

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   1st Session of the 58th Legislature (2021)

4 HOUSE BILL 1118

                                  By: West (Rick)

7                                   AS INTRODUCED

8                   An Act relating to the Council on Law Enforcement  
9                   Education and Training; amending 70 O.S. 2011,  
10                  Section 3311, as last amended by Section 1, Chapter  
11                  245, O.S.L. 2019 (70 O.S. Supp. 2020, Section 3311);  
12                  removing certain background investigation  
13                  requirement; prohibiting the certification or  
14                  employment of certain persons; and providing an  
15                  effective date.

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

15                  SECTION 1.            AMENDATORY            70 O.S. 2011, Section 3311, as  
16                  last amended by Section 1, Chapter 245, O.S.L. 2019 (70 O.S. Supp.  
17                  2020, Section 3311), is amended to read as follows:

18                  Section 3311.   A.   There is hereby created a Council on Law  
19                  Enforcement Education and Training which shall be, and is hereby  
20                  declared to be, a governmental law enforcement agency of the State  
21                  of Oklahoma, body politic and corporate, with powers of government  
22                  and with the authority to exercise the rights, privileges and  
23                  functions necessary to ensure the professional training and  
24                  continuing education of law enforcement officers in the State of

1 Oklahoma. These rights, privileges and functions include, but are  
2 not limited to, those specified in Sections 3311 through 3311.15 of  
3 this title and in the Oklahoma Security Guard and Private  
4 Investigator Act and the Oklahoma Bail Enforcement and Licensing  
5 Act. The Council shall be authorized to require agency employees  
6 and the employees of agency contractors in positions to have access  
7 to Oklahoma Peace Officer records, Oklahoma Security Guard and  
8 Private Investigator records, Oklahoma Bail Enforcement and  
9 Licensing Act records, to be subject to a criminal history search by  
10 the Oklahoma State Bureau of Investigation, as well as be  
11 fingerprinted for submission of the fingerprints through the  
12 Oklahoma State Bureau of Investigation to the Federal Bureau of  
13 Investigation for a national criminal history check. The Council  
14 shall be the recipient of the results of the record check. In  
15 accordance with Section 150.9 of Title 74 of the Oklahoma Statutes,  
16 this includes a national criminal record with a finger print  
17 analysis. The Council shall be composed of thirteen (13) members as  
18 follows:

19 1. The Commissioner of the Department of Public Safety, or  
20 designee;

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

23 3. The Director of the Oklahoma State Bureau of Investigation,  
24 or designee;

1 4. One member appointed by the Governor who shall be a law  
2 enforcement administrator representing a tribal law enforcement  
3 agency;

4 5. One member appointed by the Governor who shall be a chief of  
5 police of a municipality with a population over one hundred thousand  
6 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

19 9. One member appointed by the Board of Directors of the  
20 Fraternal Order of Police who shall have experience as a training  
21 officer;

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

24

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

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

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

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

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

3 1. Appoint a larger Advisory Council to discuss problems and  
4 hear recommendations concerning necessary research, minimum  
5 standards, educational needs, and other matters imperative to  
6 upgrading Oklahoma law enforcement to professional status;

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

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

16 4. Authorize additional staff and services necessary for  
17 program expansion;

18 5. Recommend legislation necessary to upgrade Oklahoma law  
19 enforcement to professional status;

20 6. Establish policies and regulations concerning the number,  
21 geographic and police unit distribution, and admission requirements  
22 of those receiving tuition or scholarship aid available through the  
23 Council. Such waiver of costs shall be limited to duly appointed  
24

1 members of legally constituted local, county, and state law  
2 enforcement agencies on the basis of educational and financial need;

3 7. Appoint an Executive Director and an Assistant Director to  
4 direct the staff, inform the Council of compliance with the  
5 provisions of this section and perform such other duties imposed on  
6 the Council by law. An Executive Director appointed by the Council  
7 must qualify for the position with a bachelor or higher degree in  
8 law enforcement from an accredited college or university, or a  
9 bachelor or higher degree in a law-enforcement-related subject area,  
10 and a minimum of five (5) years of active law enforcement experience  
11 including, but not limited to, responsibility for enforcement,  
12 investigation, administration, training, or curriculum  
13 implementation.

