

1 **SENATE FLOOR VERSION**

2 March 28, 2024

3 ENGROSSED HOUSE
4 BILL NO. 3593

By: Hill of the House

5 and

6 Paxton of the Senate

7
8 An Act relating to the Department of Public Safety;
9 amending 47 O.S. 2021, Section 2-105, as amended by
10 Section 1, Chapter 301, O.S.L. 2022 (47 O.S. Supp.
11 2023, Section 2-105), which relates to Oklahoma
12 Highway Patrol personnel; modifying qualifications
13 for reinstatement; and providing an effective date.

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

15 SECTION 1. AMENDATORY 47 O.S. 2021, Section 2-105, as
16 amended by Section 1, Chapter 301, O.S.L. 2022 (47 O.S. Supp. 2023,
17 Section 2-105), is amended to read as follows:

18 Section 2-105. A. The Commissioner of Public Safety, subject
19 to the Oklahoma Personnel Act, shall appoint:

20 1. A Chief of the Oklahoma Highway Patrol Division with the
21 rank of Colonel, Deputy Chiefs of the Oklahoma Highway Patrol
22 Division with the rank of Lieutenant Colonel, and subordinate
23 officers and employees of the Oklahoma Highway Patrol Division,
24 including Majors, Captains, Lieutenants, and Highway Patrolmen with
the rank of Trooper, who shall comprise the Oklahoma Highway Patrol

1 Division of the Department of Public Safety; provided, any officer
2 appointed to a commissioned position prescribed in this paragraph
3 which is unclassified pursuant to Section 840-5.5 of Title 74 of the
4 Oklahoma Statutes shall have a right of return to the highest
5 previously held classified commissioned position within the Oklahoma
6 Highway Patrol Division of the Department of Public Safety without
7 any loss of rights, privileges or benefits immediately upon
8 completion of the duties in the unclassified commissioned position;

9 2. A Captain, Lieutenants, and Patrolmen who shall comprise the
10 Marine Enforcement Section of the Oklahoma Highway Patrol Division
11 of the Department of Public Safety;

12 3. A Captain, Lieutenants, and Patrolmen, who shall comprise
13 the Capitol Patrol Section of the Oklahoma Highway Patrol Division
14 of the Department of Public Safety; and

15 4. Communications Coordinators, Communications Superintendents,
16 Communications Supervisors, Communications Dispatchers, Radio
17 Technicians and Tower Maintenance Officers who shall comprise the
18 Communications Division of the Department of Public Safety.

19 B. No person shall be appointed to any position set out in
20 subsection A of this section unless the person is a citizen of the
21 United States and of good moral character. The Commissioner shall
22 determine minimum qualifications for all positions set out in
23 subsection A of this section, provided such qualifications shall
24 include, but are not limited to, the following:

1 1. For commissioned officer positions:

2 a. appointees shall be selected only after examination to
3 determine physical and mental fitness for such
4 positions. The examination criteria shall be
5 prescribed by the Commissioner,

6 b. appointees shall be at least twenty-one (21) years of
7 age but less than forty-six (46) years of age,

8 c. prior to receiving a commission, all such appointees
9 shall satisfactorily complete a course of training in
10 operations and procedures as prescribed by the
11 Commissioner, and

12 d. prior to receiving a commission, all such appointees
13 shall possess an associate's degree or a minimum of
14 sixty-two (62) successfully completed semester hours
15 from an accredited college or university as denoted in
16 the Database of Accredited Postsecondary Institutions
17 and Programs provided by the U.S. Department of
18 Education and whose hours are transferable between
19 such recognized institutions. Prior years of military
20 or law enforcement service shall qualify as a
21 substitute for the educational requirement, up to a
22 maximum of thirty (30) semester hours, for any
23 combination of the following:

- 1 (1) ten (10) semester hours for each year of
2 honorable service in any active military or
3 reserve military service,
4 (2) ten (10) semester hours for each year the
5 appointee worked as a paid, full-time, CLEET-
6 certified law enforcement officer of a law
7 enforcement agency within the State of Oklahoma,
8 or
9 (3) ten (10) semester hours for each year the
10 appointee worked as a paid, full-time sworn law
11 enforcement officer certified by a state peace
12 officer standards and training agency as a peace
13 officer in another state, or any officer who has
14 been certified as a federal peace officer by a
15 CLEET-recognized law enforcement agency; and

16 2. Any person appointed to a position in the Communications
17 Division shall be at least eighteen (18) years of age and shall
18 possess a high school diploma or General Educational Development
19 equivalency certificate.

