

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 346

By: Rogers

AS INTRODUCED

An Act relating to law enforcement training; amending 70 O.S. 2021, Section 3311.4, which relates to continuing law enforcement training; requiring certain training; amending 70 O.S. 2021, Section 3311.5, as amended by Section 1, Chapter 399, O.S.L. 2022 (70 O.S. Supp. 2022, Section 3311.5), which relates to required curriculum for law enforcement certification; requiring certain training; providing for certain training; requiring participation in certain training; prohibiting certain action; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3311.4, is amended to read as follows:

Section 3311.4. A. Beginning January 1, 2008, and annually thereafter, every active full-time peace officer, certified by the Council on Law Enforcement Education and Training (CLEET) pursuant to Section 3311 of this title, shall attend and complete a minimum of twenty-five (25) hours of continuing law enforcement training accredited or provided by CLEET which shall include a mandatory two (2) hours on mental health issues. Effective November 1, 2019,

1 CLEET shall establish appropriate training resources which shall
2 include the policies and protocols for responding to sexual assault
3 calls, guidelines for the collection and maintenance of sexual
4 assault kits and continuing education on trauma-informed sexual
5 assault response and intervention, and shall require all CLEET-
6 certified law enforcement officers to complete such training on a
7 regular basis to be determined by CLEET. CLEET shall promulgate
8 rules to enforce the provisions of this section and shall enter into
9 contracts and agreements for the payment of classroom space,
10 training, food, and lodging expenses as may be necessary for law
11 enforcement officers attending such training in accordance with
12 subsection B of Section 3311 of this title. Such training and
13 seminars shall be conducted in all areas of this state at technology
14 center schools, institutions of higher education, or other approved
15 sites.

16 B. Beginning ~~January 1, 2017~~ January 1, 2024, and annually
17 thereafter, every active reserve peace officer, certified by CLEET
18 pursuant to Section 3311 of this title, shall attend and complete a
19 minimum of eight (8) hours of continuing law enforcement training
20 accredited or provided by CLEET which shall include a mandatory one
21 (1) hour on mental health issues and one (1) hour of education and
22 training relating to protecting the rights of the people of this
23 state as enumerated in the Constitutions of the United States and
24 the State of Oklahoma, as provided in Section 3 of this act.

1 C. Every inactive full-time or reserve peace officer, certified
2 by CLEET, shall be exempt from these requirements during the
3 inactive status. Upon reentry to full-time active status, the peace
4 officer shall be required to comply with subsection A of this
5 section. If a full-time certified peace officer has been inactive
6 for five (5) or more years, the officer must complete refresher
7 training as prescribed by CLEET and which shall include a minimum of
8 four (4) hours of mental health education and training, within one
9 (1) year of employment. Upon reentry to active reserve status, the
10 peace officer shall be required to comply with subsection B of this
11 section. If a certified reserve officer has been inactive for five
12 (5) or more years, the certified reserve officer shall complete a
13 legal update as prescribed by CLEET. The Director of CLEET may
14 waive these requirements based on review of all records of
15 employment and training.

16 D. Every tribal officer who is commissioned by an Oklahoma law
17 enforcement agency pursuant to a cross-deputization agreement with
18 the State of Oklahoma or any political subdivision of the State of
19 Oklahoma pursuant to the provisions of Section 1221 of Title 74 of
20 the Oklahoma Statutes shall comply with the provisions of this
21 section.

22 E. Any active full-time or reserve certified peace officer, or
23 CLEET-certified cross-deputized tribal officer who fails to meet the
24 annual training requirements specified in this section, shall be
25

1 subject to having the certification of the peace officer suspended,
2 after the peace officer and the employer have been given written
3 notice of noncompliance and a reasonable time, as defined by the
4 Council, to comply with the provisions of this section. A peace
5 officer shall not be employed in the capacity of a peace officer
6 during any period of suspension. The suspension period shall be for
7 a period of time until the officer files a statement attesting to
8 full compliance with the provisions of this section. Suspension of
9 peace officer certification shall be reported to the district
10 attorney for the jurisdiction in which the officer is employed, the
11 liability insurance company of the law enforcement agency that
12 employed the peace officer, the chief elected official of the
13 governing body of the law enforcement agency and the chief law
14 enforcement officer of the law enforcement agency. Any officer
15 whose certification is suspended pursuant to this section may
16 request a hearing with CLEET. Such hearings shall be governed by
17 the Administrative Procedures Act except that the affected officer
18 has the burden to show CLEET why CLEET should not have the
19 certification of the officer suspended.

