

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 59th Legislature (2023)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2869

By: Wallace

7 COMMITTEE SUBSTITUTE

8 [Council Law Enforcement and Training - powers
9 duties - authority - certification - terms -
10 effective date]

11
12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3311, is
14 amended to read as follows:

15 Section 3311. A. There is hereby created a Council on Law
16 Enforcement Education and Training which shall be, and is hereby
17 declared to be, a governmental law enforcement agency of the State
18 of Oklahoma, body politic and corporate, with powers of government
19 and with the authority to exercise the rights, privileges and
20 functions necessary to ensure the professional training ~~and,~~
21 continuing education, and high moral and ethical character of law
22 enforcement officers in the State of Oklahoma. These rights,
23 privileges and functions include, but are not limited to, those
24 specified in Sections 3311 through 3311.15 of this title and in the

1 Oklahoma Security Guard and Private Investigator Act and the
2 Oklahoma Bail Enforcement and Licensing Act. The Council shall be
3 authorized to require agency employees and the employees of agency
4 contractors in positions to have access to Oklahoma Peace Officer
5 records, Oklahoma Security Guard and Private Investigator records,
6 Oklahoma Bail Enforcement and Licensing Act records, to be subject
7 to a criminal history search by the Oklahoma State Bureau of
8 Investigation, as well as be fingerprinted for submission of the
9 fingerprints through the Oklahoma State Bureau of Investigation to
10 the Federal Bureau of Investigation for a national criminal history
11 check. The Council shall be the recipient of the results of the
12 record check. In accordance with Section 150.9 of Title 74 of the
13 Oklahoma Statutes, this includes a national criminal record with a
14 finger print analysis. The Council shall be composed of thirteen
15 (13) members as follows:

16 1. The Commissioner of the Department of Public Safety, or
17 designee;

18 2. The Director of the Oklahoma State Bureau of Narcotics and
19 Dangerous Drugs Control, or designee;

20 3. The Director of the Oklahoma State Bureau of Investigation,
21 or designee;

22 4. One member appointed by the Governor who shall be a law
23 enforcement administrator representing a tribal law enforcement
24 agency;

1 5. One member appointed by the Governor who shall be a chief of
2 police of a municipality with a population over one hundred thousand
3 (100,000), as determined by the latest Federal Decennial Census;

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

8 7. One member appointed by the Oklahoma Association of Police
9 Chiefs who shall be a chief of police representing a municipality
10 with a population over ten thousand (10,000), as determined by the
11 latest Federal Decennial Census;

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

16 9. One member appointed by the Board of Directors of the
17 Fraternal Order of Police who shall have experience as a training
18 officer;

19 10. One member appointed by the Chancellor of Higher Education
20 who shall be a representative of East Central University;

21 11. One member appointed by the Board of Directors of the
22 Oklahoma Sheriffs and Peace Officers Association who shall be a
23 full-time law enforcement officer in good standing with CLEET within
24 a county with a population under fifty thousand (50,000);

1 12. The President Pro Tempore of the Senate shall appoint one
2 member from a list of three or more nominees submitted by a
3 statewide organization representing cities and towns that is exempt
4 from taxation under federal law and designated pursuant to the
5 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
6 and

7 13. The Speaker of the House of Representatives shall appoint
8 one member from a list of three or more nominees submitted by an
9 organization that assists in the establishment of accreditation
10 standards and training programs for law enforcement agencies
11 throughout the State of Oklahoma.

12 The Executive Director selected by the Council shall be an ex
13 officio member of the Council and shall act as Secretary. The
14 Council on Law Enforcement Education and Training shall select a
15 chair and vice-chair from among its members. Members of the Council
16 on Law Enforcement Education and Training shall not receive a salary
17 for duties performed as members of the Council, but shall be
18 reimbursed for their actual and necessary expenses incurred in the
19 performance of Council duties pursuant to the provisions of the
20 State Travel Reimbursement Act.

21 B. The Council on Law Enforcement Education and Training is
22 hereby authorized and directed to:

23 1. Appoint a larger Advisory Council to discuss problems and
24 hear recommendations concerning necessary research, minimum

1 standards, educational needs, and other matters imperative to
2 upgrading Oklahoma law enforcement to professional status;

3 2. Promulgate rules with respect to such matters as
4 certification, revocation, suspension, withdrawal and reinstatement
5 of certification, minimum courses of study, testing and test scores,
6 attendance requirements, equipment and facilities, minimum
7 qualifications for instructors, minimum standards for basic and
8 advanced in-service courses, and seminars for Oklahoma police and
9 peace officers;

10 3. Authorize research, basic and advanced courses, and seminars
11 to assist in program planning directly and through subcommittees;

12 4. Authorize additional staff and services necessary for
13 program expansion;

14 5. Recommend legislation necessary to upgrade Oklahoma law
15 enforcement to professional status;

16 6. Establish policies and regulations concerning the number,
17 geographic and police unit distribution, and admission requirements
18 of those receiving tuition or scholarship aid available through the
19 Council. Such waiver of costs shall be limited to duly appointed
20 members of legally constituted local, county, and state law
21 enforcement agencies on the basis of educational and financial need;

22 7. Appoint an Executive Director and an Assistant Director to
23 direct the staff, inform the Council of compliance with the
24 provisions of this section and perform such other duties imposed on

1 the Council by law. An Executive Director appointed by the Council
2 must qualify for the position with a bachelor or higher degree in
3 law enforcement from an accredited college or university, or a
4 bachelor or higher degree in a law-enforcement-related subject area,
5 and a minimum of five (5) years of active law enforcement experience
6 including, but not limited to, responsibility for enforcement,
7 investigation, administration, training, or curriculum
8 implementation.