20 C. 1. Upon initial appointment to the position of Cadet
21 Highway Patrolman or Probationary Communications Dispatcher, the
22 appointed employee shall be required to serve an initial
23 probationary period of twelve (12) months. The Commissioner may
24 extend the probationary period for up to three (3) additional months

1 provided that the employee and the Office of Management and
2 Enterprise Services are notified in writing as to such action and
3 the reasons thereof. During such probationary period, the employee
4 may be terminated at any time and for any reason at the discretion
5 of the Commissioner. Retention in the service after expiration of
6 the initial probationary period shall entitle such employee to be
7 classified as a permanent employee and the employee shall be so
8 classified. No permanent employee may be discharged or removed
9 except as provided for in this section.

10 2. A commissioned officer of the Oklahoma Highway Patrol
11 Division may be promoted during the initial probationary period if
12 such officer satisfactorily completes all training requirements
13 prescribed by the Commissioner.

14 D. 1. No commissioned officer of the Department shall be a
15 candidate for any political office or take part in or contribute any
16 money or other thing of value, directly or indirectly, to any
17 political campaign or to any candidate for public office. Anyone
18 convicted of violating the provisions of this paragraph shall be
19 guilty of a misdemeanor and shall be punished as provided by law.

20 2. No commissioned officer of the Department, while in the
21 performance of the officer's assigned duty of providing security and
22 protection, shall be considered as participating in a political
23 campaign. The provisions of this paragraph shall not be construed
24 to preclude a commissioned officer of the Oklahoma Highway Patrol

1 Division of the Department of Public Safety from being a candidate
2 for a position on a local board of education.

3 3. The Commissioner or any employee of the Department shall not
4 be a candidate for any political office, or in any way be active or
5 participate in any political contest of any Primary, General, or
6 Special Election, except to cast a ballot.

7 E. Drunkenness or being under the influence of intoxicating
8 substances shall be sufficient grounds for the removal of any
9 commissioned officer of the Department, as provided for in this
10 section.

11 F. 1. No permanent employee, as provided for in this section,
12 who is a commissioned officer of the Department, may be suspended
13 without pay or dismissed unless the employee has been notified in
14 writing by the Commissioner of such intended action and the reasons
15 thereof. No such notice shall be given by the Commissioner unless
16 sworn charges or statements have been obtained to justify the
17 action.

18 2. Whenever such charges are preferred, the Commissioner may
19 suspend the accused pending the hearing and final determination of
20 such charges. If the charges are not sustained in whole or in part,
21 the accused shall be entitled to pay during the period of such
22 suspension. If the charges are sustained in whole or in part, the
23 accused shall not receive any pay for the period of such suspension.

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1 3. Commissioned officers of the Department of Public Safety are
2 not entitled to appeal intra-agency transfer to the Oklahoma Merit
3 Protection Commission pursuant to the Oklahoma Personnel Act unless
4 the transfer is in violation of Section 840-2.5 or 840-2.9 of Title
5 74 of the Oklahoma Statutes.

6 4. The Department of Public Safety shall follow the uniform
7 grievance procedure established and adopted by the Office of
8 Management and Enterprise Services for permanent classified
9 employees, except for those employees who are commissioned officers
10 of the Department. The Department of Public Safety shall establish
11 and adopt a proprietary grievance procedure for commissioned
12 officers of the Department which is otherwise in compliance with the
13 provisions of Section 840-6.2 of Title 74 of the Oklahoma Statutes.

14 G. 1. The Commissioner is hereby authorized to purchase and
15 issue uniforms and necessary equipment for all commissioned officers
16 of the Oklahoma Highway Patrol Division of the Department. All
17 uniforms and equipment shall be used only in the performance of the
18 official duties of such officers and shall remain the property of
19 the Department, except as provided in Section 2-150 of this title.

20 2. Each commissioned officer of the Highway Patrol Division of
21 the Department of Public Safety shall be entitled to reimbursement
22 of expenses pursuant to the State Travel Reimbursement Act while
23 away from the assigned area of the officer as designated by the
24

1 Chief of the Oklahoma Highway Patrol Division, when such expense is
2 incurred in the service of the state.

3 H. 1. The positions with the rank of Colonel and Lieutenant
4 Colonel of the Oklahoma Highway Patrol Division shall be filled from
5 the body of commissioned officers of the Oklahoma Highway Patrol
6 Division and appointment to said positions shall be based on
7 qualifications, previous record as a commissioned officer of the
8 Oklahoma Highway Patrol Division, length of service, years of
9 experience within the Oklahoma Highway Patrol Division or other
10 service as prescribed in this subsection, and efficiency of service
11 performed.

