

BILL SUMMARY

2nd Session of the 52nd Legislature

Bill No.:	HB 2654
Version:	Introduced
Author:	Representative Sullivan
Date:	January 13, 2010
Impact:	\$0

Bill Summary

Research Analyst: Dusty Darr

This measure authorizes sheriffs, deputy sheriffs and reserve deputy sheriffs to enforce ordinances within a municipality that has entered into an Interlocal Cooperation Act agreement with a sheriff's department. Under current law, sheriffs may only enter into mutual aid agreements pursuant to the Interlocal Cooperation Act to assist or provide law enforcement services to any town, city, and county within the state.

Fiscal Summary

Fiscal Analyst: Terry McKenna

HB 2654 allows sheriffs, deputy sheriffs and reserve deputy sheriffs to enforce ordinances within a municipality or to assist or provide law enforcement services to any town, city, and county within the state.

Fiscal Analysis

In its present form, HB 2654 has no impact on state revenues or resources.

As relates to any possible county costs, this measure is permissive and provides for mutual aid agreements between counties and municipalities.

Long Term Fiscal Considerations

None

Fiscal Analysis Reviewed By:

Janice Buchanan

House Fiscal Director

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2654

By: Sullivan

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6 AS INTRODUCED

7 An Act relating to counties and county officers;
8 amending 19 O.S. 2001, Section 547, as amended by
9 Section 1, Chapter 366, O.S.L. 2008 (19 O.S. Supp.
10 2009, Section 547), which relates to deputizing
11 certain persons; clarifying scope of mutual aid
12 agreements; and providing an effective date.

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

14 SECTION 1. AMENDATORY 19 O.S. 2001, Section 547, as
15 amended by Section 1, Chapter 366, O.S.L. 2008 (19 O.S. Supp. 2009,
16 Section 547), is amended to read as follows:

17 Section 547. A. The sheriff shall be responsible for the
18 official acts of the undersheriff and deputy sheriffs, and may
19 revoke such appointments at the pleasure of the sheriff; provided,
20 however, for counties with a population of five hundred thousand
21 (500,000) or more persons, according to the latest Federal Decennial
22 Census, with the exception of chief deputies and undersheriffs, all
23 deputy sheriffs and detention officers shall serve a five-year
24 probationary period during which the deputy sheriff or detention

1 officer shall be considered an at-will employee. After the five-
2 year probationary period, such deputy sheriff or detention officer
3 shall not be discharged except for just cause. The sheriff or the
4 undersheriff may in writing depute certain persons to do particular
5 acts.

6 B. Each sheriff may appoint as many reserve force deputy
7 sheriffs as are necessary to preserve the peace and dignity of the
8 county. A current list of each person holding such appointment
9 shall be maintained by the county sheriff and shall be available to
10 the public. Reserve force deputy sheriffs may perform duties which
11 encompass a particular act or a series of acts. A sheriff or
12 salaried deputy sheriff shall accompany a reserve force deputy
13 sheriff in the performance of all duties assigned to such reserve
14 force deputy sheriff unless such reserve deputy has completed the
15 required one-hundred-sixty-hour basic police course. Reserve force
16 deputies may receive compensation for their services. The sheriff
17 may pay reserve force deputies for travel expenses pursuant to the
18 State Travel Reimbursement Act. Such reserve deputy sheriffs shall
19 complete a one-hundred-sixty-hour basic police course within twelve
20 (12) months after they have been commissioned to be paid by the
21 county as an individual reserve deputy. The sheriff may pay for
22 additional training courses attended by reserve force deputies.

23 C. 1. For counties with a population of two hundred thousand
24 (200,000) or more persons, according to the latest Federal Decennial

1 Census, reserve force deputy sheriffs with at least one hundred
2 sixty (160) hours of training pursuant to Section 3311 of Title 70
3 of the Oklahoma Statutes shall not serve more than one hundred forty
4 (140) hours per calendar month.

5 2. For counties with a population of less than two hundred
6 thousand (200,000) persons, according to the latest Federal
7 Decennial Census, reserve force deputy sheriffs with at least one
8 hundred sixty (160) hours of training shall not serve more than one
9 hundred ten (110) hours per calendar month.

10 D. The sheriff or a designee may deputize municipal police
11 officers subject to an interlocal governmental agreement to combine
12 city and county law enforcement efforts and to encourage cooperation
13 between city and county law enforcement officials. Liability for
14 the conduct of any municipal police officers deputized under the
15 terms and conditions of an interlocal governmental agreement shall
16 remain the responsibility of their municipal employer.

17 E. The sheriff may enter into mutual aid agreements pursuant to
18 the Interlocal Cooperation Act, ~~Section 1002 et seq. of Title 74 of~~
19 ~~the Oklahoma Statutes,~~ to allow the sheriff, deputy sheriffs and
20 reserve deputy sheriffs to enforce ordinances within a municipality
21 or to assist or provide law enforcement services to any town, city,
22 and county within this state and the. The sheriff and deputies
23 deputy sheriffs shall have law enforcement authority within the
24 jurisdiction making the request. The employing governmental unit

1 shall remain responsible for their officers or deputies pursuant to
2 any mutual aid agreement.

3 F. A sheriff of the county may respond to any request from any
4 other jurisdiction within the state for law enforcement assistance
5 in cases of emergency. The sheriff, deputy sheriffs and reserve
6 deputy sheriffs serving in response to the emergency request shall
7 have the same powers and duties as though employed by the requesting
8 law enforcement agency, and when so acting they shall be deemed to
9 be acting within the scope of employment of the requesting law
10 enforcement agency. Salaries, insurance and other benefits shall be
11 provided in the regular manner by the county in which the sheriff,
12 deputy sheriffs and reserve deputy sheriffs are regularly employed.
13 As used in this subsection, "emergency" means a sudden and
14 unforeseeable occurrence or condition, either as to its onset or its
15 extent, of such severity or magnitude that immediate response or
16 action is necessary to assist law enforcement agencies having
17 jurisdiction at the scene of the emergency to carry out their
18 functions.

19 G. A reserve force deputy sheriff shall be authorized to serve
20 civil process pursuant to Section 2004 of Title 12 of the Oklahoma
21 Statutes.

22 SECTION 2. This act shall become effective November 1, 2010.

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24 52-2-8472 GRS 01/08/10

OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

2/9/2010 2:14:57 PM

GENERAL GOVERNMENT COMMITTEE

HB2654

By: Sullivan of the House
Title: Counties and county officers; clarifying scope of mutual aid agreements; effective date.
Coauthored By:
Recommendation: **DO PASS**
Amendments:



Chr.
Representative Lisa Billy

YEAS: 11

Billy, Glenn, Martin (Sc.), Shoemaker, Christian, Johnson, McDaniel (J.), Tibbs, Collins, Joyner, Richardson

NAYS: 0

CONSTITUTIONAL PRIVILEGE: 0