

**COUNCIL ON LAW ENFORCEMENT EDUCATION AND TRAINING
PROPOSED RULE CHANGES**

CHAPTER 1. AGENCY AUTHORITY AND OBJECTIVES

390:1-1-6. Public records

(a) Except as specifically exempted as a confidential record, official records of the Council on Law Enforcement Education and Training are subject to the Oklahoma Open Records Act, Title 51, Section 24A1 *et seq.*

(b) Copies of public information may be obtained from the Council office during regular business hours upon receipt of a written request and payment of a fee to cover the cost of providing copies of the requested.

(c) There may be a charge of Twenty-Five Cents (\$.25) per page for copies of public records of the Council.

(d) In the event a request for copies is for a commercial purpose or would cause disruption of the performance of the regular duties of the Council or Council staff, there may be an additional charge computed and assessed for locating and copying the requested materials based upon the cost of the lowest paid employee necessary to accomplish the copying request.

(e) Pursuant to 51 O.S., Section 24A.8:

(1) Individual requests for records will only be accepted if received by U.S. Mail or facsimile.

(2) Agency requests for records will be accepted if on agency letterhead and received by U.S. Mail with original signature.

(3) If documents requested are not submitted by the individual or a law enforcement agency for investigative purposes, an *Order to Compel and Protective Order for Materials Produced by CLEET* must be received. This Order must be certified by the issuing Court.

(4) A subpoena without an *Order to Compel and Protective Order for Materials Produced by CLEET* is not sufficient.

(f) All social security numbers except for the last four digits will be redacted from any documents supplied by CLEET.

390:1-1-10. Electronic signatures, photographs and records

(a) CLEET may issue and receive electronic signatures, photographs, and records as defined in this Chapter.

(b) Information received electronically is subject to verification and may be denied if CLEET is unable to validate the source.

(c) CLEET reserves the right to request signatures, photographs and records in a particular format.

(d) Name changes in the CLEET database will only be made when certified documents are received.

CHAPTER 2. ADMINISTRATIVE PROCEDURES

390:2-1-1. Purpose

- (a) The purpose of this chapter is to outline the different administrative sanctions imposed against individuals who are governed by the Council.
- (b) Further, this chapter sets forth the procedural aspects of individual proceedings and hearings provided for in accordance with the Oklahoma Administrative Procedures Act.
- (c) CLEET does not issue advisory opinions. Decisions will not be made on an advisory basis and applications will only be reviewed upon completion of the application.

390:2-1-4. Discovery

- (a) **Purpose.** Discovery is designed to enable a party to obtain relevant information needed for presentation of the party's case. These Rules are intended to provide a simple method of discovery. Discovery rules and time limitations will be pursuant to Oklahoma Discovery Code 12 O.S., Section 3224-3237.
- (b) **Explanation.** Discovery is a process apart from the hearing whereby a party may obtain relevant information from another person which has not otherwise been provided. Relevant information means evidence having any tendency to make the existence of any fact that is of consequence to the determination of the action more probable or less probable than it would be without the information. This information is obtained for the purpose of assisting the parties in developing, preparing and presenting their cases.
- (c) **Methods.** Discovery may be obtained by written interrogatories or oral interrogatories reduced in writing, depositions, production of documents for inspection or copying.

(1) Depositions.

(A) Deposition of a witness for use at a hearing may be taken only when ordered upon motion by CLEET or on application of a party. The order may direct that the deposition of a witness be taken inside or outside the State of Oklahoma.

(B) The order shall state the time and place the deposition shall be taken, and the party taking the deposition shall serve a copy of the order by regular mail on each party of record at least five days prior to the date scheduled for taking the deposition.

(C) The manner of taking depositions and the attendance of witnesses shall be governed by the laws relating to taking the depositions for use in the District Courts, except that the attendance of a witness for deposition shall be required only in the county of his residence.

(D) A deposition may be offered in evidence at the hearing by any party.

(2) Production of documents.

(A) Upon application of a party, or upon motion of CLEET, with or without notice, CLEET may make an order requiring a party to produce designated documents or tangible objects for inspection by parties to the proceeding, or for copying at the expense of the applicant, or to be offered into evidence. The order shall direct production thereof at the hearing, and production shall be at the principal office of CLEET, unless some other place is stated in the order.

(B) The party applying therefore shall serve a copy of the order by regular mail on each party of record at least five days prior to the date upon which production is required.

(C) An order pursuant to this section may require production of any document not privileged which constitutes or contains evidence relevant to the subject matter of the

proceeding, or may reasonably lead to such evidence. Business records shall not be deemed privileged as such; but confidential business records and information will be protected from disclosure except where directly relevant to the issues in the proceeding. (D) The order shall identify the documents or object to be produced individually or by categories, with sufficient particularity to permit easy identification thereof by the party ordered to make production.

(E) An exact photographic copy of a document may be substituted for the original, at the expense of the person producing the instrument.