9 The Executive Director of the Council on Law Enforcement
10 Education and Training may commission CLEET staff as peace officers
11 for purposes consistent with the duties of CLEET as set out in state
12 law. The powers and duties conferred on the Executive Director or
13 any staff member appointed by the Executive Director as a peace
14 officer shall not limit the powers and duties of other peace
15 officers of this state or any political subdivision thereof. The
16 Executive Director or any staff member appointed by the Executive
17 Director as a peace officer may, upon request, assist any federal,
18 state, county or municipal law enforcement agency;

19 8. Enter into contracts and agreements for the payment of
20 classroom space, food, and lodging expenses as may be necessary for
21 law enforcement officers attending any official course of
22 instruction approved or conducted by the Council. Such expenses may
23 be paid directly to the contracting agency or business
24 establishment. The food and lodging expenses for each law

1 enforcement officer shall not exceed the authorized rates as
2 provided for in the State Travel Reimbursement Act; provided,
3 however, the Council may provide food and lodging to law enforcement
4 officials attending any official course of instruction approved or
5 conducted by the Council rather than paying for the provision of
6 such food and lodging by an outside contracting agency or business
7 establishment;

8 9. a. Certify canine teams, consisting of a dog and a
9 handler working together as a team, trained to detect:

10 (1) controlled dangerous substances, or

11 (2) explosives, explosive materials, explosive

12 devices, or materials which could be used to

13 construct an explosive device;

14 provided, the dog of a certified canine team shall not
15 be certified at any time as both a drug dog and a bomb
16 dog, and any dog of a certified canine team who has
17 been previously certified as either a drug dog or a
18 bomb dog shall not be eligible at any time to be
19 certified in the other category.

20 b. Upon retiring the dog from the service it was
21 certified to perform, the law enforcement department
22 that handled the dog shall retain possession of the
23 dog. The handler shall have first option of adopting
24 the dog. If that option is not exercised, the law

1 enforcement department shall provide for its adoption.

2 Once adopted the dog shall not be placed back into

3 active service;

4 10. Enter into a lease, loan or other agreement with the
5 Oklahoma Development Finance Authority or a local public trust for
6 the purpose of facilitating the financing of a new facility for its
7 operations and use and pledge, to the extent authorized by law, all
8 or a portion of its receipts of the assessment penalty herein
9 referenced for the payment of its obligations under such lease, loan
10 or other agreement. It is the intent of the Legislature to increase
11 the assessment penalty to such a level or appropriate sufficient
12 monies to the Council on Law Enforcement Education and Training to
13 make payments on the lease, loan or other agreement for the purpose
14 of retiring the bonds to be issued by the Oklahoma Development
15 Finance Authority or local public trust. Such lease, loan or other
16 agreement and the bonds issued to finance such facilities shall not
17 constitute an indebtedness of the State of Oklahoma or be backed by
18 the full faith and credit of the State of Oklahoma, and the lease,
19 loan or other agreement and the bonds shall contain a statement to
20 such effect;

21 11. Accept gifts, bequests, devises, contributions and grants,
22 public or private, of real or personal property;

23 12. Appoint an advisory committee composed of representatives
24 from security guard and private investigative agencies to advise the

1 Council concerning necessary research, minimum standards for
2 licensure, education, and other matters related to licensure of
3 security guards, security guard agencies, private investigators, and
4 private investigative agencies;

5 13. Enter into agreements with individuals, educational
6 institutions, agencies, and business and tribal entities for
7 professional services, the use of facilities and supplies, and staff
8 overtime costs incurred as a result of the user's requests to
9 schedule functions after-hours, on weekends, or anytime such
10 requests extend staff beyond its normal capacity, whereby
11 contracting individuals, educational institutions, agencies, and
12 business and tribal entities shall pay a fee to be determined by the
13 Council by rule. All fees collected pursuant to facilities usage
14 shall be deposited to the credit of the C.L.E.E.T. Training Center
15 Revolving Fund created pursuant to Section 3311.6 of this title.
16 All other fees collected pursuant to these agreements shall be
17 deposited to the credit of the Peace Officer Revolving Fund created
18 pursuant to Section 3311.7 of this title. The Council is authorized
19 to promulgate emergency rules to effectuate the provisions of this
20 paragraph;

21 14. Promulgate rules to establish a state firearms
22 requalification standard for active peace officers and meet any
23 requirements imposed on the Council by the federal Law Enforcement
24 Officers Safety Act of 2004;

1 15. Set minimal criteria relating to qualifications for chief
2 of police administrative training pursuant to Section 34-102 of
3 Title 11 of the Oklahoma Statutes, assist in developing a course of
4 training for a Police Chief Administrative School, and approve all
5 police chief administrative training offered in this state;

6 16. Appoint a Curriculum Review Board to be composed of six (6)
7 members as follows:

8 a. one member shall be selected by the Chancellor for
9 Higher Education, who possesses a background of
10 creation and review of curriculum and experience
11 teaching criminal justice or law enforcement courses,
12 who shall serve an initial term of one (1) year,

13 b. one member shall represent a municipal jurisdiction
14 with a population of fifty thousand (50,000) or more
15 and who shall be a management-level CLEET-certified
16 training officer, who shall serve an initial term of
17 two (2) years,

18 c. one member shall represent a county jurisdiction with
19 a population of fifty thousand (50,000) or more and
20 who shall be a management-level CLEET-certified
21 training officer, who shall serve an initial term of
22 three (3) years,

23 d. one member shall represent a municipal jurisdiction
24 with a population of less than fifty thousand (50,000)

- 1 and who shall be a CLEET-certified training officer,
2 who shall serve an initial term of two (2) years,
3 e. one member shall represent a county jurisdiction with
4 a population of less than fifty thousand (50,000) and
5 who shall be a CLEET-certified training officer, who
6 shall serve an initial term of one (1) year, and
7 f. one member selected by the Oklahoma Department of
8 Career and Technology, who shall have experience in
9 the creation and review of curriculum as well as
10 experience in teaching criminal justice or law
11 enforcement courses, who shall serve an initial term
12 of three (3) years.

