

1 **SENATE FLOOR VERSION**

2 April 13, 2022

3 ENGROSSED HOUSE
4 BILL NO. 1118

By: West (Rick) of the House

5 and

6 Hamilton and Bullard of the
7 Senate

8 An Act relating to the Council on Law Enforcement
9 Education and Training; amending 70 O.S. 2021,
10 Section 3311; removing certain background
11 investigation requirement; and prohibiting the
12 certification or employment of certain persons.

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

14 SECTION 1. AMENDATORY 70 O.S. 2021, Section 3311, is
15 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 3311.15 of
this title and in the Oklahoma Security Guard and Private

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

10 (1) controlled dangerous substances, or

11 (2) explosives, explosive materials, explosive

12 devices, or materials which could be used to

13 construct an explosive device;

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

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

1 enforcement department shall provide for its adoption.

2 Once adopted the dog shall not be placed back into

3 active service;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

12 20. Approve law enforcement agencies and police departments in
13 accordance with the following:

14 a. this section applies only to an entity authorized by
15 statute or by the Constitution to create a law
16 enforcement agency or police department and
17 commission, appoint, or employ officers that first
18 creates or reactivates an inactive law enforcement
19 agency or police department and first begins to
20 commission, appoint, or employ officers on or after
21 November 1, 2011,

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

- 1 (1) the need for the law enforcement agency or police
2 department in the community,
- 3 (2) the funding sources for the law enforcement
4 agency or police department, and proof that no
5 more than fifty percent (50%) of the funding of
6 the entity will be derived from ticket revenue or
7 fines,
- 8 (3) the physical resources available to officers,
- 9 (4) the physical facilities that the law enforcement
10 agency or police department will operate
11 including descriptions of the evidence room,
12 dispatch area, restroom facilities, and public
13 area,
- 14 (5) law enforcement policies of the law enforcement
15 agency or police department including published
16 policies on:
- 17 (a) use of force,
18 (b) vehicle pursuit,
19 (c) mental health,
20 (d) professional conduct of officers,
21 (e) domestic abuse,
22 (f) response to missing persons,
23 (g) supervision of part-time officers, and
24 (h) impartial policing,

- 1 (6) the administrative structure of the law
2 enforcement agency or police department,
3 (7) liability insurance, and
4 (8) any other information CLEET requires by rule,
5 c. within sixty (60) days of receiving an entity's
6 request, CLEET will forward to the entity by certified
7 mail, return receipt requested, a letter of
8 authorization or denial to create a law enforcement
9 agency or police department and commission, appoint,
10 or employ officers, signed by the Executive Director
11 of CLEET, and
12 d. in cases of denial, the entity may appeal the decision
13 of the Executive Director to the full CLEET Council.
14 The Executive Director shall ensure that the final
15 report is provided to all members of the Council. The
16 Council shall review and make recommendations
17 concerning the report at the first meeting of the
18 Council to occur after all members of the Council have
19 received the report. The Council may, by majority
20 vote:
21 (1) order additional information be provided,
22 (2) order confirmation of the opinion of the
23 Executive Director, or
24 (3) order authorization of the entity.

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

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

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

23 b. add an amount of no more than Five Dollars (\$5.00) as
24 a service charge for the acceptance and verification

1 of a check. For purposes of this subsection,
2 "business check" shall not mean a money order,
3 cashier's check, or bank certified check.

4 D. Failure of the Legislature to appropriate necessary funds to
5 provide for expenses and operations of the Council on Law
6 Enforcement Education and Training shall not invalidate other
7 provisions of this section relating to the creation and duties of
8 the Council.

9 E. 1. No person shall be eligible for employment as a peace
10 officer or reserve peace officer until the employing law enforcement
11 agency has conducted a background investigation of such person
12 consisting of the following:

13 a. a fingerprint search submitted to the Oklahoma State
14 Bureau of Investigation with a return report to the
15 submitting agency that such person has no felony
16 record,

17 b. a fingerprint search submitted to the Federal Bureau
18 of Investigation with a return report to the
19 submitting agency that such person has no felony
20 record,

21 c. such person has undergone psychological evaluation by
22 a psychologist licensed by the State of Oklahoma and
23 has been evaluated to be suitable to serve as a peace
24 officer in the State of Oklahoma,

