

1 **SENATE FLOOR VERSION**

2 February 23, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 379

By: Daniels and Boren

6 An Act relating to law enforcement officer personal
7 mental health wellness; amending 70 O.S. 2021,
8 Section 3311.4, which relates to continuing law
9 enforcement training; requiring certain training;
10 amending 70 O.S. 2021, Section 3311.5, as amended by
11 Section 1, Chapter 399, O.S.L. 2022 (70 O.S. Supp.
12 2022, Section 3311.5), which relates to required
13 courses of study for law enforcement certification;
14 requiring certain training; updating statutory
15 reference; and providing an effective date.

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

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

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

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

14 B. Beginning January 1, 2017, and annually thereafter, every
15 active reserve peace officer, certified by CLEET pursuant to Section
16 3311 of this title, shall attend and complete a minimum of eight (8)
17 hours of continuing law enforcement training accredited or provided
18 by CLEET which shall include a mandatory one (1) hour on mental
19 health issues.

20 C. Beginning January 1, 2024, and annually thereafter, every
21 active peace officer, certified by CLEET pursuant to Section 3311 of
22 this title, shall attend and complete a minimum of two (2) hours of
23 continuing law enforcement education training accredited or provided
24 by CLEET on maintaining mental and behavioral health wellness. This

1 requirement shall be in addition to the required training specified
2 in this section.

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

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

24

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

23 ~~F.~~ G. All certified, active full-time or reserve peace officers
24 employed, commissioned or appointed for a period of ninety (90) days

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

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

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

23 Section 3311.5. A. On and after November 1, 2007, the Council
24 on Law Enforcement Education and Training (CLEET), pursuant to its

1 authority granted by Section 3311 of this title, shall include in
2 its required basic training courses for law enforcement
3 certification a minimum of four (4) hours of education and training
4 relating to recognizing and managing a person appearing to require
5 mental health treatment or services. The Council shall further
6 offer a minimum of four (4) hours of education and training on
7 specific mental health issues pursuant to Section 3311.4 of this
8 title to meet the annual requirement for continuing education in the
9 areas of mental health issues.

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

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

22 D. CLEET shall promulgate rules to enforce the provisions of
23 subsections B and C of this section and shall, with the assistance
24 of certified sexual assault service providers, establish a

1 comprehensive integrated curriculum for the teaching of evidence-
2 based sexual assault and sexual violence issues.

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

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

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

1 Violence Fatality Review Board, and where applicable, shall replace
2 existing domestic violence and stalking courses currently required.

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

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

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

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

1 L. By November 1, 2019, CLEET shall establish appropriate
2 training resources focused on protocol for handling and processing
3 sexual assault calls. The training shall include, but not be
4 limited to:

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

11 M. By January 1, 2024, CLEET, pursuant to its authority granted
12 by Sections 3311 and 3311.4 of this title, shall include in its
13 required courses of study for law enforcement certification a
14 minimum of eight (8) hours' training on maintaining mental and
15 behavioral health wellness. This requirement shall be in addition
16 to the required training specified in this section.

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

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

22 ~~N.~~ O. Any municipality or county that, prior to November 1,
23 2007, was authorized to conduct a basic law enforcement academy

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1 shall continue to receive funding pursuant to subsection E of
2 Section 1313.2 of Title 20 of the Oklahoma Statutes.

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

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

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

11 3. Has the instructional staff appropriately trained and
12 qualified to teach the course materials;

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

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

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

19 SECTION 3. This act shall become effective November 1, 2023.

20 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
21 February 23, 2023 - DO PASS AS AMENDED BY CS

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