13 After the initial terms of office, all members shall be
14 appointed to serve three-year terms. Any member may be reappointed
15 to serve consecutive terms. Members shall serve without
16 compensation, but may be reimbursed for travel expenses pursuant to
17 the State Travel Reimbursement Act. The Board shall review and
18 establish curriculum for all CLEET academies and training courses
19 pursuant to procedures established by the Council on Law Enforcement
20 Education and Training;

21 17. Conduct review and verification of any records relating to
22 the statutory duties of CLEET;

23 18. Receive requested reports including investigative reports,
24 court documents, statements, or other applicable information from

1 local, county and state agencies and other agencies for use in
2 actions where a certification or license issued by CLEET may be
3 subject to disciplinary or other actions provided by law;

4 19. Summarily suspend a certification of a peace officer,
5 without prior notice but otherwise subject to administrative
6 proceedings, if CLEET finds that the actions of the certified peace
7 officer may present a danger to the peace officer, the public, a
8 family or household member, ~~or~~ involve a crime against a minor,
9 result in termination from employment for violation of municipal
10 policy, state or federal law, regarding use of force, or a finding
11 of untruthfulness in the exercise of official duties by a federal,
12 state, or municipal judge. A certified copy of the information or
13 indictment charging such a crime, or documentation showing final
14 determination of termination from the employing agency, shall be
15 considered clear and convincing evidence of the charge; and

16 20. Approve law enforcement agencies and police departments in
17 accordance with the following:

18 a. this section applies only to an entity authorized by
19 statute or by the Constitution to create a law
20 enforcement agency or police department and
21 commission, appoint, or employ officers that first
22 creates or reactivates an inactive law enforcement
23 agency or police department and first begins to
24

1 commission, appoint, or employ officers on or after
2 November 1, 2011,

3 b. the entity shall submit to CLEET, a minimum of sixty
4 (60) days prior to creation of the law enforcement
5 agency or police department, information regarding:

6 (1) the need for the law enforcement agency or police
7 department in the community,

8 (2) the funding sources for the law enforcement
9 agency or police department, and proof that no
10 more than fifty percent (50%) of the funding of
11 the entity will be derived from ticket revenue or
12 fines,

13 (3) the physical resources available to officers,

14 (4) the physical facilities that the law enforcement
15 agency or police department will operate
16 including descriptions of the evidence room,
17 dispatch area, restroom facilities, and public
18 area,

19 (5) law enforcement policies of the law enforcement
20 agency or police department including published
21 policies on:

22 (a) use of force,

23 (b) vehicle pursuit,

24 (c) mental health,

- (d) professional conduct of officers,
- (e) domestic abuse,
- (f) response to missing persons,
- (g) supervision of part-time officers, and
- (h) impartial policing,

- (6) the administrative structure of the law enforcement agency or police department,
- (7) liability insurance, and
- (8) any other information CLEET requires by rule,

c. within sixty (60) days of receiving an entity's request, CLEET will forward to the entity by certified mail, return receipt requested, a letter of authorization or denial to create a law enforcement agency or police department and commission, appoint, or employ officers, signed by the Executive Director of CLEET, and

d. in cases of denial, the entity may appeal the decision of the Executive Director to the full CLEET Council. The Executive Director shall ensure that the final report is provided to all members of the Council. The Council shall review and make recommendations concerning the report at the first meeting of the Council to occur after all members of the Council have

1 received the report. The Council may, by majority
2 vote:

- 3 (1) order additional information be provided,
- 4 (2) order confirmation of the opinion of the
5 Executive Director, or
- 6 (3) order authorization of the entity.

7 C. 1. Payment of any fee provided for in this section may be
8 made by a nationally recognized credit or debit card issued to the
9 applicant. The Council may publicly post and collect a fee for the
10 acceptance of the nationally recognized credit or debit card not to
11 exceed five percent (5%) of the amount of the payment. For purposes
12 of this subsection, "nationally recognized credit card" means any
13 instrument or device, whether known as a credit card, credit plate,
14 charge plate, or by any other name, issued with or without fee by an
15 issuer for the use of the cardholder in obtaining goods, services,
16 or anything else of value and which is accepted by over one thousand
17 merchants in this state. "Debit card" means an identification card
18 or device issued to a person by a business organization which
19 permits such person to obtain access to or activate a consumer
20 banking electronic facility. The Council shall determine which
21 nationally recognized credit or debit cards will be accepted as
22 payment for fees.

23 2. Payment for any fee provided for in this title may be made
24 by a business check. The Council may:

1 a. add an amount equal to the amount of the service
2 charge incurred, not to exceed three percent (3%) of
3 the amount of the check as a service charge for the
4 acceptance and verification of the check, or

5 b. add an amount of no more than Five Dollars (\$5.00) as
6 a service charge for the acceptance and verification
7 of a check. For purposes of this subsection,
8 "business check" shall not mean a money order,
9 cashier's check, or bank certified check.

10 D. Failure of the Legislature to appropriate necessary funds to
11 provide for expenses and operations of the Council on Law
12 Enforcement Education and Training shall not invalidate other
13 provisions of this section relating to the creation and duties of
14 the Council.