(3) **Admission of facts and genuineness of documents.** CLEET may order any party to respond to requests for the admission of the genuineness of any relevant documents identified within the request or the truth of any relevant matters of fact or application of law to the facts as set forth in the request.

(4) **Stipulations.** The parties may stipulate as to any matter of fact. Such a stipulation will satisfy a party's burden of proving the fact alleged.

(d) **Witnesses.**

(1) **Lists.** All parties to a proceeding shall file a list of witnesses expected to be called during the proceeding. Such list shall include a brief statement describing the testimony to be offered. Witness lists will be made available for inspection and copying to all parties of record. The witness list shall be made available at least five days prior to the hearing.

(2) **Exclusion.** The Hearing Examiner may exclude the testimony of any witness when said testimony is deemed irrelevant, unduly repetitious or cumulative.

(3) **Testimony.** A witness present at a hearing pursuant to subpoena may be called to testify by the Hearing Examiner or by any party.

(4) **Protective orders.** CLEET may make any orders with respect to subpoenas and attendance of a witness with or without application or notice, as may be appropriate for the protection of parties and witnesses, including an order excusing attendance, or limiting documents to be produced.

(e) **Subpoenas.**

(1) **Duces Tecum.** CLEET may, upon request of a party, issue a subpoena in the name of CLEET in any pending proceeding requiring attendance of a witness from any place in the state to the place of hearing. A Subpoena Duces Tecum may require a witness to produce at the hearing, books, records, accounts, papers and other instruments and tangible objects, which shall be described with reasonable particularity in the subpoena. A subpoena duces tecum directed to a party, not an individual, may direct that the records be produced by an officer or employee responsible therefore.

(2) **Request for subpoena.** A request for subpoena shall be submitted to CLEET not less than ten days prior to the hearing. Such requests shall be supported by a showing of general relevance and reasonable scope and a statement of the facts expected to be proven.

(f) **Interrogatories.**

(1) Upon application of a party, or upon the motion of CLEET, with or without notice, an order may be entered requiring a party to answer in writing under oath of the party or a person authorized to make an answer, certain written interrogatories attached to the order. Unless otherwise ordered, the answers shall be submitted at the hearing, or at a pre-hearing conference.

(2) The party applying for the order shall serve a copy thereof, with interrogatories attached, by regular mail, upon each party of record at least ten days prior to the date upon which answer is required.

CHAPTER 10. PEACE OFFICER CERTIFICATION

390:10-1-2. Minimum certification and employment standards

(a) For the purposes of the rules of this Chapter and 70 O.S. Section 3311, a peace officer is defined as a duly appointed or elected law enforcement officer who is paid for working more than twenty-five (25) hours per week and whose duties minimally include all of the following on a full-time basis:

- (1) Preserving the public peace;
- (2) Preventing crime;
- (3) Protecting life and property;
- (4) Enforcing laws and ordinances of this state and its political subdivisions; and
- (5) Executing arrest warrants and search warrants.

(b) All persons hired or elected as peace officers shall meet the employment and training standards set forth in this chapter as set forth in Section 3311 of Title 70 of the Oklahoma Statutes. Calculation of said employment shall be based on cumulative periods of employment.

(c) The Council, or its designee, may grant an extension of the time frame specified in Section 3311 of Title 70 of the Oklahoma Statutes, upon written application by the employing agency, and when good cause is shown, as determined by the Council or its designee. Peace officers granted an extension of time to attend and complete a training academy are not permitted to work in the capacity of a peace officer during the extension period.

(d) In the event any officer so appointed or elected fails to comply with the employment and training standards and an extension of time is not granted, the employing agency shall comply with 70 O.S., Section 3311(E)(3) at the first opportunity made available by CLEET. Individuals who fail to comply with employment and/or training standards may reapply for certification two (2) years from the date of final ineligibility. Individuals who reapply will be required to start the academy over again without regard to previous classwork completed.

(e) Students are expected to complete the first basic academy in which they are enrolled. In the event a student cannot complete their initial academy, the student can complete the course work in another ~~the~~ academy if such work can be completed in the next subsequent academy and within a one year period from the date of hiring or appointment as a peace officer. If reentry exceeds one year, students will be required to start the academy over again without regard to previous classwork completed unless reentry was delayed by a documented medical condition or military orders prohibiting participation. Exceptions may be made by the Director, or Director designee, for students who have been granted extensions of time as authorized by 70 O.S., Section 3311 (E)(3).

(f) The Council may provide options for remedial or make-up training for students attending approved academy or CLEET basic academy programs pursuant to academy rules.

390:10-1-5. Requirements for certification

(a) No person may be certified as a peace officer under the laws and the rules of this chapter until the following requirements have been met.

