

1 ENGROSSED SENATE
2 BILL NO. 2017

By: Sykes of the Senate

3 and

4 Terrill of the House

5
6
7 [schools - Council on Law Enforcement Education and
8 Training - adding penalty -
9 effective date]

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

13 SECTION 1. AMENDATORY 70 O.S. 2001, Section 3311, as
14 last amended by Section 1, Chapter 131, O.S.L. 2009 (70 O.S. Supp.
15 2009, Section 3311), is amended to read as follows:

16 Section 3311. A. There is hereby created a Council on Law
17 Enforcement Education and Training which shall be, and is hereby
18 declared to be, a governmental law enforcement agency of the State
19 of Oklahoma, body politic and corporate, with powers of government
20 and with the authority to exercise the rights, privileges and
21 functions necessary to ensure the professional training and
22 continuing education of law enforcement officers in the State of
23 Oklahoma. These rights, privileges and functions include, but are
24 not limited to, those specified in Sections 3311 through 3311.10 of

1 this title and in the Oklahoma Security Guard and Private
2 Investigator Act. The Council shall be composed of nine (9)
3 members, the Director of the Oklahoma State Bureau of Investigation,
4 one member appointed by the Governor who may be a lay person, and
5 seven police or peace officers, one selected by each of the
6 following: the Court of Criminal Appeals, the Commissioner of
7 Public Safety, the Board of Directors of the Oklahoma Sheriffs and
8 Peace Officers Association, the Oklahoma Association of Police
9 Chiefs, the Board of Directors of the Oklahoma Sheriffs'
10 Association, the Board of Directors of the Fraternal Order of Police
11 and the Governor. All Council appointments and reappointments made
12 after November 1, 2007, shall conform to the following Council
13 composition and appointing authorities. The Council shall be
14 composed of thirteen (13) members as follows:

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

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

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

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

24

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' and Peace Officers Association who shall be a
6 sheriff of a county with a population under fifty thousand (50,000),
7 as determined 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 one hundred thousand (100,000) 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 who is the immediate past chair of the Council
22 on Law Enforcement Education and Training;

23 12. The President Pro Tempore of the Senate shall appoint one
24 member from a list of three or more nominees submitted by a

1 statewide organization representing cities and towns that is exempt
2 from taxation under federal law and designated pursuant to the
3 provisions of the Internal Revenue Code, 26 U.S.C., Section 170(a);
4 and

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

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

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

21 1. Appoint a larger Advisory Council to discuss problems and
22 hear recommendations concerning necessary research, minimum
23 standards, educational needs, and other matters imperative to
24 upgrading Oklahoma law enforcement to professional status;

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

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

10 4. Authorize additional staff and services necessary for
11 program expansion;

12 5. Recommend legislation necessary to upgrade Oklahoma law
13 enforcement to professional status;

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

20 7. Appoint a Director and an Assistant Director to direct the
21 staff, inform the Council of compliance with the provisions of this
22 section and perform such other duties imposed on the Council by law.
23 On November 1, 2007, any subsequent Director appointed by the
24 Council must qualify for the position with a bachelor or higher

1 degree in law enforcement from an accredited college or university,
2 or a bachelor or higher degree in a law-enforcement-related subject
3 area, and a minimum of five (5) years of active law enforcement
4 experience including, but not limited to, responsibility for
5 enforcement, investigation, administration, training, or curriculum
6 implementation;

7 8. Enter into contracts and agreements for the payment of
8 classroom space, food, and lodging expenses as may be necessary for
9 law enforcement officers attending any official course of
10 instruction approved or conducted by the Council. Such expenses may
11 be paid directly to the contracting agency or business
12 establishment. The food and lodging expenses for each law
13 enforcement officer shall not exceed the authorized rates as
14 provided for in the State Travel Reimbursement Act; provided,
15 however, the Council may provide food and lodging to law enforcement
16 officials attending any official course of instruction approved or
17 conducted by the Council rather than paying for the provision of
18 such food and lodging by an outside contracting agency or business
19 establishment;

20 9. a. Certify canine teams, consisting of a dog and a
21 handler working together as a team, trained to detect:
22 (1) controlled dangerous substances, or
23
24

1 (2) explosives, explosive materials, explosive
2 devices, or materials which could be used to
3 construct an explosive device;

4 provided, the dog of a certified canine team shall not
5 be certified at any time as both a drug dog and a bomb
6 dog, and any dog of a certified canine team who has
7 been previously certified as either a drug dog or a
8 bomb dog shall not be eligible at any time to be
9 certified in the other category.