20 F. All certified, active full-time or reserve peace officers
21 employed, commissioned or appointed for a period of ninety (90) days
22 in a calendar year, who become inactive prior to the end of a
23 calendar year, are responsible for meeting mandatory continuing
24 education requirements as set forth in this section upon return to

1 active full-time or reserve peace officer status within sixty (60)
2 days of the date of return to employment, commission or appointment.
3 Failure to complete the mandatory continuing education within sixty
4 (60) days may result in disciplinary action as set forth in CLEET
5 Rules at OAC 390:2. Full-time or reserve certified peace officers
6 who return to active status within the calendar year they become
7 inactive must complete the annual mandatory continuing education
8 requirements outlined in this section within the remaining portion
9 of the calendar year.

10 G. Peace officers with full-time certification who worked
11 during a calendar year only as a reserve officer are required to
12 complete only the training requirements for reserve certification.
13 For purposes of the requirements outlined in subsection F of this
14 section, full-time peace officers who worked both in the capacity of
15 a full-time peace officer and reserve officer in a calendar year
16 must complete full-time continuing education requirements.

17 SECTION 2. AMENDATORY 70 O.S. 2021, Section 3311.5, as
18 amended by Section 1, Chapter 399, O.S.L. 2022 (70 O.S. Supp. 2022,
19 Section 3311.5), is amended to read as follows:

20 Section 3311.5. A. On and after November 1, 2007, the Council
21 on Law Enforcement Education and Training (CLEET), pursuant to its
22 authority granted by Section 3311 of this title, shall include in
23 its required basic training courses for law enforcement
24 certification a minimum of four (4) hours of education and training

1 relating to recognizing and managing a person appearing to require
2 mental health treatment or services. The Council shall further
3 offer a minimum of four (4) hours of education and training on
4 specific mental health issues pursuant to Section 3311.4 of this
5 title to meet the annual requirement for continuing education in the
6 areas of mental health issues.

7 B. By January 1, 2008, CLEET, pursuant to its authority granted
8 by Sections 3311 and 3311.4 of this title, shall include in its
9 required courses of study for law enforcement certification a
10 minimum of six (6) hours of evidence-based sexual assault and sexual
11 violence training. A portion of the sexual assault and sexual
12 violence training shall include instruction presented by a certified
13 sexual assault service provider.

14 C. By January 1, 2012, every active full-time peace officer,
15 previously certified by CLEET pursuant to Section 3311 of this
16 title, shall be required to attend and complete the evidence-based
17 sexual assault and sexual violence training provided in subsection B
18 of this section.

19 D. CLEET shall promulgate rules to enforce the provisions of
20 subsections B and C of this section and shall, with the assistance
21 of certified sexual assault service providers, establish a
22 comprehensive integrated curriculum for the teaching of evidence-
23 based sexual assault and sexual violence issues.

1 E. The Council is required to update that block of training or
2 course materials relating to legal issues, concepts, and state laws
3 annually, but not later than ninety (90) days following the
4 adjournment of any legislative session.

5 F. By January 1, 2009, CLEET, pursuant to its authority granted
6 by Sections 3311 and 3311.4 of this title, shall include in its
7 required courses of study for law enforcement certification oil
8 field equipment theft training.

9 G. By January 1, 2012, CLEET, pursuant to its authority granted
10 by Sections 3311 and 3311.4 of this title, shall establish and
11 include in its required courses of study for law enforcement
12 certification a minimum of eight (8) hours of evidence-based
13 domestic violence and stalking investigation training. The training
14 should include, at a minimum, the importance of reporting domestic
15 violence incidents, determining the predominant aggressor, evidence-
16 based investigation of domestic violence and stalking, lethality
17 assessment, and personal safety planning necessary at the pretrial
18 stages of a potential criminal case. A portion of the training
19 shall include instruction presented by an expert victim advocate
20 selected from recommendations provided by the Office of the Attorney
21 General or the Domestic Violence Fatality Review Board. The
22 training shall be developed in collaboration with the Domestic
23 Violence Fatality Review Board, and where applicable, shall replace
24 existing domestic violence and stalking courses currently required.

1 H. By January 1, 2012, the evidence-based domestic violence and
2 stalking investigation curriculum developed in collaboration with
3 the Domestic Violence Fatality Review Board shall be submitted to
4 the Council for approval.

5 I. CLEET shall establish the training provided in subsection G
6 of this section as a part of CLEET's peace officer continuing
7 education program and develop a plan to train full-time peace
8 officers previously certified by CLEET pursuant to Section 3311 of
9 this title where applicable. The Office of the Attorney General
10 shall provide a list of expert victim advocates that are available
11 to assist in the training.

12 J. The Council is authorized to pay for and send training staff
13 and employees to one or more training and education courses in
14 jurisdictions outside this state for the purpose of expanding
15 curriculum, training skill development, and general knowledge within
16 the field of law enforcement education and training.

17 K. On and after November 1, 2013, CLEET, pursuant to its
18 authority granted by Section 3311 of this title, shall include in
19 its required basic training courses for law enforcement
20 certification a minimum of two (2) hours of education and training
21 relating to recognizing and managing a person experiencing dementia
22 or Alzheimer's disease.