(1) The agency employing an officer seeking certification, or in the case of an elected official, the elected official himself must certify to CLEET that the employment standards set forth in 70 O.S. Section 3311 (E)(F)(G)(J) have been met. This certification shall be in a format accepted by CLEET.

(2) Having met the employment standards set forth herein, an officer must certify to CLEET that he or she is physically able to fully participate in and complete all phases of the CLEET

Basic Peace Officer Certification Academy. This certification shall be in writing on forms to be provided by CLEET. CLEET shall reserve the right to refuse training to persons found to be physically unable to complete all phases of basic certification training.

(3) The head of the agency employing an officer enrolling in a CLEET Basic Certification Academy, shall first certify to CLEET that the ~~officers'~~officer's employing agency will fully assume all medical expenses incurred by said officers as a result of any injury or illness incurred during basic certification training.

(4) Any officer seeking peace officer certification must successfully complete all phases of a CLEET Basic Certification Academy, or a CLEET - approved basic certification academy.

(5) Every full-time peace officer, certified by the Council, who has ~~been inactive~~not been employed as a full-time officer in Oklahoma for five or more years, upon re-entry to full-time status, must complete refresher training as prescribed by CLEET and successfully pass a written examination as prescribed by the Council, within one (1) year of employment.

(A) Trainees must achieve a passing score as determined by CLEET on the examination.

(B) Any trainee that fails the examination will be permitted to retake that examination within ~~five (5)~~ten (10) business days of the first examination.

(C) If the trainee fails the retake examination, the trainee's agency head must petition the Director in writing, to receive additional training and examination opportunities.

(b) The Council on Law Enforcement Education and Training, pursuant to relevant provisions of the Americans With Disabilities Act, will not discriminate against persons capable of performing essential functions required in peace officer training programs with or without reasonable accommodation.

390:10-1-6. Certification by reciprocity

Any officer seeking Oklahoma Peace Officer Certification, who has been certified by a state peace officer standards and training agency as a peace officer in another state, or any officer who has been certified as a federal peace officer by a Council recognized federal law enforcement agency, may obtain certification by reciprocity, under the following conditions:

(1) The officer must meet the minimum peace officer employment standards set forth by law-, military service is generally not recognized as federal law enforcement employment.

(2) The officer must have been employed as a full time peace officer for at least three (3) months within the two (2) year period immediately preceding the request for Oklahoma certification.

(3) The officer must attend the legal block and training as specified by CLEET.

(4) The officer must successfully pass a certification examination-

(5) Officers may have one retest for the certification examination. Any retest would follow the guidelines listed in OAC 390:15-1-13.

(6) The director may, in the exercise of discretion, award a certificate to any person who has been duly certified under the laws of another state if, in the opinion of the director, the education, training and experience of that officer equal or exceed the qualifications required to complete satisfactorily the basic course of instruction required for Oklahoma certification.

(A) In any event, each officer must attend the legal refresher block of instruction as specified by CLEET.

CHAPTER 15. BASIC PEACE OFFICER CERTIFICATION TRAINING
SUBCHAPTER 3. COLLEGIATE OFFICER PROGRAM

390:15-3-8. Qualification examination

- (a) The CLEET qualification which is administered to COP students by an authorized CLEET representative, is a comprehensive objective examination which covers, at a minimum, those topical areas set forth in 390:15-1-2 and 390:15-3-6. Should additional topical areas be added, the qualification examination may be expanded to cover such additions.
- (b) The qualification examination shall be administered on a quarterly basis at times and locations to be determined by CLEET.
- (c) Students may take the qualification examination prior to their twenty-first birthday but shall not be certified until their twenty-first birthday.
- (d) Students who pass the qualification examination prior to becoming commissioned shall have two-years from the date the associate's or bachelor's degree is conferred, or two-years from their twenty-first birthday, whichever is latest, in which to obtain their certification. Certification shall be withheld until they have been commissioned and all requirements of 70 O.S., Section 3311 have been met.
- (e) Successful achievement of the qualification examination will be at a standard established by CLEET.
- (f) Students who fail their initial qualification examination may be given only two re-tests.

390:15-3-10. Student responsibilities

- (a) All students admitted to a COP must meet the admission requirements of the sponsoring college or university.
- (b) COP students, when commissioned, must meet the requirements set forth in 70 O.S., Section 3311 and the requirements set forth in 390:10-1-4.
- (c) COP student class absences shall be recorded in accordance with individual university/college policies.
- (d) COP tract students shall be accountable for 100 percent attendance in skills level courses.
- (e) Prior to enrolling in a COP Firearms Training course, students shall request a current local records check from their county of residence and the Oklahoma State Bureau of Investigation, and shall submit the returns to the COP school Director prior to the first day of firearms training.
- (f) COP students are responsible for submitting documentation to CLEET of COP course completion, and any other documents required by CLEET, prior to taking the qualification examination.
- (g) COP students must present a picture identification when taking the qualification examination.
- (h) COP students must successfully complete all COP course work and receive an associate or bachelor degree, and ~~make a score of 70 percent or better on the qualification examination~~ successfully pass the qualification examination at a standard established by CLEET to be eligible for peace officer certification.