10 b. Upon retiring the dog from the service it was
11 certified to perform, the law enforcement department
12 that handled the dog shall retain possession of the
13 dog. The handler shall have first option of adopting
14 the dog. If that option is not exercised, the law
15 enforcement department shall provide for its adoption.
16 Once adopted the dog shall not be placed back into
17 active service;

18 10. Enter into a lease, loan or other agreement with the
19 Oklahoma Development Finance Authority or a local public trust for
20 the purpose of facilitating the financing of a new facility for its
21 operations and use and pledge, to the extent authorized by law, all
22 or a portion of its receipts of the assessment penalty herein
23 referenced for the payment of its obligations under such lease, loan
24 or other agreement. It is the intent of the Legislature to increase

1 the assessment penalty to such a level or appropriate sufficient
2 monies to the Council on Law Enforcement Education and Training to
3 make payments on the lease, loan or other agreement for the purpose
4 of retiring the bonds to be issued by the Oklahoma Development
5 Finance Authority or local public trust. Such lease, loan or other
6 agreement and the bonds issued to finance such facilities shall not
7 constitute an indebtedness of the State of Oklahoma or be backed by
8 the full faith and credit of the State of Oklahoma, and the lease,
9 loan or other agreement and the bonds shall contain a statement to
10 such effect;

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

13 12. Appoint an advisory committee composed of representatives
14 from security guard and private investigative agencies to advise the
15 Council concerning necessary research, minimum standards for
16 licensure, education, and other matters related to licensure of
17 security guards, security guard agencies, private investigators, and
18 private investigative agencies;

19 13. Enter into agreements with individuals, educational
20 institutions, agencies, and business and tribal entities for
21 professional services, the use of facilities and supplies, and staff
22 overtime costs incurred as a result of the user's requests to
23 schedule functions after-hours, on weekends, or anytime such
24 requests extend staff beyond its normal capacity, whereby

1 contracting individuals, educational institutions, agencies, and
2 business and tribal entities shall pay a fee to be determined by the
3 Council by rule. All fees collected pursuant to these agreements
4 shall be deposited to the credit of the C.L.E.E.T. Training Center
5 Revolving Fund created pursuant to Section 3311.6 of this title.
6 The Council is authorized to promulgate emergency rules to
7 effectuate the provisions of this paragraph;

8 14. Promulgate rules to establish a state firearms
9 requalification standard for active peace officers and meet any
10 requirements of the federal Law Enforcement Officers Safety Act of
11 2004 for peace officers to carry concealed weapons nationwide;

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

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

19 a. one member shall be selected by the Chancellor for
20 Higher Education, who possesses a background of
21 creation and review of curriculum and experience
22 teaching criminal justice or law enforcement courses,
23 who shall serve an initial term of one (1) year,
24

- 1 b. one member shall represent a municipal jurisdiction
2 with a population of fifty thousand (50,000) or more
3 and who shall be a management-level CLEET-certified
4 training officer, who shall serve an initial term of
5 two (2) years,
- 6 c. one member shall represent a county jurisdiction with
7 a population of fifty thousand (50,000) or more and
8 who shall be a management-level CLEET-certified
9 training officer, who shall serve an initial term of
10 three (3) years,
- 11 d. one member shall represent a municipal jurisdiction
12 with a population of less than fifty thousand (50,000)
13 and who shall be a CLEET-certified training officer,
14 who shall serve an initial term of two (2) years,
- 15 e. one member shall represent a county jurisdiction with
16 a population of less than fifty thousand (50,000) and
17 who shall be a CLEET-certified training officer, who
18 shall serve an initial term of one (1) year, and
- 19 f. one member selected by the Oklahoma Department of
20 Career and Technology Education from the Curriculum
21 Material and Instructional Material Center, who shall
22 serve an initial term of three (3) years.

