SPEAKER:

CHAIR:

I move to amend HB2869

Page ___________ Section ___________ Lines ___________

Of the printed Bill

Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Kevin Wallace

Adopted: _____________________________

______________________________
Reading Clerk
STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2869

By: Wallace

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to the Council on Law Enforcement Education and Training; amending 70 O.S. 2021, Section 3311, which relates to powers and duties of the Council; expanding certain authority; authorizing and requiring the suspension of certifications for certain actions and findings; limiting the effect of certain grievance proceedings; redefining terms; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 2021, Section 3311, is amended to read as follows:

   Section 3311. A. There is hereby created a Council on Law Enforcement Education and Training which shall be, and is hereby declared to be, a governmental law enforcement agency of the State of Oklahoma, body politic and corporate, with powers of government and with the authority to exercise the rights, privileges and functions necessary to ensure the professional training and,
continuing education, and high moral and ethical character of law enforcement officers in the State of Oklahoma. These rights, privileges and functions include, but are not limited to, those specified in Sections 3311 through 3311.15 of this title and in the Oklahoma Security Guard and Private Investigator Act and the Oklahoma Bail Enforcement and Licensing Act. The Council shall be authorized to require agency employees and the employees of agency contractors in positions to have access to Oklahoma Peace Officer records, Oklahoma Security Guard and Private Investigator records, Oklahoma Bail Enforcement and Licensing Act records, to be subject to a criminal history search by the Oklahoma State Bureau of Investigation, as well as be fingerprinted for submission of the fingerprints through the Oklahoma State Bureau of Investigation to the Federal Bureau of Investigation for a national criminal history check. The Council shall be the recipient of the results of the record check. In accordance with Section 150.9 of Title 74 of the Oklahoma Statutes, this includes a national criminal record with a fingerprint analysis. The Council shall be composed of thirteen (13) members as follows:

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

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

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

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

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

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

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

9. One member appointed by the Board of Directors of the Fraternal Order of Police who shall have experience as a training officer;
10. One member appointed by the Chancellor of Higher Education who shall be a representative of East Central University;

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

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

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

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

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

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

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

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

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

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

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

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

The Executive Director of the Council on Law Enforcement Education and Training may commission CLEET staff as peace officers for purposes consistent with the duties of CLEET as set out in state law. The powers and duties conferred on the Executive Director or any staff member appointed by the Executive Director as a peace officer shall not limit the powers and duties of other peace officers of this state or any political subdivision thereof. The Executive Director or any staff member appointed by the Executive Director as a peace officer may, upon request, assist any federal, state, county or municipal law enforcement agency;
8. Enter into contracts and agreements for the payment of classroom space, food, and lodging expenses as may be necessary for law enforcement officers attending any official course of instruction approved or conducted by the Council. Such expenses may be paid directly to the contracting agency or business establishment. The food and lodging expenses for each law enforcement officer shall not exceed the authorized rates as provided for in the State Travel Reimbursement Act; provided, however, the Council may provide food and lodging to law enforcement officials attending any official course of instruction approved or conducted by the Council rather than paying for the provision of such food and lodging by an outside contracting agency or business establishment;

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

   (1) controlled dangerous substances, or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

f. one member selected by the Oklahoma Department of Career and Technology, who shall have experience in the creation and review of curriculum as well as experience in teaching criminal justice or law enforcement courses, who shall serve an initial term of three (3) years.

