

An Act

ENROLLED HOUSE
BILL NO. 2914

By: Wallace, Caldwell (Trey),
Hilbert, Burns, Sims, Ford,
Roe, and Hays of the House

and

Hall, Rosino, Woods, and
Stephens of the Senate

An Act relating to law enforcement funding; creating the Oklahoma Sheriff's Office Funding Assistance Grant Program Act of 2024; authorizing certain reference and citation; establishing the Oklahoma Sheriff's Office Funding Assistance Grant Program; defining terms; providing for administration by the Attorney General's Office; declaring purpose; establishing program procedures and criteria; establishing grant amounts at certain levels under certain qualifications; authorizing proportional reductions; limiting use of proceeds; prohibiting reduction and supplanting of existing funding prior to certain date; authorizing the promulgation of rules; creating the Oklahoma Sheriff's Office Funding 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; providing an effective date; and declaring an emergency.

SUBJECT: Law enforcement funding

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

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

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

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

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

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

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

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

D. The Office of Attorney General shall establish and administer the Oklahoma Sheriff's Office Funding Assistance Grant Program to support the state purpose of ensuring professional law enforcement throughout the state by providing financial assistance to sheriff's offices in qualified counties. Such program shall embody the following procedures and criteria:

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

2. Grants awarded under the provisions of this section shall be to qualified counties in the following amounts, or in proportionally

equivalent reduced amounts if available funding for the program is limited:

- a. One Hundred Fifty Thousand Dollars (\$150,000.00) for a county in the lower twenty-six (26) of qualified counties ranked by gross assessed total tangible property valuation,
- b. Two Hundred Fifty Thousand Dollars (\$250,000.00) for a county ranked higher than twenty-six (26) but lower than fifty-three (53) of qualified counties ranked by gross assessed total tangible property valuation, and
- c. Three Hundred Thousand Dollars (\$300,000.00) for a county ranked equal to or greater than fifty-three (53) of qualified counties ranked by gross assessed total tangible property valuation.

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

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

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 20k-1B of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Office of the Attorney General to be designated the "Oklahoma Sheriff's Office Funding Assistance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies directed to the fund and eligible for deposit by law. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Office of the Attorney General exclusively for the purposes and in compliance with the Oklahoma Sheriff's Office

Funding Assistance Grant Program, created in Section 1 of this act. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of the Office of Management and Enterprise Services for approval and payment.

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

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

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

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

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

Section 180.43 A. Each county sheriff may contract with any public or private entity engaged in the business of transportation of prisoners, the Department of Justice of the United States of America, the Department of Corrections, or any municipality of this state for the feeding, care, housing, and upkeep of federal, state, or municipal prisoners, or alien detainees incarcerated in the county jail. Any funds received pursuant to said contract shall be the funds of the county where the federal, state, or municipal prisoners, or alien detainees are incarcerated and shall be deposited in the Sheriff's Service Fee Account. All purchases made pursuant to the provisions of this subsection shall be made pursuant to the purchasing procedures specified in Sections 1500 through 1507 of this title, including the use of blanket purchase orders as

provided for in Section 310.8 of Title 62 of the Oklahoma Statutes. The sheriff shall be permitted to expend the funds for capital expenditures. The sheriff shall be permitted to expend any ~~surplus~~ funds in the Sheriff's Service Fee Account for administering expenses for salaries, training, equipment or travel.

The claim for said expenses shall be filed with and allowed by the board of county commissioners as other claims. The sheriff shall receive no compensation for said services. The sheriff shall file an annual report with the board of county commissioners not later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report as on other public records of the county.