23 After the initial terms of office, all members shall be
24 appointed to serve three-year terms. Any member may be reappointed

1 to serve consecutive terms. Members shall serve without
2 compensation, but may be reimbursed for travel expenses pursuant to
3 the State Travel Reimbursement Act. The Board shall review and
4 establish curriculum for all CLEET academies and training courses
5 pursuant to procedures established by the Council on Law Enforcement
6 Education and Training;

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

9 18. Receive requested reports including investigative reports,
10 court documents, statements, or other applicable information from
11 local, county and state agencies and other agencies for use in
12 actions where a certification or license issued by CLEET may be
13 subject to disciplinary or other actions provided by law; and

14 19. Summarily suspend a certification of a peace officer,
15 without prior notice but otherwise subject to administrative
16 proceedings, if CLEET finds that the actions of the certified peace
17 officer may present a danger to the peace officer, the public, a
18 family or household member, or involve a crime against a minor.

19 C. 1. Payment of any fee provided for in this section may be
20 made by a nationally recognized credit or debit card issued to the
21 applicant. The Council may publicly post and collect a fee for the
22 acceptance of the nationally recognized credit or debit card not to
23 exceed five percent (5%) of the amount of the payment. For purposes
24 of this subsection, "nationally recognized credit card" means any

1 instrument or device, whether known as a credit card, credit plate,
2 charge plate, or by any other name, issued with or without fee by an
3 issuer for the use of the cardholder in obtaining goods, services,
4 or anything else of value and which is accepted by over one thousand
5 merchants in this state. "Debit card" means an identification card
6 or device issued to a person by a business organization which
7 permits such person to obtain access to or activate a consumer
8 banking electronic facility. The Council shall determine which
9 nationally recognized credit or debit cards will be accepted as
10 payment for fees.

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

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

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

22 D. Failure of the Legislature to appropriate necessary funds to
23 provide for expenses and operations of the Council on Law
24 Enforcement Education and Training shall not invalidate other

1 provisions of this section relating to the creation and duties of
2 the Council.

3 E. 1. No person shall be eligible to complete a basic police
4 course approved by the Council until the Oklahoma State Bureau of
5 Investigation and the Federal Bureau of Investigation have reported
6 to the submitting agency that such person has no felony record, and
7 the employing agency has reported to the Council that such person
8 has undergone psychological testing as provided for in paragraph 2
9 of this subsection, and the applicant has certified the completion
10 of a high school diploma or a GED equivalency certificate and that
11 the applicant is not participating in a deferred sentence agreement
12 for a felony or a crime involving moral turpitude or is not
13 currently subject to an order of the Council revoking, suspending,
14 or accepting a voluntary surrender of peace officer certification
15 and that the applicant is not currently undergoing treatment for a
16 mental illness, condition, or disorder. For purposes of this
17 subsection, "currently undergoing treatment for mental illness,
18 condition, or disorder" means the person has been diagnosed by a
19 licensed physician or psychologist as being afflicted with a
20 substantial disorder of thought, mood, perception, psychological
21 orientation, or memory that significantly impairs judgment,
22 behavior, capacity to recognize reality, or ability to meet the
23 ordinary demands of life and such condition continues to exist.

1 2. On and after November 1, 2007, no person shall be certified
2 as a police or peace officer in this state unless the employing
3 agency has reported to the Council that:

4 a. the Oklahoma State Bureau of Investigation and the
5 Federal Bureau of Investigation have reported that
6 such person has no record of a conviction of a felony,
7 a crime involving moral turpitude, or a crime of
8 domestic violence,

9 b. such person has undergone psychological evaluation by
10 the employing agency using a psychological instrument
11 approved by the Council on Law Enforcement Education
12 and Training. The employing agency shall administer
13 the psychological instrument in accordance with
14 standards established within the test document. To
15 aid the evaluating psychologist in interpreting the
16 test results, including automated scoring and
17 interpretations, the employing agency shall provide
18 the psychologist a statement confirming the identity
19 of the individual taking the test as the person who is
20 employed or seeking employment as a peace officer of
21 the agency and attesting that it administered the
22 psychological instrument in accordance with standards
23 within the test document. The psychologist shall
24 report to the employing agency the evaluation of the

1 assessment instrument and may include any additional
2 recommendations to assist the employing agency in
3 determining whether to certify to the Council on Law
4 Enforcement Education and Training that the person
5 being evaluated is suitable to serve as a peace
6 officer in the State of Oklahoma. No additional
7 procedures or requirements shall be imposed for
8 performance of the psychological evaluation. The
9 psychological instrument utilized shall be evaluated
10 by a psychologist licensed by the State of Oklahoma,
11 and the employing agency shall certify to the Council
12 that the evaluation was conducted in accordance with
13 this provision and that the employee/applicant is
14 suitable to serve as a peace officer in the State of
15 Oklahoma. Any person found not to be suitable for
16 employment or certification by the Council shall not
17 be employed, retained in employment as a peace
18 officer, or certified by the Council for at least one
19 (1) year, at which time the employee/applicant may be
20 reevaluated by a psychologist licensed by the State of
21 Oklahoma. This section shall also be applicable to
22 all reserve peace officers in the State of Oklahoma.
23 Any person who is certified by CLEET and has undergone
24 the psychological evaluation required by this