- 1 d. the employing agency has verified that such person has
2 a high school diploma or a GED equivalency certificate
3 as recognized by state law,
- 4 e. such person is not participating in a deferred
5 sentence agreement for a felony, a crime involving
6 moral turpitude or a crime of domestic violence, and
7 does not have any criminal charges pending in any
8 court in this state, another state, in tribal court or
9 pursuant to the United States Code,
- 10 f. such person is not currently subject to an order of
11 the Council revoking, suspending, or accepting a
12 voluntary surrender of peace officer certification,
- 13 g. such person is not currently undergoing treatment for
14 a mental illness, condition or disorder. For purposes
15 of this subsection, "currently undergoing treatment
16 for mental illness, condition or disorder" means the
17 person has been diagnosed by a licensed physician,
18 psychologist, or licensed mental health professional
19 as being afflicted with a substantial disorder of
20 thought, mood, perception, psychological orientation
21 or memory that significantly impairs judgment,
22 behavior, capacity to recognize reality, or ability to
23 meet the ordinary demands of life and such condition
24 continues to exist,

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

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

5 i. such person has provided proof of United States
6 citizenship ~~or resident alien status, pursuant to an~~
7 ~~employment eligibility verification form from the~~
8 ~~United States Citizenship and Immigration Services.~~

9 2. To aid the evaluating psychologist in interpreting the test
10 results including automated scoring and interpretations, the
11 employing agency shall provide the psychologist a statement
12 confirming the identity of the individual taking the test as the
13 person who is employed or seeking employment as a peace officer of
14 the agency and attesting that it administered the psychological
15 instrument in accordance with standards within the test document.
16 The psychologist shall report to the employing agency the evaluation
17 of the assessment instrument and may include any additional
18 recommendations to assist the employing agency in determining
19 whether to certify to the Council on Law Enforcement Education and
20 Training that the person being evaluated is suitable to serve as a
21 peace officer in the State of Oklahoma. No additional procedures or
22 requirements shall be imposed for performance of the psychological
23 evaluation. The psychological instrument utilized shall be
24 evaluated by a psychologist licensed by the State of Oklahoma, and

1 the employing agency shall certify to the Council that the
2 evaluation was conducted in accordance with this provision and that
3 the employee or applicant is suitable to serve as a peace officer in
4 the State of Oklahoma.

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

13 b. Any person who is certified by CLEET and has undergone
14 the psychological evaluation required by this
15 subparagraph and has been found to be suitable as a
16 peace officer shall not be required to be reevaluated
17 for any subsequent employment as a peace officer
18 following retirement or any break in service as a
19 peace officer, unless such break in service exceeds
20 five (5) years or the Council determines that a peace
21 officer may present a danger to himself or herself,
22 the public, or a family or household member.

23 c. All persons seeking certification shall have their
24 name, gender, date of birth, and address of such

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

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

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

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

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

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

17 a. The Council may extend the time requirement specified
18 in this paragraph for good cause as determined by the
19 Council.

20 b. A duty is hereby imposed upon the employing agency to
21 withhold payment of the compensation or wage of such
22 unqualified officer.

23 c. If the police or peace officer fails to forfeit the
24 position or the employing agency fails to require the

1 officer to forfeit the position, the district attorney
2 shall file the proper action to cause the forfeiting
3 of such position. The district court of the county
4 where the officer is employed shall have jurisdiction
5 to hear the case.

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

11 6. For purposes of this section, a police or peace officer is
12 defined as a full-time duly appointed or elected officer who is paid
13 for working more than twenty-five (25) hours per week and whose
14 duties are to preserve the public peace, protect life and property,
15 prevent crime, serve warrants, transport prisoners, and enforce laws
16 and ordinances of this state, or any political subdivision thereof;
17 provided, elected sheriffs and their deputies and elected,
18 appointed, or acting chiefs of police shall meet the requirements of
19 this subsection within the first six (6) months after assuming the
20 duties of the office to which they are elected or appointed or for
21 which they are an acting chief; provided further, that this section
22 shall not apply to persons designated by the Director of the
23 Department of Corrections as peace officers pursuant to Section 510
24 of Title 57 of the Oklahoma Statutes.

1 F. No person shall be certified as a police or peace officer by
2 the Council or be employed by the state, a county, a city, or any
3 political subdivision thereof, who ~~is currently~~:

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

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

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

20 G. 1. The Council is hereby authorized to provide to any
21 employing agency the following information regarding a person who is
22 or has applied for employment as a police or peace officer of such
23 employing agency:
24

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

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

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

H. 1. A law enforcement agency employing police or peace officers in this state shall report the hiring, resignation, or termination for any reason of a police or peace officer to the

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

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 I. 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. In addition to the above,
11 CLEET may impose an administrative fine.