B. In lieu of the travel reimbursement or monthly travel allowance provided for by law, the board of county commissioners may purchase and provide for the operation, maintenance, insurance, equipping, and repair of an automobile for each county commissioner to be used in performing the duties of his office. In lieu of the travel reimbursement or monthly travel allowance provided for by law, the board of county commissioners, with the concurrence of the county sheriff, may purchase and provide for the operation, maintenance, insurance, equipping, and repair of automobiles for the use of the sheriff in performing the duties of his office. Any automobile purchased pursuant to the authority granted in this section shall be purchased by competitive bids. The use of any said automobile for private or personal purposes is hereby prohibited. In any county having a population of at least three hundred fifty thousand (350,000), where it is determined by the sheriff to be more economical and advantageous to the county, the sheriff may establish a monthly automobile allowance of not more than Four Hundred Dollars (\$400.00) per month in lieu of the mileage per mile for in-county driving as authorized in this section. Any travel reimbursement other than in-county driving as provided for in this section shall be for actual and necessary expenses as provided for in the State Travel Reimbursement Act. Any person violating the provisions of this subsection, upon conviction, shall be guilty of a misdemeanor and shall be punished by a fine of not more than One Hundred Dollars (\$100.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both said fine and imprisonment, and in addition thereto shall be discharged from county employment.

C. The State of Oklahoma hereby declares and states that the increased number of persons impersonating law enforcement officers by making routine traffic stops while using unmarked cars is a

threat to the public health and safety of all of the citizens of the State of Oklahoma; therefore it shall be unlawful for any county sheriff, deputy sheriff or reserve deputy sheriff to use any vehicle which is not clearly marked as a law enforcement vehicle for routine traffic enforcement except as provided in Section 12-218 of Title 47 of the Oklahoma Statutes. In addition to Section 12-218 of Title 47 of the Oklahoma Statutes, the peace officer operating the law enforcement vehicle for routine traffic stops shall be dressed in the official uniform including shoulder patches, badge, and any other identifying insignias normally used by the employing law enforcement agency.

D. Each county sheriff may operate, or contract the operation of, a commissary for the benefit of persons lawfully confined in the county jail under the custody of the county sheriff. Any funds received pursuant to said operations shall be the funds of the county where the persons are incarcerated and shall be deposited in the Sheriff's Commissary Account. The sheriff shall be permitted to expend the funds to improve or provide jail services. The sheriff shall be permitted to expend any surplus in the Sheriff's Commissary Account for administering expenses for training equipment, travel or for capital expenditures. The claims for expenses shall be filed with and allowed by the board of county commissioners in the same manner as other claims. The sheriff shall receive no compensation for the operation of said commissary. The sheriff shall file an annual report on any said commissary under his or her operation no later than January 15 of each year. The State Auditor and Inspector shall conduct an audit of the report in the same manner as other public records of the county.

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

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

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

B. Each principal officer named in paragraph 1 of Section 180.61 of this title, except judges, shall designate of record in the office of the county clerk a first or chief deputy, undersheriff or assistant who shall be chargeable with all the duties of such principal officer, while subject to the direction of the same. The first or chief deputy, undersheriff or assistant shall carry on the duties of the office during the absence of the principal officer or, in the event of the death, removal or resignation of said principal officer, until a successor shall have qualified. During periods of vacancy of the principal office, resulting from the death, removal or resignation of the principal officer, the chief deputy, undersheriff or assistant shall be bonded in the same manner and in the same sum as required for the principal officer.

C. No deputy, as defined in paragraph 2 of Section 161 of this title, shall receive a salary in excess of the principal officer. Any employee employed to perform duties that are not in assistance to a county officer in the performance of the official duties of the county officer including, but not limited to, specialized or technical duties, may receive a salary in excess of a county officer. The salaries set forth in this subsection within the limitations shall be such amounts as the principal officer may propose and establish the need for and which the county excise board may approve within salary and staffing requirements as may be

prescribed by law. The numerical rank of any deputy or assistant to be effective must be by designation of the principal officer by the signature of the principal officer and filed with the county clerk. The numerical rank of any deputy or assistant shall be within the sole discretion of the principal officer.

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

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

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

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

Passed the House of Representatives the 28th day of May, 2024.

Presiding Officer of the House
of Representatives

Passed the Senate the 30th day of May, 2024.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____