1 subparagraph and has been found to be suitable as a
2 peace officer shall not be required to be reevaluated
3 for any subsequent employment as a peace officer
4 following retirement or any break in service as a
5 peace officer,

6 c. such person possesses a high school diploma or a GED
7 equivalency certificate, provided this requirement
8 shall not affect those persons who are already
9 employed as a police or peace officer prior to
10 November 1, 1985,

11 d. such person is not participating in a deferred
12 sentence agreement for a felony, a crime involving
13 moral turpitude, or a crime of domestic violence,

14 e. such person has attained twenty-one (21) years of age
15 prior to certification as a peace officer,

16 f. such person has provided proof of United States
17 citizenship or resident alien status, pursuant to an
18 employment eligibility verification form from the
19 United States Citizenship and Immigration Services,
20 and

21 g. the name, gender, date of birth, and address of such
22 person have been presented to the Department of Mental
23 Health and Substance Abuse Services by the Council.

24 The Department of Mental Health and Substance Abuse

1 Services shall respond to the Council within ten (10)
2 days whether the computerized records of the
3 Department indicate the applicant has ever been
4 involuntarily committed to an Oklahoma state mental
5 institution. In the event that the Department of
6 Mental Health and Substance Abuse Services reports to
7 the Council that the applicant has been involuntarily
8 committed, the Council shall immediately inform the
9 employing agency,

10 and the Council has determined that such person has satisfactorily
11 completed a basic police course approved by the Council. All basic
12 police courses shall include a minimum of four (4) hours of
13 education and training in recognizing and managing a person
14 appearing to require mental health treatment or services. The
15 training shall include training in crime and drug prevention, crisis
16 intervention, youth and family intervention techniques, recognizing,
17 investigating and preventing abuse and exploitation of elderly
18 persons, mental health issues, and criminal jurisdiction on
19 Sovereign Indian Land.

20 Subject to the availability of funding, for full-time salaried
21 police or peace officers a basic police course academy shall be as
22 follows: any academy graduating after July 1, 2007, but before
23 December 31, 2007, shall have three hundred seventy-five (375)
24 hours; any academy graduating after January 1, 2008, but before June

1 30, 2008, shall have five hundred five (505) hours; any academy
2 graduating after July 1, 2008, but before June 30, 2009, shall have
3 five hundred seventy-six (576) hours; and any academy graduating
4 after July 1, 2009, shall have six hundred (600) hours.

5 For reserve deputies a basic police course shall be as follows:
6 any reserve academy approved by the Council prior to December 31,
7 2007, shall have one hundred sixty (160) hours; and any reserve
8 academy approved by the Council after January 1, 2008, shall have
9 two hundred forty (240) hours.

10 3. Every person who has not been certified as a police or peace
11 officer and is duly appointed or elected as a police or peace
12 officer shall hold such position on a temporary basis only, and
13 shall, within one (1) year from the date of appointment or taking
14 office, qualify as required in this subsection or forfeit such
15 position; provided, however, effective November 1, 2004, every
16 person who has not been certified as a police or peace officer and
17 is duly appointed or elected as a police or peace officer shall hold
18 such position on a temporary basis only, and shall, within six (6)
19 months from the date of appointment or taking office, qualify as
20 required in this subsection or forfeit such position. In computing
21 the time for qualification, all service shall be cumulative from
22 date of first appointment or taking office as a police or peace
23 officer with any department in this state. The Council may extend
24 the time requirement specified in this paragraph for good cause as

1 determined by the Council. An elected police or peace officer shall
2 be eligible to enroll in a basic police course in accordance with
3 this subsection upon being elected. A duty is hereby imposed upon
4 the employing agency to withhold payment of the compensation or wage
5 of said unqualified officer. If the police or peace officer fails
6 to forfeit the position or the employing agency fails to require the
7 officer to forfeit the position, the district attorney shall file
8 the proper action to cause the forfeiting of such position. The
9 district court of the county where the officer is employed shall
10 have jurisdiction to hear the case.