15 E. 1. No person shall be eligible for employment as a peace
16 officer or reserve peace officer until the employing law enforcement
17 agency has conducted a background investigation of such person
18 consisting of the following:

19 a. a fingerprint search submitted to the Oklahoma State
20 Bureau of Investigation with a return report to the
21 submitting agency that such person has no felony
22 record,

23 b. a fingerprint search submitted to the Federal Bureau
24 of Investigation with a return report to the

1 submitting agency that such person has no felony
2 record,

3 c. such person has undergone psychological evaluation by
4 a psychologist licensed by the State of Oklahoma and
5 has been evaluated to be suitable to serve as a peace
6 officer in the State of Oklahoma,

7 d. the employing agency has verified that such person has
8 a high school diploma or a GED equivalency certificate
9 as recognized by state law,

10 e. such person is not participating in a deferred
11 sentence agreement for a felony, a crime involving
12 moral turpitude or a crime of domestic violence, and
13 does not have any criminal charges pending in any
14 court in this state, another state, in tribal court or
15 pursuant to the United States Code,

16 f. such person is not currently subject to an order of
17 the Council revoking, suspending, or accepting a
18 voluntary surrender of peace officer certification,

19 g. such person is not currently undergoing treatment for
20 a mental illness, condition or disorder. For purposes
21 of this subsection, "currently undergoing treatment
22 for mental illness, condition or disorder" means the
23 person has been diagnosed by a licensed physician,
24 psychologist, or licensed mental health professional

1 as being afflicted with a substantial disorder of
2 thought, mood, perception, psychological orientation
3 or memory that significantly impairs judgment,
4 behavior, capacity to recognize reality, or ability to
5 meet the ordinary demands of life and such condition
6 continues to exist,

7 h. such person is twenty-one (21) years of age.

8 Provided, this requirement shall not affect those
9 persons who are already employed as a police or peace
10 officer prior to November 1, 1985, and

11 i. such person has provided proof of United States
12 citizenship or resident alien status, pursuant to an
13 employment eligibility verification form from the
14 United States Citizenship and Immigration Services.

15 2. To aid the evaluating psychologist in interpreting the test
16 results including automated scoring and interpretations, the
17 employing agency shall provide the psychologist a statement
18 confirming the identity of the individual taking the test as the
19 person who is employed or seeking employment as a peace officer of
20 the agency and attesting that it administered the psychological
21 instrument in accordance with standards within the test document.
22 The psychologist shall report to the employing agency the evaluation
23 of the assessment instrument and may include any additional
24 recommendations to assist the employing agency in determining

1 whether to certify to the Council on Law Enforcement Education and
2 Training that the person being evaluated is suitable to serve as a
3 peace officer in the State of Oklahoma. No additional procedures or
4 requirements shall be imposed for performance of the psychological
5 evaluation. The psychological instrument utilized shall be
6 evaluated by a psychologist licensed by the State of Oklahoma, and
7 the employing agency shall certify to the Council that the
8 evaluation was conducted in accordance with this provision and that
9 the employee or applicant is suitable to serve as a peace officer in
10 the State of Oklahoma.

11 a. Any person found not to be suitable for employment or
12 certification by the Council shall not be employed,
13 retained in employment as a peace officer, or
14 certified by the Council for at least one (1) year, at
15 which time the employee or applicant may be
16 reevaluated by a psychologist licensed by the State of
17 Oklahoma. This section shall also be applicable to
18 all reserve peace officers in the State of Oklahoma.

19 b. Any person who is certified by CLEET and has undergone
20 the psychological evaluation required by this
21 subparagraph and has been found to be suitable as a
22 peace officer shall not be required to be reevaluated
23 for any subsequent employment as a peace officer
24 following retirement or any break in service as a

1 peace officer, unless such break in service exceeds
2 five (5) years or the Council determines that a peace
3 officer may present a danger to himself or herself,
4 the public, or a family or household member.

5 c. All persons seeking certification shall have their
6 name, gender, date of birth, and address of such
7 person submitted to the Department of Mental Health
8 and Substance Abuse Services by the Council. The
9 Department of Mental Health and Substance Abuse
10 Services shall respond to the Council within ten (10)
11 days whether the computerized records of the
12 Department indicate the applicant has ever been
13 involuntarily committed to an Oklahoma state mental
14 institution. In the event that the Department of
15 Mental Health and Substance Abuse Services reports to
16 the Council that the applicant has been involuntarily
17 committed, the Council shall immediately inform the
18 employing agency.

19 All basic police courses shall include a minimum of four (4)
20 hours of education and training in recognizing and managing a person
21 appearing to require mental health treatment or services. The
22 training shall include training in crime and drug prevention, crisis
23 intervention, youth and family intervention techniques, recognizing,
24 investigating and preventing abuse and exploitation of elderly

1 persons, mental health issues, and criminal jurisdiction on
2 Sovereign Indian Land.

3 Subject to the availability of funding, for full-time salaried
4 police or peace officers a basic police course academy shall consist
5 of a minimum of six hundred (600) hours.

6 For reserve deputies a basic reserve academy shall consist of a
7 minimum of two hundred forty (240) hours.

8 3. Beginning January 1, 2018, any reserve peace officer who has
9 completed the two-hundred-forty-hour reserve peace officer
10 certification program and who has been in active service in that
11 capacity for the past six (6) months shall be eligible to attend a
12 three-hundred-sixty-hour basic full-time training academy to become
13 certified as a full-time peace or police officer.

