

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2869 _____
Of the printed Bill
Page _____ Section _____ Lines _____
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

Adopted: _____

Amendment submitted by: Kevin Wallace

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 2869

By: Wallace

7
8 PROPOSED COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

24

1 3. The Director of the Oklahoma State Bureau of Investigation,
2 or designee;

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

6 5. One member appointed by the Governor who shall be a chief of
7 police of a municipality with a population over one hundred thousand
8 (100,000), as determined by the latest Federal Decennial Census;

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

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

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

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

24

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

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

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

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

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

1 performance of Council duties pursuant to the provisions of the
2 State Travel Reimbursement Act.

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

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

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

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

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

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

22 6. Establish policies and regulations concerning the number,
23 geographic and police unit distribution, and admission requirements
24 of those receiving tuition or scholarship aid available through the

1 Council. Such waiver of costs shall be limited to duly appointed
2 members of legally constituted local, county, and state law
3 enforcement agencies on the basis of educational and financial need;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 establish curriculum for all CLEET academies and training courses
2 pursuant to procedures established by the Council on Law Enforcement
3 Education and Training;

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

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

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

24

1 20. Approve law enforcement agencies and police departments in
2 accordance with the following:

3 a. this section applies only to an entity authorized by
4 statute or by the Constitution to create a law
5 enforcement agency or police department and
6 commission, appoint, or employ officers that first
7 creates or reactivates an inactive law enforcement
8 agency or police department and first begins to
9 commission, appoint, or employ officers on or after
10 November 1, 2011,

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

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

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

21 (3) the physical resources available to officers,

22 (4) the physical facilities that the law enforcement
23 agency or police department will operate
24 including descriptions of the evidence room,

1 dispatch area, restroom facilities, and public
2 area,

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

6 (a) use of force,

7 (b) vehicle pursuit,

8 (c) mental health,

9 (d) professional conduct of officers,

10 (e) domestic abuse,

11 (f) response to missing persons,

12 (g) supervision of part-time officers, and

13 (h) impartial policing,

14 (6) the administrative structure of the law
15 enforcement agency or police department,

16 (7) liability insurance, and

17 (8) any other information CLEET requires by rule,

18 c. within sixty (60) days of receiving an entity's
19 request, CLEET will forward to the entity by certified
20 mail, return receipt requested, a letter of
21 authorization or denial to create a law enforcement
22 agency or police department and commission, appoint,
23 or employ officers, signed by the Executive Director
24 of CLEET, and

1 d. in cases of denial, the entity may appeal the decision
2 of the Executive Director to the full CLEET Council.
3 The Executive Director shall ensure that the final
4 report is provided to all members of the Council. The
5 Council shall review and make recommendations
6 concerning the report at the first meeting of the
7 Council to occur after all members of the Council have
8 received the report. The Council may, by majority
9 vote:

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

14 C. 1. Payment of any fee provided for in this section may be
15 made by a nationally recognized credit or debit card issued to the
16 applicant. The Council may publicly post and collect a fee for the
17 acceptance of the nationally recognized credit or debit card not to
18 exceed five percent (5%) of the amount of the payment. For purposes
19 of this subsection, "nationally recognized credit card" means any
20 instrument or device, whether known as a credit card, credit plate,
21 charge plate, or by any other name, issued with or without fee by an
22 issuer for the use of the cardholder in obtaining goods, services,
23 or anything else of value and which is accepted by over one thousand
24 merchants in this state. "Debit card" means an identification card

1 or device issued to a person by a business organization which
2 permits such person to obtain access to or activate a consumer
3 banking electronic facility. The Council shall determine which
4 nationally recognized credit or debit cards will be accepted as
5 payment for fees.