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

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

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

19. Summarily suspend a certification of a peace officer, without prior notice but otherwise subject to administrative proceedings, if CLEET finds that the actions of the certified peace officer may present a danger to the peace officer, the public, a family or household member, or involve a crime against a minor, result in termination from employment for violation of municipal policy, state or federal law, regarding use of force, or a finding of untruthfulness in the exercise of official duties by a prosecuting authority, federal, state, or municipal judge. A certified copy of the information or indictment charging such a crime, or documentation showing final determination of termination from the employing agency, shall be considered clear and convincing evidence of the charge; and
20. Approve law enforcement agencies and police departments in accordance with the following:

a. this section applies only to an entity authorized by statute or by the Constitution to create a law enforcement agency or police department and commission, appoint, or employ officers that first creates or reactives an inactive law enforcement agency or police department and first begins to commission, appoint, or employ officers on or after November 1, 2011,

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

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

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

(3) the physical resources available to officers,

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

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

(a) use of force,
(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 received the report. The Council may, by majority vote:

(1) order additional information be provided,
(2) order confirmation of the opinion of the Executive Director, or
(3) order authorization of the entity.

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

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

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

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

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

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

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

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

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

d. the employing agency has verified that such person has a high school diploma or a GED equivalency certificate as recognized by state law,

e. such person is not participating in a deferred sentence agreement for a felony, a crime involving moral turpitude or a crime of domestic violence, and does not have any criminal charges pending in any court in this state, another state, in tribal court or pursuant to the United States Code,
f. such person is not currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification,
g. such person is not currently undergoing treatment for a mental illness, condition or disorder. For purposes of this subsection, "currently undergoing treatment for mental illness, condition or disorder" means the person has been diagnosed by a licensed physician, psychologist, or licensed mental health professional as being afflicted with a substantial disorder of thought, mood, perception, psychological orientation or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life and such condition continues to exist,
h. such person is twenty-one (21) years of age.
Provided, this requirement shall not affect those persons who are already employed as a police or peace officer prior to November 1, 1985, and
i. such person has provided proof of United States citizenship or resident alien status, pursuant to an employment eligibility verification form from the United States Citizenship and Immigration Services.
2. To aid the evaluating psychologist in interpreting the test results including automated scoring and interpretations, the employing agency shall provide the psychologist a statement confirming the identity of the individual taking the test as the person who is employed or seeking employment as a peace officer of the agency and attesting that it administered the psychological instrument in accordance with standards within the test document.

   The psychologist shall report to the employing agency the evaluation of the assessment instrument and may include any additional recommendations to assist the employing agency in determining whether to certify to the Council on Law Enforcement Education and Training that the person being evaluated is suitable to serve as a peace officer in the State of Oklahoma. No additional procedures or requirements shall be imposed for performance of the psychological evaluation. The psychological instrument utilized shall be evaluated by a psychologist licensed by the State of Oklahoma, and the employing agency shall certify to the Council that the evaluation was conducted in accordance with this provision and that the employee or applicant is suitable to serve as a peace officer in the State of Oklahoma.

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

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

c. All persons seeking certification shall have their name, gender, date of birth, and address of such person submitted to the Department of Mental Health and Substance Abuse Services by the Council. The Department of Mental Health and Substance Abuse Services shall respond to the Council within ten (10) days whether the computerized records of the Department indicate the applicant has ever been involuntarily committed to an Oklahoma state mental institution. In the event that the Department of
Mental Health and Substance Abuse Services reports to the Council that the applicant has been involuntarily committed, the Council shall immediately inform the employing agency.

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

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

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

3. Beginning January 1, 2018, any reserve peace officer who has completed the two-hundred-forty-hour reserve peace officer certification program and who has been in active service in that capacity for the past six (6) months shall be eligible to attend a three-hundred-sixty-hour basic full-time training academy to become certified as a full-time peace or police officer.
4. Every person who has not been certified as a police or peace officer and is duly appointed or elected as a police or peace officer shall hold such position on a temporary basis only, and shall, within six (6) months from the date of appointment or taking office, qualify as required in this subsection or forfeit such position. In computing the time for qualification, all service shall be cumulative from date of first appointment or taking office as a police or peace officer with any department in this state.

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

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

   c. If the police or peace officer fails to forfeit the position or the employing agency fails to require the officer to forfeit the position, the district attorney shall file the proper action to cause the forfeiting of such position. The district court of the county where the officer is employed shall have jurisdiction to hear the case.