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

24

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

14           9. a. Certify canine teams, consisting of a dog and a  
15 handler working together as a team, trained to detect:  
16           (1) controlled dangerous substances, or  
17           (2) explosives, explosive materials, explosive  
18 devices, or materials which could be used to  
19 construct an explosive device;  
20 provided, the dog of a certified canine team shall not  
21 be certified at any time as both a drug dog and a bomb  
22 dog, and any dog of a certified canine team who has  
23 been previously certified as either a drug dog or a  
24

1 bomb dog shall not be eligible at any time to be  
2 certified in the other category.

3 b. Upon retiring the dog from the service it was  
4 certified to perform, the law enforcement department  
5 that handled the dog shall retain possession of the  
6 dog. The handler shall have first option of adopting  
7 the dog. If that option is not exercised, the law  
8 enforcement department shall provide for its adoption.  
9 Once adopted the dog shall not be placed back into  
10 active service;

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



1 the full faith and credit of the State of Oklahoma, and the lease,  
2 loan or other agreement and the bonds shall contain a statement to  
3 such effect;

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

6 12. Appoint an advisory committee composed of representatives  
7 from security guard and private investigative agencies to advise the  
8 Council concerning necessary research, minimum standards for  
9 licensure, education, and other matters related to licensure of  
10 security guards, security guard agencies, private investigators, and  
11 private investigative agencies;

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

1 pursuant to Section 3311.7 of this title. The Council is authorized  
2 to promulgate emergency rules to effectuate the provisions of this  
3 paragraph;

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

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

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

- 15 a. one member shall be selected by the Chancellor for  
16 Higher Education, who possesses a background of  
17 creation and review of curriculum and experience  
18 teaching criminal justice or law enforcement courses,  
19 who shall serve an initial term of one (1) year,
- 20 b. one member shall represent a municipal jurisdiction  
21 with a population of fifty thousand (50,000) or more  
22 and who shall be a management-level CLEET-certified  
23 training officer, who shall serve an initial term of  
24 two (2) years,

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

6 d. one member shall represent a municipal jurisdiction  
7 with a population of less than fifty thousand (50,000)  
8 and who shall be a CLEET-certified training officer,  
9 who shall serve an initial term of two (2) years,

10 e. one member shall represent a county jurisdiction with  
11 a population of less than fifty thousand (50,000) and  
12 who shall be a CLEET-certified training officer, who  
13 shall serve an initial term of one (1) year, and

14 f. one member selected by the Oklahoma Department of  
15 Career and Technology Education from the Curriculum  
16 Material and Instructional Material Center, who shall  
17 serve an initial term of three (3) years.

18 After the initial terms of office, all members shall be  
19 appointed to serve three-year terms. Any member may be reappointed  
20 to serve consecutive terms. Members shall serve without  
21 compensation, but may be reimbursed for travel expenses pursuant to  
22 the State Travel Reimbursement Act. The Board shall review and  
23 establish curriculum for all CLEET academies and training courses  
24

1 pursuant to procedures established by the Council on Law Enforcement  
2 Education and Training;

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

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

10 19. Summarily suspend a certification of a peace officer,  
11 without prior notice but otherwise subject to administrative  
12 proceedings, if CLEET finds that the actions of the certified peace  
13 officer may present a danger to the peace officer, the public, a  
14 family or household member, or involve a crime against a minor. A  
15 certified copy of the information or indictment charging such a  
16 crime shall be considered clear and convincing evidence of the  
17 charge; and

18 20. Approve law enforcement agencies and police departments in  
19 accordance with the following:

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

1 agency or police department and first begins to  
2 commission, appoint, or employ officers on or after  
3 November 1, 2011,

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

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

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

14 (3) the physical resources available to officers,

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

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

23 (a) use of force,

24 (b) vehicle pursuit,

- (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:~~

9 1. Is currently subject to an order of the Council revoking,  
10 suspending, or accepting a voluntary surrender of peace officer  
11 certification ~~or who has;~~

12 2. Has been convicted of a felony, a crime involving moral  
13 turpitude, or a crime of domestic violence, unless a full pardon has  
14 been granted by the proper agency; however, any person who has been  
15 trained and certified by the Council on Law Enforcement Education  
16 and Training and is actively employed as a full-time peace officer  
17 as of November 1, 1985, shall not be subject to the provisions of  
18 this ~~subsection~~ paragraph for convictions occurring prior to  
19 November 1, 1985; or

20 3. Is a permanent resident alien; provided, however, any person  
21 who has been trained and certified by the Council on Law Enforcement  
22 Education and Training and is actively employed as a full-time peace  
23 officer as of November 1, 2021, shall not be subject to the  
24 provisions of this paragraph.