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

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

- 1 c. a verdict of guilt or entry of a plea of guilty or
2 nolo contendere or an "Alford" plea or any plea other
3 than a not guilty plea for a felony offense, a crime
4 of moral turpitude, or a crime of 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 reserve or peace officer
15 in a mental institution or licensed private mental
16 health facility for any mental illness, condition or
17 disorder that is diagnosed by a licensed physician,
18 psychologist or a licensed mental health professional
19 as a substantial disorder of thought, mood,
20 perception, psychological orientation, or memory that
21 significantly impairs judgment, behavior, capacity to
22 recognize reality, or ability to meet the ordinary
23 demands of life. Provided, the peace officer
24 certification may be reinstated upon the Council

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

- 18 g. abuse of office,
- 19 h. entry of a final order of protection against applicant
20 or officer, or
- 21 i. any violation of the Oklahoma Private Security
22 Licensing Act.

23 2. Disciplinary proceedings shall be commenced by filing a
24 complaint with the Council on a form approved by the Council. Any

1 employing agency or other person having information may submit such
2 information to the Council for consideration as provided in this
3 subsection.

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

6 a. there is reason to believe the person has violated any
7 provision of this subsection or any other provision of
8 law or rule, or

9 b. there is reason to believe the person has been
10 convicted of a felony, a crime involving moral
11 turpitude or a domestic violence offense or is
12 currently participating in a deferred sentence for
13 such offenses.

14 4. When the investigation of a complaint does not find the
15 person has violated any of the provisions of this subsection, or
16 finds that the person is sufficiently rehabilitated as provided in
17 subparagraph b or f of paragraph 1 of this subsection, no
18 disciplinary action shall be required and the person shall remain
19 certified as a police or peace officer. When the investigation of a
20 complaint finds that the person has violated any of the provisions
21 of this subsection, the matter shall be referred for disciplinary
22 proceedings. The disciplinary proceedings shall be in accordance
23 with Articles I and II of the Administrative Procedures Act.

24

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

19 6. The Council shall revoke the certification of any person
20 upon determining that such person has received a deferred sentence
21 for a felony, a crime involving moral turpitude or a domestic
22 violence offense.

23 7. The Council may suspend the certification of any person upon
24 a determination that such person has been involuntarily committed to

1 a mental institution or mental health facility for a mental illness,
2 condition or disorder as provided in subparagraph f of paragraph 1
3 of this subsection.

4 8. Every law enforcement agency in this state shall, within
5 thirty (30) days of a final order of termination or resignation
6 while under investigation of a CLEET-certified peace officer, report
7 such order or resignation in writing to the Executive Director of
8 the Council. Any report, upon receipt by the Council, shall be
9 considered as personnel records and shall be afforded confidential
10 protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the
11 Oklahoma Statutes. Any medical or other confidential records
12 obtained by subpoena pursuant to this subsection shall not be made a
13 part of such report. The Executive Director shall ensure that the
14 report is provided to all members of the Council. The Council shall
15 review and make recommendations concerning the report at the first
16 meeting of the Council to occur after all members of the Council
17 have received the report. The Council may, by a majority vote,
18 order the suspension, for a given period of time, or revocation of
19 the CLEET certification of the peace officer in question if there
20 are grounds for such actions pursuant to this section and the peace
21 officer in question has been provided with notice and an opportunity
22 for a hearing pursuant to the Administrative Procedures Act.
23 Suspension or revocation of CLEET certification pursuant to this
24 paragraph shall be reported to the district attorney for the

1 jurisdiction in which the peace officer was employed, to the
2 liability insurance company of the law enforcement agency that
3 employed the peace officer, the chief elected official of the
4 governing body of the law enforcement agency and the chief law
5 enforcement officer of the law enforcement agency.

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

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

20 b. No person who has had a police or peace officer
21 certification from another state revoked or
22 voluntarily surrendered and has not been reinstated by
23 that state shall be considered for certification by
24 CLEET.

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

14 11. A duty is hereby imposed upon the district attorney who, on
15 behalf of the State of Oklahoma, prosecutes a person holding police
16 or peace officer or reserve peace officer certification for a
17 felony, a crime involving moral turpitude, or a crime of domestic
18 violence in which a plea of guilty, nolo contendere, or an "Alford"
19 plea or any other plea other than a not guilty plea or other finding
20 of guilt is entered by, against or on behalf of a certified police
21 or peace officer to report such plea, agreement, or other finding of
22 guilt to the Council on Law Enforcement Education and Training
23 within ten (10) days of such plea agreement or the finding of guilt.
24

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

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

13 14. All criminal proceedings initiated against a CLEET-
14 certified peace officer or reserve peace officer shall be reported
15 by the officer to CLEET immediately after arrest or discovery of the
16 filing of such criminal proceeding. All CLEET-certified peace
17 officers and reserve peace officers shall be required to report when
18 a Victim Protective Order has been issued against the officer
19 including orders issued on an emergency basis and all final orders
20 of protection. Failure to give notice pursuant to the provisions of
21 this paragraph may be cause to initiate an action against the
22 officer by CLEET.