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

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

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

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

22 E. 1. No person shall be eligible for employment as a peace
23 officer or reserve peace officer until the employing law enforcement
24

1 agency has conducted a background investigation of such person
2 consisting of the following:

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

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

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

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

18 e. such person is not participating in a deferred
19 sentence agreement for a felony, a crime involving
20 moral turpitude or a crime of domestic violence, and
21 does not have any criminal charges pending in any
22 court in this state, another state, in tribal court or
23 pursuant to the United States Code,
24

- 1 f. such person is not currently subject to an order of
2 the Council revoking, suspending, or accepting a
3 voluntary surrender of peace officer certification,
- 4 g. such person is not currently undergoing treatment for
5 a mental illness, condition or disorder. For purposes
6 of this subsection, "currently undergoing treatment
7 for mental illness, condition or disorder" means the
8 person has been diagnosed by a licensed physician,
9 psychologist, or licensed mental health professional
10 as being afflicted with a substantial disorder of
11 thought, mood, perception, psychological orientation
12 or memory that significantly impairs judgment,
13 behavior, capacity to recognize reality, or ability to
14 meet the ordinary demands of life and such condition
15 continues to exist,
- 16 h. such person is twenty-one (21) years of age.
17 Provided, this requirement shall not affect those
18 persons who are already employed as a police or peace
19 officer prior to November 1, 1985, and
- 20 i. such person has provided proof of United States
21 citizenship or resident alien status, pursuant to an
22 employment eligibility verification form from the
23 United States Citizenship and Immigration Services.
24

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

21 a. Any person found not to be suitable for employment or
22 certification by the Council shall not be employed,
23 retained in employment as a peace officer, or
24 certified by the Council for at least one (1) year, at

1 which time the employee or applicant may be
2 reevaluated by a psychologist licensed by the State of
3 Oklahoma. This section shall also be applicable to
4 all reserve peace officers in the State of Oklahoma.

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

15 c. All persons seeking certification shall have their
16 name, gender, date of birth, and address of such
17 person submitted to the Department of Mental Health
18 and Substance Abuse Services by the Council. The
19 Department of Mental Health and Substance Abuse
20 Services shall respond to the Council within ten (10)
21 days whether the computerized records of the
22 Department indicate the applicant has ever been
23 involuntarily committed to an Oklahoma state mental
24 institution. In the event that the Department of

1 Mental Health and Substance Abuse Services reports to
2 the Council that the applicant has been involuntarily
3 committed, the Council shall immediately inform the
4 employing agency.

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

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

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

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

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

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

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

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

22 5. The Council may certify officers who have completed a course
23 of study in another state deemed by the Council to meet standards
24 for Oklahoma peace officers providing the officer's certification in

1 the other state has not been revoked or voluntarily surrendered and
2 is not currently under suspension.

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

17 F. No person shall be certified as a police or peace officer by
18 the Council or be employed by the state, a county, a city, or any
19 political subdivision thereof, who is currently subject to an order
20 of the Council revoking, suspending, or accepting a voluntary
21 surrender of peace officer certification or who has been convicted
22 of a felony, a crime involving moral turpitude, or a crime of
23 domestic violence, unless a full pardon has been granted by the
24 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 G. 1. The Council is hereby authorized to provide to any
6 employing agency the following information regarding a person who is
7 or has applied for employment as a police or peace officer of such
8 employing agency:

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

18 2. An employing agency shall not be liable in any action
19 arising out of the release of contents of personnel information
20 relevant to the qualifications or ability of a person to perform the
21 duties of a police or peace officer when such information is
22 released pursuant to written authorization for release of
23 information signed by such person and is provided to another
24

1 employing agency which has employed or has received an application
2 for employment from such person.

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

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

19 2. A tribal law enforcement agency that has peace officers
20 commissioned by an Oklahoma law enforcement agency pursuant to a
21 cross-deputization agreement with the State of Oklahoma or any
22 political subdivision of the State of Oklahoma pursuant to the
23 provisions of Section 1221 of Title 74 of the Oklahoma Statutes
24 shall report the commissioning, resignation, or termination of

1 commission for any reason of a cross-deputized tribal police or
2 peace officer to CLEET within ten (10) days of the commissioning,
3 resignation, or termination. Failure to comply with the provisions
4 of this subsection may disqualify a tribal law enforcement agency
5 from participating in training programs sponsored by the Council.

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

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

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

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

1 purpose shall retain its confidential character while
2 in the possession of CLEET,

3 g. abuse of office,

4 h. entry of a final order of protection against applicant
5 or officer, ~~or~~

6 i. any violation of the Oklahoma Private Security
7 Licensing Act,

8 j. termination from an employing agency for violation of
9 municipal policy or state or federal laws regarding
10 use of force, or

11 k. a finding of untruthfulness in the exercise of
12 official duties by a prosecuting authority, state,
13 federal, or municipal judge.