14 4. Every person who has not been certified as a police or peace
15 officer and is duly appointed or elected as a police or peace
16 officer shall hold such position on a temporary basis only, and
17 shall, within six (6) months from the date of appointment or taking
18 office, qualify as required in this subsection or forfeit such
19 position. In computing the time for qualification, all service
20 shall be cumulative from date of first appointment or taking office
21 as a police or peace officer with any department in this state.

22 a. The Council may extend the time requirement specified
23 in this paragraph for good cause as determined by the
24 Council.

1 b. A duty is hereby imposed upon the employing agency to
2 withhold payment of the compensation or wage of such
3 unqualified officer.

4 c. If the police or peace officer fails to forfeit the
5 position or the employing agency fails to require the
6 officer to forfeit the position, the district attorney
7 shall file the proper action to cause the forfeiting
8 of such position. The district court of the county
9 where the officer is employed shall have jurisdiction
10 to hear the case.

11 5. The Council may certify officers who have completed a course
12 of study in another state deemed by the Council to meet standards
13 for Oklahoma peace officers providing the officer's certification in
14 the other state has not been revoked or voluntarily surrendered and
15 is not currently under suspension.

16 6. For purposes of this section, a police or peace officer is
17 defined as a full-time duly appointed or elected officer who is paid
18 for working more than twenty-five (25) hours per week and whose
19 duties are to preserve the public peace, protect life and property,
20 prevent crime, serve warrants, transport prisoners, and enforce laws
21 and ordinances of this state, or any political subdivision thereof;
22 provided, elected sheriffs and their deputies and elected,
23 appointed, or acting chiefs of police shall meet the requirements of
24 this subsection within the first six (6) months after assuming the

1 duties of the office to which they are elected or appointed or for
2 which they are an acting chief; provided further, that this section
3 shall not apply to persons designated by the Director of the
4 Department of Corrections as peace officers pursuant to Section 510
5 of Title 57 of the Oklahoma Statutes.

6 F. No person shall be certified as a police or peace officer by
7 the Council or be employed by the state, a county, a city, or any
8 political subdivision thereof, who is currently subject to an order
9 of the Council revoking, suspending, or accepting a voluntary
10 surrender of peace officer certification or who has been convicted
11 of a felony, a crime involving moral turpitude, or a crime of
12 domestic violence, unless a full pardon has been granted by the
13 proper agency; however, any person who has been trained and
14 certified by the Council on Law Enforcement Education and Training
15 and is actively employed as a full-time peace officer as of November
16 1, 1985, shall not be subject to the provisions of this subsection
17 for convictions occurring prior to November 1, 1985.

18 G. 1. The Council is hereby authorized to provide to any
19 employing agency the following information regarding a person who is
20 or has applied for employment as a police or peace officer of such
21 employing agency:

22 a. Oklahoma State Bureau of Investigation and Federal
23 Bureau of Investigation reports,
24

- b. administration of the psychological tests provided for herein,
- c. performance in the course of study or other basis of certification,
- d. previous certifications issued, and
- e. any administrative or judicial determination denying certification.

2. An employing agency shall not be liable in any action arising out of the release of contents of personnel information relevant to the qualifications or ability of a person to perform the duties of a police or peace officer when such information is released pursuant to written authorization for release of information signed by such person and is provided to another employing agency which has employed or has received an application for employment from such person.

3. As used in this subsection, "employing agency" means a political subdivision or law enforcement agency which either has employed or received an employment application from a person who, if employed, would be subject to this section.

H. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the Council within ten (10) days. Failure to comply with the provisions of this subsection may disqualify a law enforcement agency from

1 participating in training programs sponsored by the Council. Every
2 law enforcement agency employing police or peace officers in this
3 state shall submit to CLEET on or before October 1 of each calendar
4 year a complete list of all commissioned employees with a current
5 mailing address and phone number for each such employee. In
6 addition to the above, CLEET may impose an administrative fine for
7 violations of this section.

8 2. A tribal law enforcement agency that has peace officers
9 commissioned by an Oklahoma law enforcement agency pursuant to a
10 cross-deputization agreement with the State of Oklahoma or any
11 political subdivision of the State of Oklahoma pursuant to the
12 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
13 shall report the commissioning, resignation, or termination of
14 commission for any reason of a cross-deputized tribal police or
15 peace officer to CLEET within ten (10) days of the commissioning,
16 resignation, or termination. Failure to comply with the provisions
17 of this subsection may disqualify a tribal law enforcement agency
18 from participating in training programs sponsored by the Council.

19 I. It is unlawful for any person to willfully make any
20 statement in an application to CLEET knowing the statement is false
21 or intentionally commit fraud in any application to the Council for
22 attendance in any CLEET-conducted or CLEET-approved peace officer
23 academy or Collegiate Officer Program or for the purpose of
24 obtaining peace officer certification or reinstatement. It is

1 unlawful for any person to willfully submit false or fraudulent
2 documents relating to continuing education rosters, transcripts or
3 certificates, or any canine license application. Any person
4 convicted of a violation of this subsection shall be guilty of a
5 felony punishable by imprisonment in the Department of Corrections
6 for a term of not less than two (2) years nor more than five (5)
7 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
8 or by both such fine and imprisonment. In addition to the above,
9 CLEET may impose an administrative fine.

