

1 ENGROSSED SENATE  
2 BILL NO. 1200

By: Griffin of the Senate

and

Jordan of the House

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5  
6 An Act relating to juvenile detention; amending 10A  
7 O.S. 2011, Sections 2-2-503, as amended by Section  
8 14, Chapter 404, O.S.L. 2013, 2-3-101, as last  
9 amended by Section 3, Chapter 54, O.S.L. 2015 and 2-  
10 7-601 (10A O.S. Supp. 2015, Sections 2-2-503 and 2-3-  
11 101), which relate to disposition orders, detention  
12 of child and Office of Juvenile Affairs institutions  
13 and facilities; deleting exception to certain  
14 detention; creating indirect contempt offense for  
15 violation of certain orders; providing certain  
16 punishment; modifying certain detention requirements;  
17 updating language; modifying allowable situs of  
18 certain hearings; and providing an effective date.

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

20 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-2-503, as  
21 amended by Section 14, Chapter 404, O.S.L. 2013 (10A O.S. Supp.  
22 2015, Section 2-2-503), is amended to read as follows:

23 Section 2-2-503. A. The following kinds of orders of  
24 disposition may be made in respect to children adjudicated in need  
of supervision or delinquent:

1. The court may place the child on probation with or without  
supervision in the home of the child, or in the custody of a  
suitable person, upon such conditions as the court shall determine.

1 If the child is placed on probation, the court may impose a  
2 probation fee of not more than Twenty-five Dollars (\$25.00) per  
3 month, if the court finds that the child or parent or legal guardian  
4 of the child has the ability to pay the fee. In counties having a  
5 juvenile bureau, the fee shall be paid to the juvenile bureau; in  
6 all other counties, the fee shall be paid to the Office of Juvenile  
7 Affairs;

8 2. If it is consistent with the welfare of the child, the child  
9 shall be placed with the parent or legal guardian of the child, but  
10 if it appears to the court that the conduct of such parent,  
11 guardian, legal guardian, stepparent or other adult person living in  
12 the home has contributed to the child becoming delinquent or in need  
13 of supervision, the court may issue a written order specifying  
14 conduct to be followed by such parent, guardian, legal custodian,  
15 stepparent or other adult person living in the home with respect to  
16 such child. The conduct specified shall be such as would reasonably  
17 prevent the child from continuing to be delinquent or in need of  
18 supervision.

19 a. If it is consistent with the welfare of the child, in  
20 cases where the child has been adjudicated to be in  
21 need of supervision due to repeated absence from  
22 school, the court may order counseling and treatment  
23 for the child and the parents of the child to be  
24 provided by the local school district, the county, the

1 Office or a private individual or entity. Prior to  
2 final disposition, the court shall require that it be  
3 shown by the appropriate school district that a child  
4 found to be truant has been evaluated for learning  
5 disabilities, hearing and visual impairments and other  
6 impediments which could constitute an educational  
7 handicap or has been evaluated to determine whether  
8 the child has a disability if it is suspected that the  
9 child may require special education services in  
10 accordance with the Individuals with Disabilities  
11 Education Act (IDEA). The results of such tests shall  
12 be made available to the court for use by the court in  
13 determining the disposition of the case.

14 b. In issuing orders to a parent, guardian, legal  
15 guardian, stepparent or other adult person living in  
16 the home of a child adjudicated to be a delinquent  
17 child or in making other disposition of said  
18 delinquent child, the court may consider the testimony  
19 of said parent, guardian, legal guardian, stepparent  
20 or other adult person concerning the behavior of the  
21 juvenile and the ability of such person to exercise  
22 parental control over the behavior of the juvenile.

23 c. In any dispositional order involving a child age  
24 sixteen (16) or older, the court shall make a

1 determination, where appropriate, of the services  
2 needed to assist the child to make the transition to  
3 independent living.

4 d. No child who has been adjudicated in need of  
5 supervision only upon the basis of truancy or  
6 noncompliance with the mandatory school attendance law  
7 shall be placed in a public or private institutional  
8 facility or be removed from the custody of the lawful  
9 parent, guardian or custodian of the child.