CHAPTER 20. RESERVE OFFICER CERTIFICATION AND TRAINING

Section

- 390:20-1-1. Purpose
- 390:20-1-2. Reserve officer defined; employment standards
- 390:20-1-3. Reserve peace officer certification training
- 390:20-1-3.1 Reserve coordinator qualifications
- 390:20-1-4. Application to conduct Reserve Peace Officer Academy
- 390:20-1-5. Reserve Academy Coordinator's manual
- 390:20-1-6. Duties of Reserve Academy Coordinator
- 390:20-1-7. Review and notification
- 390:20-1-8. Request for lesson plans
- 390:20-1-9. Procedures for conducting Reserve Academy
- 390:20-1-10. CLEET monitoring of Reserve Academies
- 390:20-1-11. Notice of compliance with employment standards
- 390:20-1-12. Materials returned to CLEET
- 390:20-1-13. Certificates issued
- 390:20-1-14. Withdrawal, suspension and reinstatement of certification
- 390:20-1-15. Inactive reserve officers

390:20-1-3. Reserve peace officer certification training

- (a) The Council shall formulate a program of instruction for reserve peace officer certification, which shall be based on the Basic Peace Officer Academy, and which shall be known herein as the Reserve Academy.
- (b) The lesson plans of each Reserve Academy shall be based upon the functional areas of the CLEET Reserve Academy curriculum. The total number of hours for all functional areas combined shall meet or exceed the number of hours required by 70 O.S., Section 3311 (E)(2) for Reserve certification.
- (c) Trainee attendance is critical. One-hundred percent (100%) attendance is required in all blocks of instruction.
- (d) Remedial training may be accomplished under the following conditions:
 - (1) The training is conducted in an academy setting and monitored by the academy coordinator as approved by CLEET.
 - (2) Trainees failing to successfully complete remedial training in the original academy shall be required to successfully complete remedial training within one (1) year from the date of hire.
- (e) Trainees must successfully complete required classroom and/or skills proficiency testing prior to being administered the required progress or certification examinations.
- (f) Trainees who fail to successfully complete any skills proficiency portion(s) of the academy will not be allowed to take the certification exam. Certification will be withheld until all requirements have been fulfilled.
- (g) Any officer seeking Oklahoma Reserve Peace Officer Certification, who has been certified by a state peace officer standards and training agency as a **full-time** peace officer in another state, or any officer who has been certified as a federal peace officer by a Council recognized federal law enforcement agency, may obtain reserve certification by reciprocity, under the following conditions:
 - (1) The officer must meet the minimum peace officer employment standards set forth by

law-, military service is generally not recognized as federal law enforcement employment.

(2) The officer must have been employed as a full time peace officer for at least three (3) months within the two (2) year period immediately preceding the request for Oklahoma Reserve Peace Officer Certification.

(3) The officer must attend the First Progress block of instruction and successfully pass all Progress and Certification examinations at a standard prescribed by the Council. Skills training functional areas shall not be tested. Officers may have one retest for each functional examination which they fail.

(4) If an officer fails both a test and a retest for any given functional area, then that officer must successfully complete the corresponding functional area in a CLEET Basic Reserve Academy, to include successfully passing the functional area examination(s).

(5) The director may, in the exercise of discretion, award a certificate to any person who has been duly certified under the laws of another state, if in the opinion of the director, the education, training and experience of that officer equal or exceed the qualifications required to complete satisfactorily, the basic reserve officer academy for reserve certification.

390:20-1-5. Reserve Academy Coordinator's manual

CLEET shall provide the Reserve Academy Coordinator with certain materials to assist ~~him~~ in conducting the Reserve Academy. These materials shall include a Reserve Academy Coordinator's Manual, Reserve Academy Instructor Guide and Student Manual.

390:20-1-15. Inactive reserve officers

Every reserve officer, certified by the Council, who has not been employed as a reserve officer in the State of Oklahoma for five or more years, upon re-entry to reserve status, must complete a legal update as prescribed by CLEET.

CHAPTER 25. CONTINUING LAW ENFORCEMENT EDUCATION

390:25-1-9. Law enforcement Instructor Certification Program

- (a) **Purpose and intent.** The purpose of CLEET's Instructor Certification Program is to ensure that law enforcement training in Oklahoma remains consistent with minimum professional standards, and to enable CLEET to attest, to any interested party, that instructors so certified have successfully completed a course or courses of education or training that qualifies them to develop and teach law enforcement training courses in a responsible and professional manner. There is no intent, expressed or implied, to discourage or render invalid any training conducted by any law enforcement agency in this state, by mere reason of failure to obtain CLEET instructor certification. Military training is generally not accepted as peace officer training.