10 J. 1. A police or peace officer shall be subject to
11 disciplinary action to include a denial, suspension, revocation or
12 acceptance of voluntary surrender of peace officer certification
13 upon a showing of clear and convincing evidence for the following:

- 14 a. conviction of a felony or a crime of domestic
15 violence,
- 16 b. conviction of a misdemeanor involving moral turpitude;
17 provided, if the conviction is a single isolated
18 incident that occurred more than five (5) years ago
19 and the Council is satisfied that the person has been
20 sufficiently rehabilitated, the Council may, in its
21 discretion, certify such person providing that all
22 other statutory requirements have been met,
- 23 c. a verdict of guilt or entry of a plea of guilty or
24 nolo contendere or an "Alford" plea or any plea other

- 1 than a not guilty plea for a felony offense, a crime
2 of moral turpitude, or a crime of domestic violence,
3 d. falsification or a willful misrepresentation of
4 information in an employment application or
5 application to the Council on Law Enforcement
6 Education and Training, records of evidence, or in
7 testimony under oath,
8 e. revocation or voluntary surrender of police or peace
9 officer certification in another state for a violation
10 of any law or rule or in settlement of any
11 disciplinary action in such state,
12 f. involuntary commitment of a reserve or peace officer
13 in a mental institution or licensed private mental
14 health facility for any mental illness, condition or
15 disorder that is diagnosed by a licensed physician,
16 psychologist or a licensed mental health professional
17 as a substantial disorder of thought, mood,
18 perception, psychological orientation, or memory that
19 significantly impairs judgment, behavior, capacity to
20 recognize reality, or ability to meet the ordinary
21 demands of life. Provided, the peace officer
22 certification may be reinstated upon the Council
23 receiving notification of a psychological evaluation
24 conducted by a licensed physician, psychologist or

1 licensed mental health professional which attests and
2 states by affidavit that the officer and the
3 evaluation test data of the officer have been examined
4 and that, in the professional opinion of the
5 physician, psychologist or licensed mental health
6 professional, the officer is psychologically suitable
7 to return to duty as a peace officer. Notwithstanding
8 any other provision of state law pertaining to
9 confidentiality of hospital or other medical records,
10 and as allowable under federal law, CLEET may subpoena
11 or request a court to subpoena records necessary to
12 assure compliance with these provisions. Any
13 confidential information received by CLEET for such
14 purpose shall retain its confidential character while
15 in the possession of CLEET,

- 16 g. abuse of office,
- 17 h. entry of a final order of protection against applicant
18 or officer, ~~or~~
- 19 i. any violation of the Oklahoma Private Security
20 Licensing Act,
- 21 j. termination from an employing agency for violation of
22 municipal policy or state or federal laws regarding
23 use of force, or

1 k. a finding of untruthfulness in the exercise of
2 official duties by a preponderance of evidence by a
3 state, federal, or municipal judge.

4 2. Disciplinary proceedings shall be commenced by filing a
5 complaint with the Council on a form approved by the Council. Any
6 employing agency or other person having information may submit such
7 information to the Council for consideration as provided in this
8 subsection.

9 3. Upon the filing of the complaint, a preliminary
10 investigation shall be conducted to determine whether:

11 a. there is reason to believe the person has violated any
12 provision of this subsection or any other provision of
13 law or rule, or

14 b. there is reason to believe the person has been
15 convicted of a felony, a crime involving moral
16 turpitude or a domestic violence offense or is
17 currently participating in a deferred sentence for
18 such offenses.

19 4. When the investigation of a complaint does not find the
20 person has violated any of the provisions of this subsection, or
21 finds that the person is sufficiently rehabilitated as provided in
22 subparagraph b or f of paragraph 1 of this subsection, no
23 disciplinary action shall be required and the person shall remain
24 certified as a police or peace officer. When the investigation of a

1 complaint finds that the person has violated any of the provisions
2 of this subsection, the matter shall be referred for disciplinary
3 proceedings. The disciplinary proceedings shall be in accordance
4 with Articles I and II of the Administrative Procedures Act.

5 5. The Council shall revoke or suspend the certification of any
6 person upon determining that such person has been convicted of a
7 felony or a crime involving moral turpitude or a domestic violence
8 offense or has entered a plea of guilty, or nolo contendere or an
9 "Alford" plea or any plea other than a not guilty plea for a felony
10 offense, a crime of moral turpitude or a crime of domestic violence
11 or is the respondent in a final Victims Protective Order; provided,
12 that if the conviction has been reversed, vacated or otherwise
13 invalidated by an appellate court, such conviction shall not be the
14 basis for revocation of certification; provided further, that any
15 person who has been trained and certified by the Council on Law
16 Enforcement Education and Training and is actively employed as a
17 full-time peace officer as of November 1, 1985, shall not be subject
18 to the provisions of this subsection for convictions occurring prior
19 to November 1, 1985. The sole issue to be determined at the hearing
20 shall be whether the person has been convicted of a felony, a crime
21 involving moral turpitude or a domestic violence offense or is the
22 named respondent/defendant in a final Victims Protective Order.

23 6. The Council shall revoke or suspend the certification of any
24 person upon determining that such person has:

- 1 a. received a deferred sentence for a felony, a crime
2 involving moral turpitude or a domestic violence
3 offense, or
4 b. has been terminated from employment for a violation of
5 municipal policy, federal, state, or municipal laws
6 regarding use of force, moral turpitude, or has been
7 found by a federal, state, or municipal judge to be
8 untruthful in the exercise of official duties.

9 7. The Council may suspend the certification of any person upon
10 a determination that such person has been involuntarily committed to
11 a mental institution or mental health facility for a mental illness,
12 condition or disorder as provided in subparagraph f of paragraph 1
13 of this subsection.