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

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

F. No person shall be certified as a police or peace officer by the Council or be employed by the state, a county, a city, or any political subdivision thereof, who is currently subject to an order of the Council revoking, suspending, or accepting a voluntary surrender of peace officer certification or who has been convicted of a felony, a crime involving moral turpitude, or a crime of domestic violence, unless a full pardon has been granted by the proper agency; however, any person who has been trained and
1 certified by the Council on Law Enforcement Education and Training
2 and is actively employed as a full-time peace officer as of November
3 1, 1985, shall not be subject to the provisions of this subsection
4 for convictions occurring prior to November 1, 1985.
5
6 G. 1. The Council is hereby authorized to provide to any
7 employing agency the following information regarding a person who is
8 or has applied for employment as a police or peace officer of such
9 employing agency:
10
11 a. Oklahoma State Bureau of Investigation and Federal
12 Bureau of Investigation reports,
13 b. administration of the psychological tests provided for
14 herein,
15 c. performance in the course of study or other basis of
16 certification,
17 d. previous certifications issued, and
18 e. any administrative or judicial determination denying
19 certification.
20
21 2. An employing agency shall not be liable in any action
22 arising out of the release of contents of personnel information
23 relevant to the qualifications or ability of a person to perform the
24 duties of a police or peace officer when such information is
25 released pursuant to written authorization for release of
26 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
Council within ten (10) days. Failure to comply with the provisions
of this subsection may disqualify a law enforcement agency from
participating in training programs sponsored by the Council. Every
law enforcement agency employing police or peace officers in this
state shall submit to CLEET on or before October 1 of each calendar
year a complete list of all commissioned employees with a current
mailing address and phone number for each such employee. In
addition to the above, CLEET may impose an administrative fine for
violations of this section.

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

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

J. 1. A police or peace officer shall be subject to
disciplinary action to include a denial, suspension, revocation or
acceptance of voluntary surrender of peace officer certification
upon a showing of clear and convincing evidence for the following:
a. conviction of a felony or a crime of domestic violence,

b. conviction of a misdemeanor involving moral turpitude; provided, if the conviction is a single isolated incident that occurred more than five (5) years ago and the Council is satisfied that the person has been sufficiently rehabilitated, the Council may, in its discretion, certify such person providing that all other statutory requirements have been met,

c. a verdict of guilt or entry of a plea of guilty or nolo contendere or an "Alford" plea or any plea other than a not guilty plea for a felony offense, a crime of moral turpitude, or a crime of domestic violence,

d. falsification or a willful misrepresentation of information in an employment application or application to the Council on Law Enforcement Education and Training, records of evidence, or in testimony under oath,

e. revocation or voluntary surrender of police or peace officer certification in another state for a violation of any law or rule or in settlement of any disciplinary action in such state,

f. involuntary commitment of a reserve or peace officer in a mental institution or licensed private mental
health facility for any mental illness, condition or disorder that is diagnosed by a licensed physician, psychologist or a licensed mental health professional as a substantial disorder of thought, mood, perception, psychological orientation, or memory that significantly impairs judgment, behavior, capacity to recognize reality, or ability to meet the ordinary demands of life. Provided, the peace officer certification may be reinstated upon the Council receiving notification of a psychological evaluation conducted by a licensed physician, psychologist or licensed mental health professional which attests and states by affidavit that the officer and the evaluation test data of the officer have been examined and that, in the professional opinion of the physician, psychologist or licensed mental health professional, the officer is psychologically suitable to return to duty as a peace officer. Notwithstanding any other provision of state law pertaining to confidentiality of hospital or other medical records, and as allowable under federal law, CLEET may subpoena or request a court to subpoena records necessary to assure compliance with these provisions. Any confidential information received by CLEET for such
purpose shall retain its confidential character while in the possession of CLEET,
g. abuse of office,
h. entry of a final order of protection against applicant or officer, or
i. any violation of the Oklahoma Private Security Licensing Act,
j. termination from an employing agency for violation of municipal policy or state or federal laws regarding use of force, or
k. a finding of untruthfulness in the exercise of official duties by a prosecuting authority, state, federal, or municipal judge.