11 4. 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 5. 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, and enforce laws and ordinances of
21 this state, or any political subdivision thereof; provided, elected
22 sheriffs and their deputies and elected, appointed, or acting chiefs
23 of police shall meet the requirements of this subsection within the
24 first six (6) months after assuming the duties of the office to

1 | which they are elected or appointed or for which they are an acting
2 | chief; provided further, that this section shall not apply to
3 | persons designated by the Director of the Department of Corrections
4 | as peace officers pursuant to Section 510 of Title 57 of the
5 | 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. Every person employed as a police or peace officer in this
19 | state shall be fingerprinted by the employing law enforcement
20 | agency. One set of fingerprint impressions shall be mailed to the
21 | Oklahoma State Bureau of Investigation and one set to the Federal
22 | Bureau of Investigation, Washington, D.C., within ten (10) days from
23 | the initial date of employment.
24 |

1 H. 1. The Council is hereby authorized to provide to any
2 employing agency the following information regarding a person who is
3 or has applied for employment as a police or peace officer of such
4 employing agency:

- 5 a. Oklahoma State Bureau of Investigation and Federal
6 Bureau of Investigation reports,
- 7 b. administration of the psychological tests provided for
8 herein,
- 9 c. performance in the course of study or other basis of
10 certification,
- 11 d. previous certifications issued, and
- 12 e. any administrative or judicial determination denying
13 certification.

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

22 3. As used in this subsection, "employing agency" means a
23 political subdivision or law enforcement agency which either has
24

1 employed or received an employment application from a person who, if
2 employed, would be subject to this section.

3 I. 1. A law enforcement agency employing police or peace
4 officers in this state shall report the hiring, resignation, or
5 termination for any reason of a police or peace officer to the
6 Council at a time established by the Council. Failure to comply
7 with the provisions of this subsection may disqualify a law
8 enforcement agency from participating in training programs sponsored
9 by the Council.

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

21 J. It is unlawful for any person to willfully make any
22 statement in an application to CLEET knowing the statement is false
23 or intentionally commit fraud in any application to the Council for
24 attendance in any CLEET-conducted or CLEET-approved peace officer

1 academy or Collegiate Officer Program or for the purpose of
2 obtaining peace officer certification or reinstatement. It is
3 unlawful for any person to willfully submit false or fraudulent
4 documents relating to continuing education rosters, transcripts or
5 certificates, or any canine license application. Any person
6 convicted of a violation of this subsection shall be guilty of a
7 felony punishable by imprisonment in the Department of Corrections
8 for a term of not less than two (2) years nor more than five (5)
9 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),
10 or by both such fine and imprisonment.

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

- 15 a. conviction of a felony or a crime of domestic
16 violence,
- 17 b. conviction of a misdemeanor involving moral turpitude;
18 provided, if the conviction is a single isolated
19 incident that occurred more than five (5) years ago
20 and the Council is satisfied that the person has been
21 sufficiently rehabilitated, the Council may certify
22 such person providing that all other statutory
23 requirements have been met,

- 1 c. a verdict of guilt or entry of a plea of guilty or
2 nolo contendere for a deferred sentence for a felony
3 offense, a crime of moral turpitude, or a crime of
4 domestic violence,
- 5 d. falsification or a willful misrepresentation of
6 information in an employment application or
7 application to the Council on Law Enforcement
8 Education and Training, records of evidence, or in
9 testimony under oath,
- 10 e. revocation or voluntary surrender of police or peace
11 officer certification in another state for a violation
12 of any law or rule or in settlement of any
13 disciplinary action in such state,
- 14 f. involuntary commitment of a police or peace officer in
15 a mental institution or licensed private mental health
16 facility for any mental illness, condition or disorder
17 that is diagnosed by a licensed physician or
18 psychologist as a substantial disorder of thought,
19 mood, perception, psychological orientation, or memory
20 that significantly impairs judgment, behavior,
21 capacity to recognize reality, or ability to meet the
22 ordinary demands of life. Provided, the peace officer
23 certification may be reinstated upon the Council
24 receiving notification of a psychological evaluation

1 conducted by a licensed physician or psychologist
2 which attests and states by affidavit that the officer
3 and the evaluation test data of the officer have been
4 examined and that, in the professional opinion of the
5 physician or psychologist, the officer is
6 psychologically suitable to return to duty as a peace
7 officer, or

8 g. abuse of office.