14 8. Every law enforcement agency in this state shall, within
15 thirty (30) days of a final order of termination or resignation
16 while under investigation of a CLEET-certified peace officer, report
17 such order or resignation in writing to the Executive Director of
18 the Council. Any report, upon receipt by the Council, shall be
19 considered as personnel records and shall be afforded confidential
20 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
21 Oklahoma Statutes. Any medical or other confidential records
22 obtained by subpoena pursuant to this subsection shall not be made a
23 part of such report. The Executive Director shall ensure that the
24 report is provided to all members of the Council. The Council shall

1 review and make recommendations concerning the report at the first
2 meeting of the Council to occur after all members of the Council
3 have received the report. The Council may, by a majority vote,
4 order the suspension, for a given period of time, or revocation of
5 the CLEET certification of the peace officer in question if there
6 are grounds for such actions pursuant to this section and the peace
7 officer in question has been provided with notice and an opportunity
8 for a hearing pursuant to the Administrative Procedures Act.

9 Suspension or revocation of CLEET certification pursuant to this
10 paragraph shall be reported to the district attorney for the
11 jurisdiction in which the peace officer was employed, to the
12 liability insurance company of the law enforcement agency that
13 employed the peace officer, the chief elected official of the
14 governing body of the law enforcement agency and the chief law
15 enforcement officer of the law enforcement agency.

16 9. For all other violations of this subsection, the hearing
17 examiner shall take into consideration the severity of the
18 violation, any mitigating circumstances offered by the person
19 subject to disciplinary action, and any other evidence relevant to
20 the person's character to determine the appropriate disciplinary
21 action.

22 10. a. A police or peace officer may voluntarily surrender
23 and relinquish the peace officer certification to
24 CLEET. Pursuant to such surrender or relinquishment,

1 the person surrendering the certification shall be
2 prohibited from applying to CLEET for reinstatement
3 within five (5) years of the date of the surrender or
4 relinquishment, unless otherwise provided by law for
5 reinstatement.

6 b. No person who has had a police or peace officer
7 certification from another state revoked or
8 voluntarily surrendered and has not been reinstated by
9 that state shall be considered for certification by
10 CLEET.

11 c. Any person seeking reinstatement of police or peace
12 officer certification which has been suspended,
13 revoked, or voluntarily surrendered may apply for
14 reinstatement pursuant to promulgated CLEET rules
15 governing reinstatement. Except as provided in this
16 subsection, any person whose certification has been
17 revoked, suspended or voluntarily surrendered for any
18 reason including failure to comply with mandatory
19 education and training requirements, shall pay a
20 reinstatement fee of One Hundred Fifty Dollars
21 (\$150.00) to be deposited to the credit of the Peace
22 Officer Revolving Fund created pursuant to Section
23 3311.7 of this title.
24

1 11. A duty is hereby imposed upon the district attorney who, on
2 behalf of the State of Oklahoma, prosecutes a person holding police
3 or peace officer or reserve peace officer certification for a
4 felony, a crime involving moral turpitude, or a crime of domestic
5 violence in which a plea of guilty, nolo contendere, or an "Alford"
6 plea or any other plea other than a not guilty plea or other finding
7 of guilt is entered by, against or on behalf of a certified police
8 or peace officer to report such plea, agreement, or other finding of
9 guilt to the Council on Law Enforcement Education and Training
10 within ten (10) days of such plea agreement or the finding of guilt.

11 12. Any person or agency required or authorized to submit
12 information pursuant to this section to the Council shall be immune
13 from liability arising from the submission of the information as
14 long as the information was submitted in good faith and without
15 malice.

16 13. Any peace officer employed by a law enforcement agency in
17 this state which has internal discipline policies and procedures on
18 file with CLEET shall be exempt from the disciplinary proceedings
19 and actions provided for in this subsection; provided, however, such
20 exemption shall not apply if the peace officer has been convicted of
21 a felony crime, a crime of moral turpitude, or a crime of domestic
22 violence.

23 14. All criminal proceedings initiated against a CLEET-
24 certified peace officer or reserve peace officer shall be reported

1 by the officer to CLEET immediately after arrest or discovery of the
2 filing of such criminal proceeding. All CLEET-certified peace
3 officers and reserve peace officers shall be required to report when
4 a Victim Protective Order has been issued against the officer
5 including orders issued on an emergency basis and all final orders
6 of protection. Failure to give notice pursuant to the provisions of
7 this paragraph may be cause to initiate an action against the
8 officer by CLEET.

9 15. As used in this subsection:

- 10 a. "law enforcement agency" means any department or
11 agency of the state, a county, a municipality, or
12 political subdivision thereof, with the duties to
13 maintain public order, make arrests, and enforce the
14 criminal laws of this state or municipal ordinances,
15 which employs CLEET-certified personnel,
- 16 b. "final order of termination" means a final notice of
17 dismissal from employment provided after all
18 ~~grievance, arbitration, and court actions~~ employment
19 related proceedings have been completed, and
- 20 c. "resignation while under investigation" means the
21 resignation from employment of a peace officer who is
22 under investigation for any felony violation of law, a
23 crime of moral turpitude, a crime of domestic
24 violence, moral turpitude, an allegation of excessive

1 use of force, or untruthfulness or the resignation
2 from employment of a peace officer as part of ~~an~~
3 ~~arbitration or~~ a plea agreement or employment related
4 proceedings.

5 K. 1. Every canine team in the state trained to detect
6 controlled dangerous substances shall be certified, by test, in the
7 detection of such controlled dangerous substances and shall be
8 recertified annually so long as the canine is used for such
9 detection purposes. The certification test and annual
10 recertification test provisions of this subsection shall not be
11 applicable to canines that are owned by a law enforcement agency and
12 that are certified and annually recertified in the detection of
13 controlled dangerous substances by the United States Customs
14 Service. No employee of CLEET may be involved in the training or
15 testing of a canine team.