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

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

21 a. there is reason to believe the person has violated any
22 provision of this subsection or any other provision of
23 law or rule, or

1 b. there is reason to believe the person has been
2 convicted of a felony, a crime involving moral
3 turpitude or a domestic violence offense or is
4 currently participating in a deferred sentence for
5 such offenses.

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

16 5. The Council shall revoke the certification of any person
17 upon determining that such person has been convicted of a felony or
18 a crime involving moral turpitude or a domestic violence offense or
19 has entered a plea of guilty, or nolo contendere or an "Alford" plea
20 or any plea other than a not guilty plea for a felony offense, a
21 crime of moral turpitude or a crime of domestic violence or is the
22 respondent in a final Victims Protective Order; provided, that if
23 the conviction has been reversed, vacated or otherwise invalidated
24 by an appellate court, such conviction shall not be the basis for

1 revocation of certification; provided further, that any person who
2 has been trained and certified by the Council on Law Enforcement
3 Education and Training and is actively employed as a full-time peace
4 officer as of November 1, 1985, shall not be subject to the
5 provisions of this subsection for convictions occurring prior to
6 November 1, 1985. The sole issue to be determined at the hearing
7 shall be whether the person has been convicted of a felony, a crime
8 involving moral turpitude or a domestic violence offense or is the
9 named respondent/defendant in a final Victims Protective Order.

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

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

15 b. has been terminated from employment for a violation of
16 municipal policy, federal, state, or municipal laws
17 regarding use of force, moral turpitude, or has been
18 found by a prosecuting authority, federal, state, or
19 municipal judge to be untruthful in the exercise of
20 official duties. Reinstatement of employment pursuant
21 to the terms of a grievance procedure contained in a
22 collective bargaining agreement or pursuant to Section
23 51-111 of Title 11 of the Oklahoma Statutes by manner
24 of an arbitration award shall not be valid if an

1 arbitrator sustains the underlying violation of
2 departmental or agency policy or state or federal law.
3 Such exclusion from reinstatement only applies to
4 violation of the standards contained herein.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

5 15. As used in this subsection:

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

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

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

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

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

- 21 a. the Oklahoma State Bureau of Narcotics and Dangerous
22 Drugs Control,
- 23 b. the Department of Public Safety,
- 24 c. a police department,

1 d. a sheriff's office, and

2 e. a university or college campus police department.

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

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

23 2. The Council shall appoint a Bomb Dog Advisory Council to
24 make recommendations concerning minimum standards, educational

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

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

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

21 M. All tribal police officers of any Indian tribe or nation who
22 have been commissioned by an Oklahoma law enforcement agency
23 pursuant to a cross-deputization agreement with the State of
24 Oklahoma or any political subdivision of the State of Oklahoma

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

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

1 percent (50%) of the cost of CLEET training and salary paid to the
2 person while completing the basic police course by the original
3 employing agency. CLEET shall not be a party to any court action
4 based on this provision.

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

8 P. Peace officers, reserve peace officers, tribal peace
9 officers, agencies, bail enforcers, security guards and private
10 investigators shall maintain with the Council current mailing
11 addresses and shall notify the Council, in writing, of any change of
12 address or name. Notification of change of name shall require
13 certified copies of any marriage license or other court document
14 which reflects the change of name. Notice of change of address or
15 telephone number must be made within ten (10) days of the effected
16 change. Notices shall not be accepted over the phone. In any
17 proceeding in which the Council is required to serve notice or an
18 order on an individual or an agency, the Council may send a letter
19 to the mailing address on file with the Council. If the letter is
20 returned and a notation of the U.S. Postal Service indicates
21 "unclaimed", or "moved", or "refused" or any other nondelivery
22 markings and the records of the Council indicate that no change of
23 address as required by this subsection has been received by the
24

1 Council, the notice and any subsequent notices or orders shall be
2 deemed by the Court as having been legally served for all purposes.

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

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

9

10 59-1-7265 JM 02/06/23

11

12

13

14

15

16

17

18

19

20

21

22

23

24