1 G. 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 H. 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 within ten (10) days. Failure to comply with the provisions  
7 of this subsection may disqualify a law enforcement agency from  
8 participating in training programs sponsored by the Council. Every  
9 law enforcement agency employing police or peace officers in this  
10 state shall submit to CLEET on or before October 1 of each calendar  
11 year a complete list of all commissioned employees with a current  
12 mailing address and phone number for each such employee. In  
13 addition to the above, CLEET may impose an administrative fine for  
14 violations of this section.

15 2. A tribal law enforcement agency that has peace officers  
16 commissioned by an Oklahoma law enforcement agency pursuant to a  
17 cross-deputization agreement with the State of Oklahoma or any  
18 political subdivision of the State of Oklahoma pursuant to the  
19 provisions of Section 1221 of Title 74 of the Oklahoma Statutes  
20 shall report the commissioning, resignation, or termination of  
21 commission for any reason of a cross-deputized tribal police or  
22 peace officer to CLEET within ten (10) days of the commissioning,  
23 resignation, or termination. Failure to comply with the provisions  
24

1 of this subsection may disqualify a tribal law enforcement agency  
2 from participating in training programs sponsored by the Council.

3 I. It is unlawful for any person to willfully make any  
4 statement in an application to CLEET knowing the statement is false  
5 or intentionally commit fraud in any application to the Council for  
6 attendance in any CLEET-conducted or CLEET-approved peace officer  
7 academy or Collegiate Officer Program or for the purpose of  
8 obtaining peace officer certification or reinstatement. It is  
9 unlawful for any person to willfully submit false or fraudulent  
10 documents relating to continuing education rosters, transcripts or  
11 certificates, or any canine license application. Any person  
12 convicted of a violation of this subsection shall be guilty of a  
13 felony punishable by imprisonment in the Department of Corrections  
14 for a term of not less than two (2) years nor more than five (5)  
15 years, or by a fine not exceeding Two Thousand Dollars (\$2,000.00),  
16 or by both such fine and imprisonment. In addition to the above,  
17 CLEET may impose an administrative fine.

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

22 a. conviction of a felony or a crime of domestic  
23 violence,

24

- 1           b. conviction of a misdemeanor involving moral turpitude;  
2           provided, if the conviction is a single isolated  
3           incident that occurred more than five (5) years ago  
4           and the Council is satisfied that the person has been  
5           sufficiently rehabilitated, the Council may, in its  
6           discretion, certify such person providing that all  
7           other statutory requirements have been met,
- 8           c. a verdict of guilt or entry of a plea of guilty or  
9           nolo contendere or an "Alford" plea or any plea other  
10          than a not guilty plea for a felony offense, a crime  
11          of moral turpitude, or a crime of domestic violence,
- 12          d. falsification or a willful misrepresentation of  
13          information in an employment application or  
14          application to the Council on Law Enforcement  
15          Education and Training, records of evidence, or in  
16          testimony under oath,
- 17          e. revocation or voluntary surrender of police or peace  
18          officer certification in another state for a violation  
19          of any law or rule or in settlement of any  
20          disciplinary action in such state,
- 21          f. involuntary commitment of a reserve or peace officer  
22          in a mental institution or licensed private mental  
23          health facility for any mental illness, condition or  
24          disorder that is diagnosed by a licensed physician,