23 L. By November 1, 2019, CLEET shall establish appropriate
24 training resources focused on protocol for handling and processing

1 sexual assault calls. The training shall include, but not be
2 limited to:

- 3 1. How to handle the sexual assault call upon first contact;
- 4 2. Determining when the assault occurred;
- 5 3. Where to take the victim;
- 6 4. Questioning witnesses and collecting evidence; and
- 7 5. Informing and assisting the victim in accessing resources,
8 help and information.

9 M. By November 1, 2023, CLEET, pursuant to its authority
10 granted by Section 3311 of this title, shall include in its required
11 basic training courses for law enforcement certification a minimum
12 of one (1) hour of education and training in relation to protecting
13 the rights of the people of this state as enumerated in the
14 Constitutions of the United States and the State of Oklahoma, as
15 provided in Section 3 of this act.

16 N. The Council shall promulgate rules to evaluate and approve
17 municipalities and counties that are deemed capable of conducting
18 separate basic law enforcement training academies in their
19 jurisdiction and to certify officers successfully completing such
20 academy training courses. Upon application to the Council, any
21 municipality with a population of sixty-five thousand (65,000) or
22 more or any county with a population of five hundred thousand
23 (500,000) or more shall be authorized to operate a basic law
24 enforcement academy. In addition, upon application and approval

1 from the Council, a municipality with a population under sixty-five
2 thousand (65,000) or a county with a population under five hundred
3 thousand (500,000) may be authorized to operate a basic law
4 enforcement academy; provided, however, the Council may approve no
5 more than two such applications per year. The Council shall approve
6 an application when the municipality or county making the
7 application meets the criteria for a separate training academy and
8 demonstrates to the satisfaction of the Council that the academy has
9 sufficient resources to conduct the training, the instructional
10 staff is appropriately trained and qualified to teach the course
11 materials, the curriculum is composed of comparable or higher
12 quality course segments to the CLEET academy curriculum, and the
13 facilities where the academy will be conducted are safe and
14 sufficient for law enforcement training purposes. Any municipality
15 or county authorized to operate a basic law enforcement academy
16 after November 1, 2007, shall not be eligible to receive funds
17 pursuant to subsection E of Section 1313.2 of Title 20 of the
18 Oklahoma Statutes. The Council shall not provide any funding for
19 the operation of any separate training academy authorized by this
20 subsection.

21 ~~N.~~ O. Any municipality or county that, prior to November 1,
22 2007, was authorized to conduct a basic law enforcement academy
23 shall continue to receive funding pursuant to subsection E of
24 Section 1313.2 of Title 20 of the Oklahoma Statutes.

1 ~~Θ.~~ P. The Council shall promulgate rules to evaluate and
2 approve an application submitted by the Department of Corrections
3 for a separate training academy. Pursuant to the promulgated rules,
4 the Council shall approve a separate training academy once the
5 Department:

6 1. Has met the criteria for a separate training academy;

7 2. Demonstrates to the satisfaction of the Council that the
8 academy has sufficient resources to conduct the training;

9 3. Has the instructional staff appropriately trained and
10 qualified to teach the course materials;

11 4. Has the curriculum composed of comparable or higher quality
12 course segments to the CLEET academy curriculum; and

13 5. Has the facilities where the academy will be conducted that
14 are safe and sufficient for law enforcement training purposes.

15 The Council shall not provide any funding for the operation of
16 any separate training academy authorized by this subsection.

17 SECTION 3. NEW LAW A new section of law to be codified
18 in the Oklahoma Statutes as Section 3311.19 of Title 70, unless
19 there is created a duplication in numbering, reads as follows:

20 A. Every law enforcement officer, certified by the Council on
21 Law Enforcement Education and Training as provided in Section 3311.5
22 of this title, shall receive training in protecting the rights of
23 the people of this state as enumerated in the Constitutions of the
24 United States and the State of Oklahoma to ensure their rights are

1 not limited or infringed, including but not limited to freedom of
2 religion, press, speech, assembly, petition, the keeping and bearing
3 of arms, facing an accuser, trial by jury, being secure from illegal
4 searches and seizures, right to life, liberty, the pursuit of
5 happiness, and the enjoyment of the gains of their own industry.

6 B. Each law enforcement officer shall receive training in their
7 rights to refuse to implement any order, mandate, or directive that
8 they deem to be a violation of the rights of the people of this
9 state.

10 C. No political subdivision of this state may discipline, fine,
11 demote, fire, or otherwise punish any law enforcement officer for
12 refusing to implement any order, mandate, or directive that the
13 officer believes and articulates as being a violation of the rights
14 of the people of this state.

15 SECTION 4. This act shall become effective November 1, 2023.

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