9 2. Disciplinary proceedings shall be commenced by filing a
10 complaint with the Council on a form approved by the Council and
11 verified by the complainant. Any employing agency or other person
12 having information may submit such information to the Council for
13 consideration as provided in this subsection.

14 3. Upon the filing of the verified complaint, a preliminary
15 investigation shall be conducted to determine whether:

- 16 a. there is reason to believe the person has violated any
17 provision of this subsection or any other provision of
18 law or rule, or
19 b. there is reason to believe the person has been
20 convicted of a felony, a crime involving moral
21 turpitude or a domestic violence offense or is
22 currently participating in a deferred sentence for
23 such offenses.

1 4. When the investigation of a complaint does not find the
2 person has violated any of the provisions of this subsection, or
3 finds that the person is sufficiently rehabilitated as provided in
4 subparagraph b or f of paragraph 1 of this subsection, no
5 disciplinary action shall be required and the person shall remain
6 certified as a police or peace officer. When the investigation of a
7 complaint finds that the person has violated any of the provisions
8 of this subsection, the matter shall be referred for disciplinary
9 proceedings. The disciplinary proceedings shall be in accordance
10 with Articles I and II of the Administrative Procedures Act.

11 5. The Council shall revoke the certification of any person
12 upon determining that such person has been convicted of a felony or
13 a crime involving moral turpitude or a domestic violence offense;
14 provided, that if the conviction has been reversed, vacated or
15 otherwise invalidated by an appellate court, such conviction shall
16 not be the basis for revocation of certification; provided further,
17 that any person who has been trained and certified by the Council on
18 Law Enforcement Education and Training and is actively employed as a
19 full-time peace officer as of November 1, 1985, shall not be subject
20 to the provisions of this subsection for convictions occurring prior
21 to November 1, 1985. The sole issue to be determined at the hearing
22 shall be whether the person has been convicted of a felony, a crime
23 involving moral turpitude or a domestic violence offense.

1 6. The Council shall revoke the certification of any person
2 upon determining that such person has received a deferred sentence
3 for a felony, a crime involving moral turpitude or a domestic
4 violence offense.

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

10 8. Every law enforcement agency in this state shall, within
11 thirty (30) days of a final order of termination or resignation
12 while under investigation of a CLEET-certified peace officer, report
13 such order or resignation in writing to the Director of the Council.
14 Any report, upon receipt by the Council, shall be considered as
15 personnel records and shall be afforded confidential protection
16 pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma
17 Statutes. The Director shall ensure that the report is provided to
18 all members of the Council. The Council shall review and make
19 recommendations concerning the report at the first meeting of the
20 Council to occur after all members of the Council have received the
21 report. The Council may, by a majority vote, order the suspension,
22 for a given period of time, or revocation of the CLEET certification
23 of the peace officer in question if there are grounds for such
24 actions pursuant to subsection J of this section and the peace

1 officer in question has been provided with notice and an opportunity
2 for a hearing. Suspension or revocation of CLEET certification
3 pursuant to this paragraph shall be reported to the district
4 attorney for the jurisdiction in which the peace officer was
5 employed, to the liability insurance company of the law enforcement
6 agency that employed the peace officer, the chief elected official
7 of the governing body of the law enforcement agency and the chief
8 law enforcement officer of the law enforcement agency.

9 9. For all other violations of this subsection, the hearing
10 examiner shall take into consideration the severity of the
11 violation, any mitigating circumstances offered by the person
12 subject to disciplinary action, and any other evidence relevant to
13 the person's character to determine the appropriate disciplinary
14 action.

15 10. a. A police or peace officer may voluntarily surrender
16 and relinquish the peace officer certification to
17 CLEET. Pursuant to such surrender or relinquishment,
18 the person surrendering the certification shall be
19 prohibited from applying to CLEET for reinstatement
20 within five (5) years of the date of the surrender or
21 relinquishment, unless otherwise provided by law for
22 reinstatement.

23 b. No person who has had a police or peace officer
24 certification from another state revoked or

1 voluntarily surrendered shall be considered for
2 certification by CLEET within five (5) years of the
3 effective date of any such revocation or voluntary
4 surrender of certification.