390:25-1-11. Requirements for specialized instructor certification

To qualify for specialized instructor certification, applicants must meet the following qualifications:

- (1) Meet the qualifications for basic instructor certification as described in OAC 390:25-1-10; and
- (2) Successfully complete a CLEET recognized or approved instructor development school in the specialized field for which application is made.
- (3) The director or director's designee may, in the exercise of discretion, award special instructor certification to applicants who have completed comparable training, education or experience that equal or exceed the qualifications for specialized instructor certification.

CHAPTER 27. POLICE OFFICER ANNUAL FIREARMS REQUALIFICATION

390:27-1-5. Proof of requalification

- (a) Proof of successful firearms requalification shall be reported to CLEET by the employing agency in a format approved by CLEET. The report shall contain the following information:
 - (1) Date and location of requalification
 - (2) Full name and ~~social security number~~ CLEET number or last four digits of social security number of the officer requalifying
 - (3) ~~A "pass" or "fail" score~~ Verification of a passing score
 - (4) The name of the employing agency
 - (5) The full name of the CLEET Certified Firearms Instructor and CLEET Firearms Instructor number, or the full name of the approved instructor, the name of the agency or association granting firearms instructor status to the instructor providing the requalifying testing, and telephone number of the instructor.
- (b) Firearms requalification shall not be credited for purposes of meeting the annual peace officer training requirements of 70 O. S. Section 3311.4.
- (c) Proof of firearms requalification may be submitted to CLEET throughout the year as the requalification event occurs.
- (d) Reports for the ending calendar year shall be submitted to CLEET by ~~January 25th of the new year.~~ December 31st of the year the training was received.

CHAPTER 35. REGULATION OF PRIVATE SECURITY INDUSTRY

Subchapter 7. Application Procedure

390:35-7-7. Changing from security guard license to armed security guard license

An existing security guard license may be changed to an armed security guard license, under the following conditions:

- (1) The applicant must request the change;
- (2) The applicant must meet all the additional requirements for an armed security guard license;
- (3) A criminal history update may be conducted by CLEET, but no additional fingerprint cards, nor additional fingerprint fees shall be needed;
- (4) If an applicant wants to retain the expiration date and the number of ~~his~~the original license, ~~he~~the applicant must pay ~~only an additional fee of thirty dollars (\$30.00)~~the difference between an unarmed and armed license fee;
- (5) If an applicant wants his armed security guard license to be effective for a full three-year term, ~~he~~the applicant must accept a new license number and pay the full ~~one hundred dollar (\$100.00)~~ armed license fee;
- (6) If a change is requested under this sub-section while ~~his~~the license is still in a conditional status, the balance payable for issuance of the armed security guard license shall be the fee difference between the unarmed and armed license.

Agency Note: Fees may conflict with 59 O.S. 2010 § 1750.6. Where such conflict exists, the statute shall supercede.

Subchapter 9. Violations and Investigations

390:35-9-5. Grounds for actions against licenses

CLEET may take an action against a license issued under this Chapter, if the licensee:

- (1) Violates any provisions of the Act or rules and regulations promulgated hereunder;
- (2) Practices fraud, deceit or misrepresentation;
- (3) Commits an act which would disqualify the licensee;
- (4) Conviction of a crime related to the practice of the occupation; and
- (5) Willful or grossly negligent failure to comply with substantial provisions of federal law or state statute governing the practice of the occupation.
- (6) Involuntary commitment of a licensee in a mental institution or licensed private mental health facility for any mental illness, condition or disorder that is diagnosed by a licensed physician or psychologist 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 license may be reinstated upon the Council receiving notification of a psychological evaluation conducted by a licensed physician or psychologist which attests and states by affidavit that the licensee and the evaluation test data of the licensee have been examined and that, in the professional opinion of the physician or psychologist, the licensee is psychologically suitable to return to duty as a security guard or private investigator.

390:35-9-6. Disciplinary penalties and/or fines

The ~~Director~~CLEET may impose a disciplinary penalty or fine for violations of O.S. Title 59, Section 1750.1 through 1750.11, or the rules promulgated hereunto, not to exceed five-thousand dollars (\$ 5,000.00) per offense, if ~~the Director~~CLEET determines that such action better serves

the purpose of this chapter.