1 psychologist or a licensed mental health professional  
2 as a substantial disorder of thought, mood,  
3 perception, psychological orientation, or memory that  
4 significantly impairs judgment, behavior, capacity to  
5 recognize reality, or ability to meet the ordinary  
6 demands of life. Provided, the peace officer  
7 certification may be reinstated upon the Council  
8 receiving notification of a psychological evaluation  
9 conducted by a licensed physician, psychologist or  
10 licensed mental health professional which attests and  
11 states by affidavit that the officer and the  
12 evaluation test data of the officer have been examined  
13 and that, in the professional opinion of the  
14 physician, psychologist or licensed mental health  
15 professional, the officer is psychologically suitable  
16 to return to duty as a peace officer. Notwithstanding  
17 any other provision of state law pertaining to  
18 confidentiality of hospital or other medical records,  
19 and as allowable under federal law, CLEET may subpoena  
20 or request a court to subpoena records necessary to  
21 assure compliance with these provisions. Any  
22 confidential information received by CLEET for such  
23 purpose shall retain its confidential character while  
24 in the possession of CLEET,

- 1           g.    abuse of office,
- 2           h.    entry of a final order of protection against applicant
- 3                or officer, or
- 4           i.    any violation of the Oklahoma Private Security
- 5                Licensing Act.

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

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

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

21          4.   When the investigation of a complaint does not find the  
22 person has violated any of the provisions of this subsection, or  
23 finds that the person is sufficiently rehabilitated as provided in  
24 subparagraph b or f of paragraph 1 of this subsection, no

1 disciplinary action shall be required and the person shall remain  
2 certified as a police or peace officer. When the investigation of a  
3 complaint finds that the person has violated any of the provisions  
4 of this subsection, the matter shall be referred for disciplinary  
5 proceedings. The disciplinary proceedings shall be in accordance  
6 with Articles I and II of the Administrative Procedures Act.

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

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 Executive Director of  
14 the Council. Any report, upon receipt by the Council, shall be  
15 considered as personnel records and shall be afforded confidential  
16 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the  
17 Oklahoma Statutes. Any medical or other confidential records  
18 obtained by subpoena pursuant to this subsection shall not be made a  
19 part of such report. The Executive Director shall ensure that the  
20 report is provided to all members of the Council. The Council shall  
21 review and make recommendations concerning the report at the first  
22 meeting of the Council to occur after all members of the Council  
23 have received the report. The Council may, by a majority vote,  
24 order the suspension, for a given period of time, or revocation of

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

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

18 10. a. A police or peace officer may voluntarily surrender  
19 and relinquish the peace officer certification to  
20 CLEET. Pursuant to such surrender or relinquishment,  
21 the person surrendering the certification shall be  
22 prohibited from applying to CLEET for reinstatement  
23 within five (5) years of the date of the surrender or  
24



1           relinquishment, unless otherwise provided by law for  
2           reinstatement.

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

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

21          11. A duty is hereby imposed upon the district attorney who, on  
22          behalf of the State of Oklahoma, prosecutes a person holding police  
23          or peace officer or reserve peace officer certification for a  
24          felony, a crime involving moral turpitude, or a crime of domestic

1 violence in which a plea of guilty, nolo contendere, or an "Alford"  
2 plea or any other plea other than a not guilty plea or other finding  
3 of guilt is entered by, against or on behalf of a certified police  
4 or peace officer to report such plea, agreement, or other finding of  
5 guilt to the Council on Law Enforcement Education and Training  
6 within ten (10) days of such plea agreement or the finding of guilt.

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

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

19 14. All criminal proceedings initiated against a CLEET-  
20 certified peace officer or reserve peace officer shall be reported  
21 by the officer to CLEET immediately after arrest or discovery of the  
22 filing of such criminal proceeding. All CLEET-certified peace  
23 officers and reserve peace officers shall be required to report when  
24 a Victim Protective Order has been issued against the officer,

1 including orders issued on an emergency basis and all final orders  
2 of protection. Failure to give notice pursuant to the provisions of  
3 this paragraph may be cause to initiate an action against the  
4 officer by CLEET.

5 15. As used in this subsection:

6 a. "law enforcement agency" means any department or  
7 agency of the state, a county, a municipality, or  
8 political subdivision thereof, with the duties to  
9 maintain public order, make arrests, and enforce the  
10 criminal laws of this state or municipal ordinances,  
11 which employs CLEET-certified personnel,

12 b. "final order of termination" means a final notice of  
13 dismissal from employment provided after all  
14 grievance, arbitration, and court actions have been  
15 completed, and

16 c. "resignation while under investigation" means the  
17 resignation from employment of a peace officer who is  
18 under investigation for any felony violation of law, a  
19 crime of moral turpitude, a crime of domestic  
20 violence, or the resignation from employment of a  
21 peace officer as part of an arbitration or plea  
22 agreement.