16 2. The Council shall appoint a Drug Dog Advisory Council to
17 make recommendations concerning minimum standards, educational
18 needs, and other matters imperative to the certification of canines
19 and canine teams trained to detect controlled dangerous substances.
20 The Council shall promulgate rules based upon the recommendations of
21 the Advisory Council. Members of the Advisory Council shall
22 include, but need not be limited to, a commissioned officer with
23 practical knowledge of such canines and canine teams from each of
24 the following:

- a. the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,
- b. the Department of Public Safety,
- c. a police department,
- d. a sheriff's office, and
- e. a university or college campus police department.

3. The fee for the certification test shall be Two Hundred Dollars (\$200.00) and the annual recertification test fee shall be One Hundred Dollars (\$100.00) per canine team. A retest fee of Fifty Dollars (\$50.00) will be charged if the team fails the test. No such fee shall be charged to any local, state or federal government agency. The fees provided for in this paragraph shall be deposited to the credit of the CLEET Fund created pursuant to Section 1313.2 of Title 20 of the Oklahoma Statutes.

L. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of

1 Defense. No employee of CLEET may be involved in the training or
2 testing of a canine team.

3 2. The Council shall appoint a Bomb Dog Advisory Council to
4 make recommendations concerning minimum standards, educational
5 needs, and other matters imperative to the certification of canines
6 and canine teams trained to detect explosives, explosive materials,
7 explosive devices and materials which could be used to construct an
8 explosive device. The Council shall promulgate rules based upon the
9 recommendations of the Advisory Council. Members of the Advisory
10 Council shall include, but need not be limited to, a commissioned
11 officer with practical knowledge of such canines and canine teams
12 from each of the following:

- 13 a. the Department of Public Safety,
- 14 b. a police department,
- 15 c. a sheriff's office, and
- 16 d. a university or college campus police department.

17 3. The fee for the certification test shall be Two Hundred
18 Dollars (\$200.00) and the annual recertification test fee shall be
19 One Hundred Dollars (\$100.00) per canine team. A retest fee of
20 Fifty Dollars (\$50.00) will be charged if the team fails the test.
21 No such fee shall be charged to any local, state or federal
22 government agency. The fees provided for in this paragraph shall be
23 deposited to the credit of the CLEET Fund created pursuant to
24 Section 1313.2 of Title 20 of the Oklahoma Statutes.

1 M. All tribal police officers of any Indian tribe or nation who
2 have been commissioned by an Oklahoma law enforcement agency
3 pursuant to a cross-deputization agreement with the State of
4 Oklahoma or any political subdivision of the State of Oklahoma
5 pursuant to the provisions of Section 1221 of Title 74 of the
6 Oklahoma Statutes shall be eligible for peace officer certification
7 under the same terms and conditions required of members of the law
8 enforcement agencies of the State of Oklahoma and its political
9 subdivisions. CLEET shall issue peace officer certification to
10 tribal police officers who, as of July 1, 2003, are commissioned by
11 an Oklahoma law enforcement agency pursuant to a cross-deputization
12 agreement with the State of Oklahoma or any political subdivision of
13 the State of Oklahoma pursuant to the provisions of Section 1221 of
14 Title 74 of the Oklahoma Statutes and have met the training and
15 qualification requirements of this section.

16 N. If an employing law enforcement agency in this state has
17 paid for CLEET training and the salary of a person while that person
18 is completing in this state a basic police course approved by the
19 Council and if within one (1) year after initial employment with the
20 original employing agency that person resigns and is hired by
21 another law enforcement agency in this state, the second agency or
22 the person receiving the training shall reimburse the original
23 employing agency for the cost of CLEET training and salary paid to
24 the person while completing the basic police course by the original

1 employing agency. If the person leaves the original employing
2 agency later than one (1) year, but less than two (2) years, after
3 the initial employment, the second agency or the person receiving
4 the training shall reimburse the original employing agency fifty
5 percent (50%) of the cost of CLEET training and salary paid to the
6 person while completing the basic police course by the original
7 employing agency. CLEET shall not be a party to any court action
8 based on this provision.

9 O. The Council on Law Enforcement Education and Training, in
10 its discretion, may waive all or part of any moneys due to the
11 Council, if deemed uncollectable by the Council.

12 P. Peace officers, reserve peace officers, tribal peace
13 officers, agencies, bail enforcers, security guards and private
14 investigators shall maintain with the Council current mailing
15 addresses and shall notify the Council, in writing, of any change of
16 address or name. Notification of change of name shall require
17 certified copies of any marriage license or other court document
18 which reflects the change of name. Notice of change of address or
19 telephone number must be made within ten (10) days of the effected
20 change. Notices shall not be accepted over the phone. In any
21 proceeding in which the Council is required to serve notice or an
22 order on an individual or an agency, the Council may send a letter
23 to the mailing address on file with the Council. If the letter is
24 returned and a notation of the U.S. Postal Service indicates

1 "unclaimed", or "moved", or "refused" or any other nondelivery
2 markings and the records of the Council indicate that no change of
3 address as required by this subsection has been received by the
4 Council, the notice and any subsequent notices or orders shall be
5 deemed by the Court as having been legally served for all purposes.

6 Q. All CLEET records of Bail Enforcers may be released only in
7 compliance with this section and the Oklahoma Bail Enforcement and
8 Licensing Act. All records in CLEET possession concerning other
9 persons or entities shall be released only in compliance with this
10 section and the Oklahoma Open Records Act.

11 SECTION 2. This act shall become effective November 1, 2023.

12

13 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
14 02/23/2023 - DO PASS, As Amended.

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