10 e. Nothing in the Oklahoma Juvenile Code or the Oklahoma  
11 Children's Code may be construed to prevent a child  
12 from being adjudicated both deprived and delinquent if  
13 there exists a factual basis for such a finding;

14 3. The court may commit the child to the custody of a private  
15 institution or agency, including any institution established and  
16 operated by the county, authorized to care for children or to place  
17 them in family homes. In committing a child to a private  
18 institution or agency, the court shall select one that is licensed  
19 by any state department supervising or licensing private  
20 institutions and agencies; or, if such institution or agency is in  
21 another state, by the analogous department of that state. Whenever  
22 the court shall commit a child to any institution or agency, it  
23 shall transmit with the order of commitment a summary of its  
24 information concerning the child, and such institution or agency

1 shall give to the court such information concerning the child as the  
2 court may at any time require;

3 4. The court may order the child to receive counseling or other  
4 community-based services as necessary;

5 5. The court may commit the child to the custody of the Office  
6 of Juvenile Affairs. Any order adjudicating the child to be  
7 delinquent and committing the child to the Office of Juvenile  
8 Affairs shall be for an indeterminate period of time;

9 6. If the child has been placed outside the home, and it  
10 appears to the court that the parent, guardian, legal custodian, or  
11 stepparent, or other adult person living in the home has contributed  
12 to the child becoming delinquent or in need of supervision, the  
13 court may order that the parent, guardian, legal custodian,  
14 stepparent, or other adult living in the home be made subject to any  
15 treatment or placement plan prescribed by the Office or other person  
16 or agency receiving custody of the child;

17 7. With respect to a child adjudicated a delinquent child, the  
18 court may:

19 a. for acts involving criminally injurious conduct as  
20 defined in Section 142.3 of Title 21 of the Oklahoma  
21 Statutes, order the child to pay a victim compensation  
22 assessment in an amount not to exceed that amount  
23 specified in Section 142.18 of Title 21 of the  
24 Oklahoma Statutes. The court shall forward a copy of

1 the adjudication order to the Crime Victims  
2 Compensation Board for purposes of Section 142.11 of  
3 Title 21 of the Oklahoma Statutes. Except as  
4 otherwise provided by law, such adjudication order  
5 shall be kept confidential by the Board,

6 b. order the child to engage in a term of community  
7 service without compensation. The state or any  
8 political subdivision shall not be liable if a loss or  
9 claim results from any acts or omission of a child  
10 ordered to engage in a term of community service  
11 pursuant to the provisions of this paragraph,

12 c. order the child, the parent or parents of the child,  
13 legal guardian of the child, or both the child and the  
14 parent or parents of the child or legal guardian at  
15 the time of the delinquent act of the child to make  
16 full or partial restitution to the victim of the  
17 offense which resulted in property damage or personal  
18 injury.

19 (1) The court shall notify the victim of the  
20 dispositional hearing. The court may consider a  
21 verified statement from the victim concerning  
22 damages for injury or loss of property and actual  
23 expenses of medical treatment for personal  
24 injury, excluding pain and suffering. If

1                   contested, a restitution hearing to determine the  
2                   liability of the child, the parent or parents of  
3                   the child, or legal guardian shall be held not  
4                   later than thirty (30) days after the disposition  
5                   hearing and may be extended by the court for good  
6                   cause. The parent or parents of the child or  
7                   legal guardian may be represented by an attorney  
8                   in the matter of the order for remittance of the  
9                   restitution by the parent or parents of the child  
10                  or legal guardian. The burden of proving that  
11                  the amount indicated on the verified statement is  
12                  not fair and reasonable shall be on the person  
13                  challenging the fairness and reasonableness of  
14                  the amount.

15                  (2) Restitution may consist of monetary reimbursement  
16                  for the damage or injury in the form of a lump  
17                  sum or installment payments after the  
18                  consideration of the court of the nature of the  
19                  offense, the age, physical and mental condition  
20                  of the child, the earning capacity of the child,  
21                  the parent or parents of the child, or legal  
22                  guardian, or the ability to pay, as the case may  
23                  be. The payments shall be made to such official  
24                  designated by the court for distribution to the

1 victim. The court may also consider any other  
2 hardship on the child, the parent or parents of  
3 the child, or legal guardian and, if consistent  
4 with the welfare of the child, require community  
5 service in lieu of restitution or require both  
6 community service and full or partial restitution  
7 for the acts of delinquency by the child.

8 (3) A child who is required to pay restitution and  
9 who is not in willful default of the payment of  
10 restitution may at any time request the court to  
11 modify the method of payment. If the court  
12 determines that payment under the order will  
13 impose a manifest hardship on the child, the  
14 parent or parents of the child, or legal  
15 guardian, the court may modify the method of  
16 payment.

