which shall be no less than other salaries for county officers
13 controlled by this section, shall not be less than Forty-four
14 Thousand Dollars (\$44,000.00) per annum nor shall it exceed Seventy-
15 four Thousand Five Hundred Dollars (\$74,500.00) per annum.

16 B. The board of county commissioners, or if the county has
17 elected to come under the County Budget Act, the budget board
18 members of the county, shall set the salaries for all elected county
19 officials within the limits allowed by law.

20 C. The annual salaries fixed by this act shall be paid either
21 monthly or twice a month, by order of the board of county
22 commissioners, for each month or fraction thereof the incumbent
23 lawfully occupies and holds title to such office.

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1 SECTION 4. AMENDATORY 19 O.S. 2021, Section 180.43, is
2 amended to read as follows:

3 Section 180.43. A. Each county sheriff may contract with any
4 public or private entity engaged in the business of transportation
5 of prisoners, the Department of Justice of the United States of
6 America, the Department of Corrections, or any municipality of this
7 state for the feeding, care, housing, and upkeep of federal, state,
8 or municipal prisoners, or alien detainees incarcerated in the
9 county jail. Any funds received pursuant to said contract shall be
10 the funds of the county where the federal, state, or municipal
11 prisoners, or alien detainees are incarcerated and shall be
12 deposited in the Sheriff's Service Fee Account. All purchases made
13 pursuant to the provisions of this subsection shall be made pursuant
14 to the purchasing procedures specified in Sections 1500 through 1507
15 of this title, including the use of blanket purchase orders as
16 provided for in Section 310.8 of Title 62 of the Oklahoma Statutes.
17 The sheriff shall be permitted to expend the funds for capital
18 expenditures. The sheriff shall be permitted to expend any ~~surplus~~
19 funds in the Sheriff's Service Fee Account for administering
20 expenses for salaries, training, equipment or travel.

21 The claim for said expenses shall be filed with and allowed by
22 the board of county commissioners as other claims. The sheriff
23 shall receive no compensation for said services. The sheriff shall
24 file an annual report with the board of county commissioners not

1 later than January 15 of each year. The State Auditor and Inspector
2 shall conduct an audit of the report as on other public records of
3 the county.

4 B. In lieu of the travel reimbursement or monthly travel
5 allowance provided for by law, the board of county commissioners may
6 purchase and provide for the operation, maintenance, insurance,
7 equipping, and repair of an automobile for each county commissioner
8 to be used in performing the duties of his office. In lieu of the
9 travel reimbursement or monthly travel allowance provided for by
10 law, the board of county commissioners, with the concurrence of the
11 county sheriff, may purchase and provide for the operation,
12 maintenance, insurance, equipping, and repair of automobiles for the
13 use of the sheriff in performing the duties of his office. Any
14 automobile purchased pursuant to the authority granted in this
15 section shall be purchased by competitive bids. The use of any said
16 automobile for private or personal purposes is hereby prohibited.
17 In any county having a population of at least three hundred fifty
18 thousand (350,000), where it is determined by the sheriff to be more
19 economical and advantageous to the county, the sheriff may establish
20 a monthly automobile allowance of not more than Four Hundred Dollars
21 (\$400.00) per month in lieu of the mileage per mile for in-county
22 driving as authorized in this section. Any travel reimbursement
23 other than in-county driving as provided for in this section shall
24 be for actual and necessary expenses as provided for in the State

1 Travel Reimbursement Act. Any person violating the provisions of
2 this subsection, upon conviction, shall be guilty of a misdemeanor
3 and shall be punished by a fine of not more than One Hundred Dollars
4 (\$100.00) or by imprisonment in the county jail for not more than
5 thirty (30) days, or by both said fine and imprisonment, and in
6 addition thereto shall be discharged from county employment.

7 C. The State of Oklahoma hereby declares and states that the
8 increased number of persons impersonating law enforcement officers
9 by making routine traffic stops while using unmarked cars is a
10 threat to the public health and safety of all of the citizens of the
11 State of Oklahoma; therefore it shall be unlawful for any county
12 sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle
13 which is not clearly marked as a law enforcement vehicle for routine
14 traffic enforcement except as provided in Section 12-218 of Title 47
15 of the Oklahoma Statutes. In addition to Section 12-218 of Title 47
16 of the Oklahoma Statutes, the peace officer operating the law
17 enforcement vehicle for routine traffic stops shall be dressed in
18 the official uniform including shoulder patches, badge, and any
19 other identifying insignias normally used by the employing law
20 enforcement agency.