- (1) If, upon investigation, ~~the Director~~ CLEET determines a violation has occurred, ~~the Director~~ CLEET may issue a citation to the licensee, person or registrant, or may assess the fine at the time of the next renewal of the license. The citation shall be in writing and shall describe the nature of the violation, including specific reference to the provision of the law or rule determined to have been violated.
- (2) The citation shall inform the licensee, person or registrant that he is to contact CLEET within 15 days of receipt of the citation for disposition in one of the following manners:
 - (A) To pay a disciplinary penalty or fine.
 - (B) To contest the findings of the violation, and request a review by a Hearing Examiner, in accordance with Chapter 2 of this Title.
- (3) Disciplinary penalties and fines disposed of by (2) (A) of this Section will be assessed according to the schedule provided in Appendix C of this Chapter.
- (4) Disciplinary penalties and fines disposed of by (2) (B) of this Section will be assessed by the Hearing Examiner on a case-by-case basis.
- (5) If the disposition of a violation by (2) (A) of this Section results in automatic referral for a hearing after successive violations, the disciplinary penalties and fines will be assessed by the Hearing Examiner on a case-by-case basis.
- (6) If the licensee, person or registrant does not make disposition within 15 days of receipt of the citation, CLEET ~~will~~may initiate an action for revocation against the licensee, and/or file charges at the time of the next renewal of the license.
- (7) The disciplinary fines and penalties collected shall be deposited in the General Revenue Fund.

CHAPTER 40. OKLAHOMA SELF-DEFENSE ACT

Subchapter 1. General Provisions

390:40-1-1. Purpose

The purpose of the rules of this Chapter is to set forth the requirements and guidelines needed to efficiently and effectively implement and enforce the provisions of the Oklahoma Self-Defense Act. This chapter outlines the standards for instructor qualifications, the procedure to obtain instructor status, and establishes the firearms safety and training course required for individuals seeking a ~~concealed~~ handgun license.

390:40-1-3. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Self-Defense Act, Title 21, O.S., Section 1290.1, et seq.

"Applicant" means a person applying for a license or instructor certificate under the provisions of the Act.

"Armed security guard" means an individual who has successfully completed firearms training required to receive a license as an armed security guard.

"CLEET" means the Council on Law Enforcement Education and Training, and its administrative officers and personnel.

"Concealed handgun" means a loaded or unloaded pistol carried hidden from the detection and view of another person either upon or about the person, in a purse or other container belonging to the person, or in a vehicle which is operated by the person or in which the person is riding as a passenger.

"Council" means the appointed members of the Council on Law Enforcement Education and Training, as defined in Title 70 O.S., Section 3311.

"Curriculum" means the collective, written documentation of the material content of a training course, or any particular phase of training prescribed by the Act, minimally consisting of course objectives, student objectives, lesson plans, training aids, and examinations.

"Director" means the Director of the Council on Law Enforcement Education and Training, or his designated agent.

"Exemption certificate" means a document issued by a registered and approved SDA Firearms Instructor indicating the instructor has accepted documentation from an applicant of previous firearms training for all or part of the training requirements necessary for licensing pursuant to the Act.

"Instructor assistant" means a person who assists with training under the supervision of an SDA Approved Firearms Instructor, but is limited in areas of instruction or participation.

"OSBI" means the Oklahoma State Bureau of Investigation.

"Person" means any corporation, company, association, operation, firm, partnership, institution, trust, or other form of business association, as well as a natural person.

"Pistol" means any derringer, revolver, or semi-automatic firearm which:

(A) has an overall length of less than sixteen (16) inches ~~and is able to be fully concealed from detection and view,~~

(B) is capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury,

(C) is designed to be held and fired by the use of a single hand, and

(D) uses either gunpowder, gas or any means of rocket propulsion to discharge the projectile.

"Registration Certificate" means the instructor registration certificate issued by the OSBI.

"Registered Instructor" means a person who has been approved by CLEET and registered with the OSBI to conduct SDA firearms training.

"Qualification" means familiarization with safety rules, loading and unloading a firearm, as it relates to firearms training for individuals to carry a concealed weapon.

"SDA" means the Oklahoma Self-Defense Act.

"SDA firearm instructor" means a person who directly facilitates learning through means of lecture, group participation, practical exercise, or other means, where there is a direct student-teacher relationship and who has been approved by CLEET and registered by the OSBI.

"SDA firearm instructor approval certificate" means a document issued by CLEET under the provisions of the Act, permitting the holder to conduct a firearms safety and training course approved by CLEET.

"SDA firearms training" means the training course established and approved by CLEET for approved and registered instructors to train individuals to qualify for a ~~concealed~~ handgun license. **"Training course"** means a complete course of instruction required to qualify for a license or certificate under the provisions of the Act.

"Unconcealed handgun" means a loaded or unloaded pistol carried upon the person in a belt or shoulder holster that is wholly or partially visible, or carried upon the person in a scabbard or case designed for carrying firearms that is wholly or partially visible.

Subchapter 5. Instructor Approval

390:40-5-5. Notification of change of address or telephone number

(a) All active, SDA Firearm Instructors shall ~~maintain an operative telephone. The phone number shall be on file with CLEET.~~ keep a current physical address, mailing address, and telephone number on file with CLEET.

~~(b) Changes must be reported within 10 days of the effective date of the change.~~

(b) All active SDA Firearm Instructors shall maintain an operative telephone.

(c) Changes in address or telephone number must be submitted to CLEET in writing by U.S. Mail or facsimile within ten (10) days of the effective date of the change.