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

3. Upon the filing of the complaint, a preliminary investigation shall be conducted to determine whether:
   a. there is reason to believe the person has violated any provision of this subsection or any other provision of law or rule, or
b. there is reason to believe the person has been
convicted of a felony, a crime involving moral
turpitude or a domestic violence offense or is
currently participating in a deferred sentence for
such offenses.

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

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

6. The Council shall revoke the certification of any person
upon determining that such person has:

a. received a deferred sentence for a felony, a crime
   involving moral turpitude or a domestic violence
   offense, or

b. has been terminated from employment for a violation of
   municipal policy, federal, state, or municipal laws
   regarding use of force, moral turpitude, or has been
   found by a prosecuting authority, federal, state, or
   municipal judge to be untruthful in the exercise of
   official duties. Reinstatement of employment pursuant
   to the terms of a grievance procedure contained in a
   collective bargaining agreement or pursuant to Section
   51-111 of Title 11 of the Oklahoma Statutes by manner
   of an arbitration award shall not be valid if an
arbitrator sustains the underlying violation of departmental or agency policy or state or federal law.

Such exclusion from reinstatement only applies to violation of the standards contained herein.

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

8. Every law enforcement agency in this state shall, within thirty (30) days of a final order of termination or resignation while under investigation of a CLEET-certified peace officer, report such order or resignation in writing to the Executive Director of the Council. Any report, upon receipt by the Council, shall be considered as personnel records and shall be afforded confidential protection pursuant to Sections 24A.7 and 24A.8 of Title 51 of the Oklahoma Statutes. Any medical or other confidential records obtained by subpoena pursuant to this subsection shall not be made a part of such report. The Executive Director shall ensure that the 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 received the report. The Council may, by a majority vote, order the suspension, for a given period of time, or revocation of
the CLEET certification of the peace officer in question if there are grounds for such actions pursuant to this section and the peace officer in question has been provided with notice and an opportunity for a hearing pursuant to the Administrative Procedures Act.

Suspension or revocation of CLEET certification pursuant to this paragraph shall be reported to the district attorney for the jurisdiction in which the peace officer was employed, to the liability insurance company of the law enforcement agency that employed the peace officer, the chief elected official of the governing body of the law enforcement agency and the chief law enforcement officer of the law enforcement agency.

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

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

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

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

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

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

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

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

15. As used in this subsection:

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

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

c. "resignation while under investigation" means the
resignation from employment of a peace officer who is
under investigation for any felony violation of law, a
crime of moral turpitude, a crime of domestic
violence, moral turpitude, an allegation of excessive
use of force, or untruthfulness or the resignation
from employment of a peace officer as part of an
arbitration or a plea agreement or employment related
proceedings.
K. 1. Every canine team in the state trained to detect controlled dangerous substances shall be certified, by test, in the detection of such controlled dangerous substances and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency and that are certified and annually recertified in the detection of controlled dangerous substances by the United States Customs Service. No employee of CLEET may be involved in the training or testing of a canine team.

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

   a. the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control,

   b. the Department of Public Safety,

   c. a police department,
d. a sheriff's office, and

e. a university or college campus police department.

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

L. 1. Every canine team in the state trained to detect explosives, explosive materials, explosive devices, and materials which could be used to construct an explosive device shall be certified, by test, in the detection of such explosives and materials and shall be recertified annually so long as the canine is used for such detection purposes. The certification test and annual recertification test provisions of this subsection shall not be applicable to canines that are owned by a law enforcement agency if such canines are certified and annually recertified in the detection of explosives and materials by the United States Department of Defense. No employee of CLEET may be involved in the training or testing of a canine team.

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

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

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

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

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

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

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

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

SECTION 2. This act shall become effective November 1, 2023.

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