21 D. Each county sheriff may operate, or contract the operation
22 of, a commissary for the benefit of persons lawfully confined in the
23 county jail under the custody of the county sheriff. Any funds
24 received pursuant to said operations shall be the funds of the

1 county where the persons are incarcerated and shall be deposited in
2 the Sheriff's Commissary Account. The sheriff shall be permitted to
3 expend the funds to improve or provide jail services. The sheriff
4 shall be permitted to expend any surplus in the Sheriff's Commissary
5 Account for administering expenses for training equipment, travel or
6 for capital expenditures. The claims for expenses shall be filed
7 with and allowed by the board of county commissioners in the same
8 manner as other claims. The sheriff shall receive no compensation
9 for the operation of said commissary. The sheriff shall file an
10 annual report on any said commissary under his or her operation no
11 later than January 15 of each year. The State Auditor and Inspector
12 shall conduct an audit of the report in the same manner as other
13 public records of the county.

14 E. Each county sheriff may operate, or contract the operation
15 of, a telephone system for the benefit of persons lawfully confined
16 in the county jail under the custody of the county sheriff. Any
17 funds received pursuant to said operations shall be the funds of the
18 county where the persons are incarcerated and shall be deposited in
19 the Sheriff's Service Fee Account. Such funds may be expended
20 according to the guidelines previously established for expenditures
21 from the general fund. The claims for expenses shall be filed with
22 and allowed by the board of county commissioners in the same manner
23 as other claims.

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1 SECTION 5. AMENDATORY 19 O.S. 2021, Section 180.65, is
2 amended to read as follows:

3 Section 180.65. A. The officers named in paragraph 1 of
4 Section 180.61 of this title shall have such number of regular or
5 technical deputies, assistants, investigators, evidence persons,
6 aides, stenographers or reporters, technicians, undersheriffs,
7 jailers, matrons, handwriting and fingerprint experts, probation
8 officers, juvenile officers, bailiffs or other help, whatever title
9 the principal officer may ascribe to the duties or functions to be
10 performed as authorized by law and clearly related to the proper
11 accomplishment of lawful functions, whether on whole or part-time
12 basis, at such rates of salary or pay, subject to the provisions of
13 this section as hereinafter set forth, as the principal officer may
14 propose and establish the need of and which the county excise board
15 may approve, for the adequate accomplishment of the functions of the
16 office and the performance of the duties imposed thereon by law,
17 with due weight being given to employment on whole or part-time
18 basis. However, no such employments shall exceed the amount of
19 lawful funds appropriated for such purpose, provided however,
20 nothing in this section shall be interpreted to prohibit additional
21 salary payments or stipends paid from the Sheriff's Service Fee
22 Account.

23 B. Each principal officer named in paragraph 1 of Section
24 180.61 of this title, except judges, shall designate of record in

1 the office of the county clerk a first or chief deputy, undersheriff
2 or assistant who shall be chargeable with all the duties of such
3 principal officer, while subject to the direction of the same. The
4 first or chief deputy, undersheriff or assistant shall carry on the
5 duties of the office during the absence of the principal officer or,
6 in the event of the death, removal or resignation of said principal
7 officer, until a successor shall have qualified. During periods of
8 vacancy of the principal office, resulting from the death, removal
9 or resignation of the principal officer, the chief deputy,
10 undersheriff or assistant shall be bonded in the same manner and in
11 the same sum as required for the principal officer.

12 C. No deputy, as defined in paragraph 2 of Section 161 of this
13 title, shall receive a salary in excess of the principal officer.
14 Any employee employed to perform duties that are not in assistance
15 to a county officer in the performance of the official duties of the
16 county officer including, but not limited to, specialized or
17 technical duties, may receive a salary in excess of a county
18 officer. The salaries set forth in this subsection within the
19 limitations shall be such amounts as the principal officer may
20 propose and establish the need for and which the county excise board
21 may approve within salary and staffing requirements as may be
22 prescribed by law. The numerical rank of any deputy or assistant to
23 be effective must be by designation of the principal officer by the
24 signature of the principal officer and filed with the county clerk.

1 The numerical rank of any deputy or assistant shall be within the
2 sole discretion of the principal officer.

3 D. The board of county commissioners shall continue to have the
4 authority to recommend the total amount of funds that can be used
5 for the combined salaries in each of the county offices covered by
6 this title. However, the approval of the funding for such offices
7 shall continue to be the responsibility of the county excise board.
8 County officers shall have no authority to make salary commitments
9 beyond the amount of the funding so provided.

10 E. The county excise board shall meet with each of the
11 principal officers of the county in budget planning conference or
12 conferences, before July 1 of each year, to discuss personnel needs
13 for each office for the succeeding fiscal year. The excise board
14 shall provide the principal officers a tentative estimate of
15 anticipated revenues for the next fiscal year prior to the budget
16 planning conferences.

17 SECTION 6. This act shall become effective July 1, 2024.

18 SECTION 7. It being immediately necessary for the preservation
19 of the public peace, health or safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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