Subchapter 9. Training Standards and Requirements

390:40-9-2. Firearms training, instructors, instructor assistants

(a) Instructors approved by CLEET to conduct training related to the ~~concealed~~ weapon permit shall do so in accordance with the Act and all applicable rules set forth in this subchapter.

(b) CLEET shall establish the course content, curriculum, and provide a copy of the curriculum to all approved firearms instructors.

(1) The curriculum for the firearms safety and training course shall include instruction on the following:

- (A) Pistol handling, safety and storage
- (B) Dynamics of ammunition and firing
- (C) Methods or positions for firing a pistol
- (D) Information about the criminal provisions of the Oklahoma law relating to firearms
- (E) Requirements of the Oklahoma Self-Defense Act as it relates to the applicant
- (F) Self-defense and the use of appropriate force

- (2) The course content shall include the following:
 - (A) A safety inspection of the firearm to be used by the applicant in the training course
 - (B) A practice shooting session
 - (C) A familiarization course
- (c) Instructors shall adhere to the curriculum as published or revised by CLEET.
- (d) The number of hours of training and fees shall be determined as set forth in 21 O.S. 1290.1 et seq.
- (e) Prior to conducting SDA firearms training, SDA instructors shall submit a completed Intent to Conduct Training Notification Form to CLEET.
- (f) Training conducted by any instructor without the prior notice to CLEET may be considered null and void, and not in compliance with the provisions of this Act, or these rules and regulations.
- (g) Instructors must possess a current SDA Firearm Instructor Approval Certificate and be registered by the OSBI.
- (h) Instructor Assistants may be utilized under the direction and responsibility of the SDA Firearm Instructor.
 - (1) The SDA Firearm Instructor will be responsible for the actions of the instructor assistant.
 - (2) An approved SDA Firearm Instructor must be present during all phases of training.
 - (3) Instructor Assistants may be used only in the following areas:
 - (A) line safety on the range, but not firearms instruction;
 - (B) logistical support, moving targets, distributing ammunition, administering first-aid, etc.
 - (C) inspection of firearms if the individual has completed an armorer's course;
 - (D) legal portion of training if the individual is a licensed attorney by the Supreme Court of Oklahoma.

CHAPTER 45. RETIRED PEACE OFFICER FIREARMS PERMIT

390:45-1-3. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Act" means the Oklahoma Firearms Act Title 21 O.S., Section 1289.8. and applicable sections of the Oklahoma Self-Defense Act Title 21 O.S., Sections 1290.1 et seq.

"Applicant" means a person applying for a retired peace officer's firearms permit under the provisions of the Act.

"CLEET" means the Council on Law Enforcement Education and Training, and its administrative officers and personnel.

"Concealed handgun" means a loaded or unloaded pistol carried hidden from the detection and view of another person either upon or about the person, in a purse or other container belonging to the person, or in a vehicle which is operated by the person or in which the person is riding as a passenger.

"Council" means the appointed members of the Council on Law Enforcement Education and Training, as defined in Title 70 O.S., Section 3311.

"Director" means the Director of the Council on Law Enforcement Education and Training, or his designated agent.

"Peace Officer" means any peace officer as defined in 21 O.S. Section 99, and who is authorized to carry a firearm in the performance of official duties. The term does not include auxiliary, private security, private investigators or military police.

"Pistol" means any derringer, revolver, or semi-automatic firearm which:

(A) has an overall length of less than sixteen (16) inches ~~and is able to be fully concealed from detection and view,~~

(B) is capable of discharging a projectile composed of any material which may reasonably be expected to be able to cause lethal injury,

(C) is designed to be held and fired by the use of a single hand, and

(D) uses either gunpowder, gas or any means of rocket propulsion to discharge the projectile.

"Retired" means any fire marshal inspector, state, county, or municipal peace officer of this state or any federal law enforcement officer who meets the criteria and definition in 21 O.S. Section 1289.8.

"SDA" means the Oklahoma Self-Defense Act.

"State" means the State of Oklahoma.

390:45-1-7. Permits

(a) A firearm permit shall be issued to all eligible applicants. This card shall clearly indicate that the licensee is authorized by the State of Oklahoma to carry a ~~concealed~~ firearm under the provisions of this Act.

(b) The permit to carry a ~~concealed~~ weapon is not valid unless the permit card is in the person's possession.

(c) The licensee shall present his firearm permit upon demand, for inspection by a law enforcement officer.

(d) All permit cards or other written authorization shall remain the property of CLEET, and the licensee shall surrender his card to the Director or his designated representative upon written notice setting forth the reasons for such surrender.

- (e) All permit holders must maintain a current address or telephone number with CLEET and report changes within a 30 day period of the change.
- (f) Failure to provide the information necessary to complete the application shall preclude any further processing and shall result in denial of said application.
- (g) Permits shall not expire, but eligibility to retain the permit will be reviewed every four (4) years through a state and national criminal record check by the OSBI.