23 15. As used in this subsection:
24

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

7 b. "final order of termination" means a final notice of
8 dismissal from employment provided after all
9 grievance, arbitration, and court actions have been
10 completed, and

11 c. "resignation while under investigation" means the
12 resignation from employment of a peace officer who is
13 under investigation for any felony violation of law, a
14 crime of moral turpitude, a crime of domestic
15 violence, or the resignation from employment of a
16 peace officer as part of an arbitration or plea
17 agreement.

18 K. 1. Every canine team in the state trained to detect
19 controlled dangerous substances shall be certified, by test, in the
20 detection of such controlled dangerous substances and shall be
21 recertified annually so long as the canine is used for such
22 detection purposes. The certification test and annual
23 recertification test provisions of this subsection shall not be
24 applicable to canines that are owned by a law enforcement agency and

1 that are certified and annually recertified in the detection of
2 controlled dangerous substances by the United States Customs
3 Service. No employee of CLEET may be involved in the training or
4 testing of a canine team.

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

- 14 a. the Oklahoma State Bureau of Narcotics and Dangerous
15 Drugs Control,
- 16 b. the Department of Public Safety,
- 17 c. a police department,
- 18 d. a sheriff's office, and
- 19 e. 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 L. 1. Every canine team in the state trained to detect
5 explosives, explosive materials, explosive devices, and materials
6 which could be used to construct an explosive device shall be
7 certified, by test, in the detection of such explosives and
8 materials and shall be recertified annually so long as the canine is
9 used for such detection purposes. The certification test and annual
10 recertification test provisions of this subsection shall not be
11 applicable to canines that are owned by a law enforcement agency if
12 such canines are certified and annually recertified in the detection
13 of explosives and materials by the United States Department of
14 Defense. No employee of CLEET may be involved in the training or
15 testing of a canine team.

16 2. The Council shall appoint a Bomb Dog Advisory Council to
17 make recommendations concerning minimum standards, educational
18 needs, and other matters imperative to the certification of canines
19 and canine teams trained to detect explosives, explosive materials,
20 explosive devices and materials which could be used to construct an
21 explosive device. The Council shall promulgate rules based upon the
22 recommendations of the Advisory Council. Members of the Advisory
23 Council shall include, but need not be limited to, a commissioned
24

1 officer with practical knowledge of such canines and canine teams
2 from each of the following:

- 3 a. the Department of Public Safety,
- 4 b. a police department,
- 5 c. a sheriff's office, and
- 6 d. a university or college campus police department.

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

15 M. All tribal police officers of any Indian tribe or nation who
16 have been commissioned by an Oklahoma law enforcement agency
17 pursuant to a cross-deputization agreement with the State of
18 Oklahoma or any political subdivision of the State of Oklahoma
19 pursuant to the provisions of Section 1221 of Title 74 of the
20 Oklahoma Statutes shall be eligible for peace officer certification
21 under the same terms and conditions required of members of the law
22 enforcement agencies of the State of Oklahoma and its political
23 subdivisions. CLEET shall issue peace officer certification to
24 tribal police officers who, as of July 1, 2003, are commissioned by

1 an Oklahoma law enforcement agency pursuant to a cross-deputization
2 agreement with the State of Oklahoma or any political subdivision of
3 the State of Oklahoma pursuant to the provisions of Section 1221 of
4 Title 74 of the Oklahoma Statutes and have met the training and
5 qualification requirements of this section.

6 N. If an employing law enforcement agency in this state has
7 paid for CLEET training and the salary of a person while that person
8 is completing in this state a basic police course approved by the
9 Council and if within one (1) year after initial employment with the
10 original employing agency that person resigns and is hired by
11 another law enforcement agency in this state, the second agency or
12 the person receiving the training shall reimburse the original
13 employing agency for the cost of CLEET training and salary paid to
14 the person while completing the basic police course by the original
15 employing agency. If the person leaves the original employing
16 agency later than one (1) year, but less than two (2) years, after
17 the initial employment, the second agency or the person receiving
18 the training shall reimburse the original employing agency fifty
19 percent (50%) of the cost of CLEET training and salary paid to the
20 person while completing the basic police course by the original
21 employing agency. CLEET shall not be a party to any court action
22 based on this provision.

23

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

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

22 Q. All CLEET records of Bail Enforcers may be released only in
23 compliance with this section and the Oklahoma Bail Enforcement and
24 Licensing Act. All records in CLEET possession concerning other

1 persons or entities shall be released only in compliance with this
2 section and the Oklahoma Open Records Act.

3 COMMITTEE REPORT BY: COMMITTEE ON RULES
4 April 13, 2022 - DO PASS

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