12 2. In addition to the requirements of paragraph 1 of this
13 subsection, the position of Chief of the Oklahoma Highway Patrol
14 Division shall be based on one of the following:

15 a. one (1) year of experience in any combination:

16 (1) as Commissioner of Public Safety,

17 (2) as Assistant Commissioner of Public Safety, or

18 (3) as Assistant Chief,

19 b. two (2) years of experience in any combination:

20 (1) as Deputy Chief or higher rank, or

21 (2) if the experience was prior to April 21, 2006, as
22 Major or higher rank,

23 c. four (4) years of experience in any combination:

24 (1) as Major or higher rank, or

1 (2) if the experience was prior to April 21, 2006, as
2 Captain or higher rank, or

3 d. six (6) years of experience in any combination:

4 (1) as Captain or higher rank, or

5 (2) if the experience was prior to April 21, 2006, as
6 First Lieutenant or higher rank.

7 3. In addition to the requirements of paragraph 1 of this
8 subsection, the position of Deputy Chief of the Oklahoma Highway
9 Patrol Division shall be based on one of the following:

10 a. one (1) year of experience in any combination:

11 (1) as Commissioner of Public Safety,

12 (2) as Assistant Commissioner of Public Safety, or

13 (3) as Colonel,

14 b. two (2) years of experience in any combination:

15 (1) as Major or higher rank, or

16 (2) if the experience was prior to April 21, 2006, as
17 Captain or higher rank, or

18 c. four (4) years of experience in any combination:

19 (1) as Captain or higher rank, or

20 (2) if the experience was prior to April 21, 2006, as
21 Highway Patrol First Lieutenant or higher rank.

22 I. The Commissioner of Public Safety is hereby authorized to
23 send employees of the Department of Public Safety to schools such as
24 Northwestern University Center for Public Safety, Southern Police

1 Institute, the FBI National Academy, the Institute of Police
2 Technology and Management, or to any other schools of similar
3 training which would be conducive to improving the efficiency of the
4 Oklahoma Highway Patrol Division and the Department of Public
5 Safety. While an employee is attending a school, the Commissioner
6 is authorized to permit the employee to use a state-owned vehicle
7 and to use a fuel-purchasing card for any expenses related to the
8 operation of the vehicle. In addition, while an employee is
9 attending the FBI National Academy, a one-time expense allowance of
10 Two Thousand Dollars (\$2,000.00) for uniforms, fees, travel, room
11 and board, and other related expenses shall be paid to the employee
12 by the Department; provided, the employee shall not be further
13 compensated through the State Travel Reimbursement Act, and, if any
14 other agency reimburses the employee for any expenses, the
15 reimbursement shall be given to the Department. All purchases made
16 by the employee with the expense allowance shall be considered
17 property of the employee.

18 J. 1. Any former commissioned officer of the Department whose
19 separation from the Department was at such officer's own request and
20 not a result of such officer's own actions contrary to the policy of
21 the Department or was not as a result of the retirement of that
22 officer from the Department may make application for reinstatement
23 as a commissioned officer of the division or section of the
24 Department in which such officer was previously employed, ~~provided~~

1 ~~such reinstated officer will be able to complete twenty (20) years~~
2 ~~of credited service by the time the reinstated officer reaches~~
3 ~~sixty two (62) years of age.~~ The Commissioner may waive the
4 requirements of possessing the number of semester hours or degree as
5 required in subsection B of this section for any former commissioned
6 officer making application for reinstatement as a commissioned
7 officer of the Department. The Commissioner may require the
8 applicant for reinstatement to attend selected courses of
9 instruction, as prescribed by the Commissioner.

10 2. In the event of future hostilities wherein the Congress of
11 the United States declares this nation in a state of war with a
12 foreign nation, including military service brought about by the
13 Vietnam War, any period of military service served by a commissioned
14 officer of the Department shall be considered as continued service
15 with such Department, provided such commissioned officer returns to
16 duty with the Department within sixty (60) days after release from
17 military service.

18 SECTION 2. This act shall become effective November 1, 2024.

19 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
20 March 28, 2024 - DO PASS

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