17 (4) If the restitution is not being paid as ordered,  
18 the official designated by the court to collect  
19 and disburse the restitution ordered shall file a  
20 written report of the violation with the court.  
21 The report shall include a statement of the  
22 amount of the arrearage and any reasons for the  
23 arrearage that are known by the official. A copy  
24 of the report shall be provided to all parties



1 and the court shall promptly take any action  
2 necessary to compel compliance.

3 (5) Upon the juvenile attaining eighteen (18) years  
4 of age, the court shall determine whether the  
5 restitution order has been satisfied. If the  
6 restitution order has not been satisfied, the  
7 court shall enter a judgment of restitution in  
8 favor of each person entitled to restitution for  
9 the unpaid balance of any restitution ordered  
10 pursuant to this subparagraph. The clerk of the  
11 court shall send a copy of the judgment of  
12 restitution to each person who is entitled to  
13 restitution. The judgment shall be a lien  
14 against all property of the individual or  
15 individuals ordered to pay restitution and may be  
16 enforced by the victim or any other person or  
17 entity named in the judgment to receive  
18 restitution in the same manner as enforcing  
19 monetary judgments. The restitution judgment  
20 does not expire until paid in full and is deemed  
21 to be a criminal penalty for the purposes of a  
22 federal bankruptcy involving the child,

23 d. order the child to pay the fine which would have been  
24 imposed had such child been convicted of such crime as

1 an adult. Any such fine collected pursuant to this  
2 paragraph shall be deposited in a special Work  
3 Restitution Fund to be established by the court to  
4 allow children otherwise unable to pay restitution to  
5 work in community service projects in the private or  
6 public sector to earn money to compensate their  
7 victims,

8 e. order the cancellation or denial of driving privileges  
9 as provided by Sections 6-107.1 and 6-107.2 of Title  
10 47 of the Oklahoma Statutes,

11 f. sanction detention in the residence of the child or  
12 facility designated by the Office of Juvenile Affairs  
13 or the juvenile bureau for such purpose for up to five  
14 (5) days, order weekend detention in a place other  
15 than a juvenile detention facility or shelter,  
16 tracking, or house arrest with electronic monitoring,  
17 and

18 g. impose consequences, including detention as provided  
19 for in subparagraph f of this paragraph, for  
20 postadjudicatory violations of probation;

21 8. The court may order the child to participate in the Juvenile  
22 Drug Court Program;

23 9. The court may dismiss the petition or otherwise terminate  
24 its jurisdiction at any time for good cause shown; and

1           10. In any dispositional order removing a child from the home  
2 of the child, the court shall, in addition to the findings required  
3 by Section 2-2-105 of this title, make a determination that, in  
4 accordance with the best interests of the child and the protection  
5 of the public, reasonable efforts have been made to provide for the  
6 return of the child to the home of the child, or that efforts to  
7 reunite the family are not required as provided in Section 2-2-105  
8 of this title, and reasonable efforts are being made to finalize an  
9 alternate permanent placement for the child.

10           B. Prior to adjudication or as directed by a law enforcement  
11 subpoena or court order, a school district may disclose educational  
12 records to the court or juvenile justice system for purposes of  
13 determining the ability of the juvenile justice system to  
14 effectively serve a child. Any disclosure of educational records  
15 shall be in accordance with the requirements of the Family  
16 Educational Rights and Privacy Act of 1974 (FERPA). If the parent,  
17 guardian, or custodian of a child adjudicated a delinquent child  
18 asserts that the child has approval not to attend school pursuant to  
19 Section 10-105 of Title 70 of the Oklahoma Statutes, the court or  
20 the Office of Juvenile Affairs may require the parent to provide a  
21 copy of the written, joint agreement to that effect between the  
22 school administrator of the school district where the child attends  
23 school and the parent, guardian, or custodian of the child.

24

1 C. With respect to a child adjudicated a delinquent child for a  
2 violent offense, within thirty (30) days of the date of the  
3 adjudication either the juvenile bureau in counties which have a  
4 juvenile bureau or the Office of Juvenile Affairs in all other  
5 counties shall notify the superintendent of the school district in  
6 which the child is enrolled or intends to enroll of the delinquency  
7 adjudication and the offense for which the child was adjudicated.