5 c. Any person seeking reinstatement of police or peace
6 officer certification which has been suspended,
7 revoked, or voluntarily surrendered may apply for
8 reinstatement pursuant to promulgated CLEET rules
9 governing reinstatement. Any person whose
10 certification has been revoked, suspended or
11 voluntarily surrendered for any reason, including
12 failure to comply with mandatory education and
13 training requirements, shall pay a reinstatement fee
14 into the CLEET Peace Officer Revolving Fund pursuant
15 to Section 3311.7 of this title in the amount of One
16 Hundred Fifty Dollars (\$150.00), except as set out in
17 this subsection.

18 11. A duty is hereby imposed upon the district attorney who, on
19 behalf of the State of Oklahoma, prosecutes a person holding police
20 or peace officer certification for a felony, a crime involving moral
21 turpitude, or a crime of domestic violence in which a plea of
22 guilty, nolo contendere, or other finding of guilt is entered by,
23 against or on behalf of a certified police or peace officer to
24 report such plea, agreement, or other finding of guilt to the

1 Council on Law Enforcement Education and Training within ten (10)
2 days of such plea agreement or the finding of guilt.

3 12. Any person or agency required or authorized to submit
4 information pursuant to this section to the Council shall be immune
5 from liability arising from the submission of the information as
6 long as the information was submitted in good faith and without
7 malice.

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

15 14. As used in this subsection:

16 a. "law enforcement agency" means any department or
17 agency of the state, a county, a municipality, or
18 political subdivision thereof, with the duties to
19 maintain public order, make arrests, and enforce the
20 criminal laws of this state or municipal ordinances,
21 which employs CLEET-certified personnel,

22 b. "final order of termination" means a final notice of
23 dismissal from employment provided after all
24

1 grievance, arbitration, and court actions have been
2 completed, and

3 c. "resignation while under investigation" means the
4 resignation from employment of a peace officer who is
5 under investigation for any felony violation of law, a
6 crime of moral turpitude, a crime of domestic
7 violence, or the resignation from employment of a
8 peace officer as part of an arbitration or plea
9 agreement.

10 L. 1. Every canine team in the state trained to detect
11 controlled dangerous substances shall be certified, by test, in the
12 detection of such controlled dangerous substances and shall be
13 recertified annually so long as the canine is used for such
14 detection purposes. The certification test and annual
15 recertification test provisions of this subsection shall not be
16 applicable to canines that are owned by a law enforcement agency and
17 that are certified and annually recertified in the detection of
18 controlled dangerous substances by the United States Customs
19 Service.

20 2. The Council shall appoint a Drug Dog Advisory Council to
21 make recommendations concerning minimum standards, educational
22 needs, and other matters imperative to the certification of canines
23 and canine teams trained to detect controlled dangerous substances.
24 The Council shall promulgate rules based upon the recommendations of

1 the Advisory Council. Members of the Advisory Council shall
2 include, but need not be limited to, a commissioned officer with
3 practical knowledge of such canines and canine teams from each of
4 the following:

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

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

19 M. 1. Every canine team in the state trained to detect
20 explosives, explosive materials, explosive devices, and materials
21 which could be used to construct an explosive device shall be
22 certified, by test, in the detection of such explosives and
23 materials and shall be recertified annually so long as the canine is
24 used for such detection purposes. The certification test and annual

1 recertification test provisions of this subsection shall not be
2 applicable to canines that are owned by a law enforcement agency if
3 such canines are certified and annually recertified in the detection
4 of explosives and materials by the United States Department of
5 Defense.

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

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

20 3. The fee for the certification test shall be Two Hundred
21 Dollars (\$200.00) and the annual recertification test fee shall be
22 One Hundred Dollars (\$100.00) per canine team. A retest fee of
23 Fifty Dollars (\$50.00) will be charged if the team fails the test.
24 No such fee shall be charged to any local, state or federal

1 government agency. The fees provided for in this paragraph shall be
2 deposited to the credit of the CLEET Fund created pursuant to
3 Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

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

1 | employing agency for the salary paid to the person while completing
2 | the basic police course by the original employing agency.

3 | SECTION 2. This act shall become effective November 1, 2010.

4 | Passed the Senate the 3rd day of March, 2010.

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6 |

Presiding Officer of the Senate

7 |

8 | Passed the House of Representatives the ____ day of _____,
9 | 2010.

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Presiding Officer of the House
of Representatives

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