23 K. 1. Every canine team in the state trained to detect  
24 controlled dangerous substances shall be certified, by test, in the

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

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

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

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

9           L. 1. Every canine team in the state trained to detect  
10 explosives, explosive materials, explosive devices, and materials  
11 which could be used to construct an explosive device shall be  
12 certified, by test, in the detection of such explosives and  
13 materials and shall be recertified annually so long as the canine is  
14 used for such 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 if  
17 such canines are certified and annually recertified in the detection  
18 of explosives and materials by the United States Department of  
19 Defense. No employee of CLEET may be involved in the training or  
20 testing of a canine team.

21           2. The Council shall appoint a Bomb Dog Advisory Council to  
22 make recommendations concerning minimum standards, educational  
23 needs, and other matters imperative to the certification of canines  
24 and canine teams trained to detect explosives, explosive materials,

1 explosive devices and materials which could be used to construct an  
2 explosive device. The Council shall promulgate rules based upon the  
3 recommendations of the Advisory Council. Members of the Advisory  
4 Council shall include, but need not be limited to, a commissioned  
5 officer with practical knowledge of such canines and canine teams  
6 from each of the following:

- 7 a. the Department of Public Safety,
- 8 b. a police department,
- 9 c. a sheriff's office, and
- 10 d. 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. All tribal police officers of any Indian tribe or nation who  
20 have been commissioned by an Oklahoma law enforcement agency  
21 pursuant to a cross-deputization agreement with the State of  
22 Oklahoma or any political subdivision of the State of Oklahoma  
23 pursuant to the provisions of Section 1221 of Title 74 of the  
24 Oklahoma Statutes shall be eligible for peace officer certification

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

10 N. If an employing law enforcement agency in this state has  
11 paid for CLEET training and the salary of a person while that person  
12 is completing in this state a basic police course approved by the  
13 Council and if within one (1) year after initial employment with the  
14 original employing agency that person resigns and is hired by  
15 another law enforcement agency in this state, the second agency or  
16 the person receiving the training shall reimburse the original  
17 employing agency for the cost of CLEET training and salary paid to  
18 the person while completing the basic police course by the original  
19 employing agency. If the person leaves the original employing  
20 agency later than one (1) year, but less than two (2) years, after  
21 the initial employment, the second agency or the person receiving  
22 the training shall reimburse the original employing agency fifty  
23 percent (50%) of the cost of CLEET training and salary paid to the  
24 person while completing the basic police course by the original

1 employing agency. CLEET shall not be a party to any court action  
2 based on this provision.

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

6 P. Peace officers, reserve peace officers, tribal peace  
7 officers, agencies, bail enforcers, security guards and private  
8 investigators shall maintain with the Council current mailing  
9 addresses and shall notify the Council, in writing, of any change of  
10 address or name. Notification of change of name shall require  
11 certified copies of any marriage license or other court document  
12 which reflects the change of name. Notice of change of address or  
13 telephone number must be made within ten (10) days of the effected  
14 change. Notices shall not be accepted over the phone. In any  
15 proceeding in which the Council is required to serve notice or an  
16 order on an individual or an agency, the Council may send a letter  
17 to the mailing address on file with the Council. If the letter is  
18 returned and a notation of the U.S. Postal Service indicates  
19 "unclaimed", or "moved", or "refused" or any other nondelivery  
20 markings and the records of the Council indicate that no change of  
21 address as required by this subsection has been received by the  
22 Council, the notice and any subsequent notices or orders shall be  
23 deemed by the Court as having been legally served for all purposes.

24



1 Q. All CLEET records of Bail Enforcers may be released only in  
2 compliance with this section and the Oklahoma Bail Enforcement and  
3 Licensing Act. All records in CLEET possession concerning other  
4 persons or entities shall be released only in compliance with this  
5 section and the Oklahoma Open Records Act.

6 SECTION 2. This act shall become effective November 1, 2021.

7  
8 COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,  
9 dated 02/25/2021 - DO PASS.

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24