CHAPTER 50. PENALTY ASSESSMENT FEES

390:50-1-3. Definitions

The following words or terms, when used in this Chapter, shall have the following meaning, unless the context clearly indicates otherwise:

"Adjustment" means a credit or debit adjustment due to calculation and reporting errors.

"CLEET" means the Council on Law Enforcement Education and Training, and its administrative officers and personnel.

"Council" means the appointed members of the Council on Law Enforcement Education and Training, as defined in 70 O. S., §3311.

"Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty.

"Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgement or suspended sentence.

"Director" means the Director of the Council on Law Enforcement Education and Training, or his designated agent.

"Late Fee" means a fee imposed for failure to make timely deposits.

"Penalty Assessment Fee" means a separate fee in addition to and not in substitution for any and all fines and penalties otherwise provided for by law as defined in 20 O. S., §1313.2.

"Rounding Adjustment" means an adjustment to zero balances of one dollar (\$ 1.00) or less as the result of rounding errors on a report.

390:50-1-6. Late fees

(a) Late fees will be assessed courts for failure to make timely deposits as provided in 20 O. S., §1313.2 (D).

(b) Late fees are due upon receipt of the late fee notice.

(c) Courts may request that part or all late fees be waived as follows:

(1) A request for waiver of part or all of an assessed late fee must be submitted in writing to the Director.

(2) The written request must contain an explanation of the circumstances leading to the assessment of late fees and be signed by the Judge, Mayor, City Manager or Treasurer.

(3) A court requesting waiver of late fees must diligently respond to inquiry from CLEET requesting clarification of information included in the written request or for requests of supplemental documentation.

(4) Failure to timely respond to any request from CLEET for supplemental information in processing the request for waiver of late fees may result in denial of the request for waiver.

(5) Upon receipt by CLEET of a written request for waiver of late fees, accumulation of additional late fees shall be suspended until a decision on the written request has been issued by the Director.

(d) The Director will determine whether the request for waiver of late fees will be granted or denied.

(1) The Director shall take into consideration all information provided in the written request for waiver of late fees.

(2) The Director should grant a waiver of late fees if ~~she finds~~ clear and convincing evidence is found that late fees were incurred as a result of circumstances outside the control of the court requesting the waiver or for other good cause.

(3) If the Director is not convinced by clear and convincing evidence that good cause for the

late payment of the penalty assessment fee has been shown, the request shall be denied.

(4) Unless a written notice or request for supplemental information has been given to the requesting court, the written request will be considered complete when received.

(5) The Director shall issue a ruling on a completed request for waiver within ten (10) days.

(6) The Director may waive all or part of any moneys due to the Council, if deemed uncollectable by the Council.

CHAPTER 55. FACILITIES MANAGEMENT

390:55-1-12. Provisions for events

The following provisions apply to all events:

(1) Sponsors shall confine events and exhibits to the areas specified in the reservation and shall not relocate to, install, or erect additional paraphernalia in other areas of the complex unless CLEET grants prior approval.

(2) No intoxicating beverage or low-point beer will be dispensed or consumed on state property. No tobacco use in any form will be allowed on state property.

(3) Use of cooking or heating elements of any kind is prohibited except for the contracted vendor providing cafeteria services for CLEET.

(4) Placement of materials of any kind on structures, fixtures or vehicles in a state parking lot in conjunction with an event or exhibit is prohibited unless written permission is obtained from the Director.

(5) Unless authorized in the reservation application, affixing banners, signs, or materials in any manner on or in the complex is prohibited.

(6) CLEET prohibits commercial activity, collection of fees, solicitation of money, or fund raising events which solicit or collect money on the complex. Governmental agencies and non-profit organizations that sell goods or host fund raising events to benefit or promote the function of the agency or non-profit organization may request an exemption from the Director.

(7) CLEET may order or seek to cause cessation of an event which may pose a hazard, as determined by CLEET, to an individual, group, building, contents of the building, or building fixtures and appurtenances.

(8) A sponsor shall place electrical cords and cables used for events so that the cords and cables limit potential hazard to persons in the area. Electrical cords and cables must be placed out of walkways unless secured to the floor.

(9) Open flames (including candles) used in conjunction with events are prohibited except for the contracted vendor providing cafeteria services for CLEET.

(10) No outside catered events or food service will be allowed unless approved by the contracted vendor providing cafeteria services for CLEET. Arrangements must be made directly with the contracted vendor providing cafeteria services for CLEET if such food services are desired.

(11) Sponsors shall be responsible for providing expendable supplies or special equipment required for an event to include items such as ammunition, targets, hearing protection, eye protection, handcuffs and batons.

(12) CLEET reserves the right to inspect and approved any equipment and expendable supplies for the event for purposes of ensuring safety.