8 D. No child who has been adjudicated in need of supervision may  
9 be placed in a secure facility; ~~provided, a child who has been~~  
10 ~~adjudicated in need of supervision and who has willfully violated a~~  
11 ~~valid court order as defined in and in compliance with the Juvenile~~  
12 ~~Justice and Delinquency Prevention Act of 2002, 42 U.S.C. 5601 et~~  
13 ~~seq. may be placed in secure detention.~~

14 E. No child charged in a state or municipal court with a  
15 violation of state or municipal traffic laws or ordinances, or  
16 convicted therefor, may be incarcerated in jail for the violation  
17 unless the charge for which the arrest was made would constitute a  
18 felony if the child were an adult. Nothing contained in this  
19 subsection shall prohibit the detention of a juvenile for traffic-  
20 related offenses prior to the filing of a petition in the district  
21 court alleging delinquency as a result of the acts and nothing  
22 contained in this section shall prohibit detaining a juvenile  
23 pursuant to Section 2-2-102 of this title.

24

1 F. The court may revoke or modify a disposition order and may  
2 order redispotion. The child whose disposition is being  
3 considered for revocation or modification at said hearing shall be  
4 afforded the following rights:

5 1. Notice by the filing of a motion for redispotion by the  
6 district attorney. The motion shall be served on the child and the  
7 parent or legal guardian of the child at least five (5) business  
8 days prior to the hearing;

9 2. The proceedings shall be heard without a jury and shall  
10 require establishment of the facts alleged by a preponderance of the  
11 evidence;

12 3. During the proceeding, the child shall have the right to be  
13 represented by counsel, to present evidence, and to confront any  
14 witness testifying against the child;

15 4. Any modification, revocation or redispotion removing the  
16 child from the physical custody of a parent or guardian shall be  
17 subject to review on appeal, as in other appeals of delinquent  
18 cases;

19 5. If the child is placed in secure detention, bail may be  
20 allowed pending appeal; and

21 6. The court shall not enter an order removing the child from  
22 the custody of a parent or legal guardian pursuant to this section  
23 unless the court first finds that reasonable efforts have been made  
24 to maintain the family unit and prevent the unnecessary removal of

1 the child from the home of the child or that an emergency exists  
2 which threatens the safety of the child and that:

- 3 a. such removal is necessary to protect the public,
- 4 b. the child is likely to sustain harm if not immediately  
5 removed from the home,
- 6 c. allowing the child to remain in the home is contrary  
7 to the welfare of the child, or
- 8 d. immediate placement of the child is in the best  
9 interests of the child.

10 The court shall state in the record that such considerations  
11 have been made. Nothing in this section shall be interpreted to  
12 limit the authority or discretion of the agency providing probation  
13 supervision services to modify the terms of probation including, but  
14 not limited to, curfews, imposing community service, or any  
15 nondetention consequences.

16 G. A willful violation of any provision of an order of the  
17 court issued under the provisions of the Oklahoma Juvenile Code  
18 shall constitute indirect contempt of court and shall be punishable  
19 by a fine not to exceed Three Hundred Dollars (\$300.00) or placement  
20 in a juvenile detention center for not more than ten (10) days, or  
21 by both such fine and detention.

22 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-3-101, as  
23 last amended by Section 3, Chapter 54, O.S.L. 2015 (10A O.S. Supp.  
24 2015, Section 2-3-101), is amended to read as follows:

1 Section 2-3-101. A. When a child is taken into custody  
2 pursuant to the provisions of the Oklahoma Juvenile Code, the child  
3 shall be detained only if it is necessary to assure the appearance  
4 of the child in court or for the protection of the child or the  
5 public.

6 1. a. No preadjudicatory or predisposition detention or  
7 custody order shall remain in force and effect for  
8 more than thirty (30) days. The court, for good and  
9 sufficient cause shown, may extend the effective  
10 period of such an order for an additional period not  
11 to exceed sixty (60) days. If the child is being  
12 detained for the commission of a murder, the court  
13 may, if it is in the best interests of justice, extend  
14 the effective period of such an order an additional  
15 sixty (60) days.

16 b. Whenever the court orders a child to be held in a  
17 juvenile detention facility, an order for secure  
18 detention shall remain in force and effect for not  
19 more than fifteen (15) days after such order. Upon an  
20 application of the district attorney and after a  
21 hearing on such application, the court, for good and  
22 sufficient cause shown, may extend the effective  
23 period of such an order for an additional period not  
24 to exceed fifteen (15) days after such hearing. The

1 total period of preadjudicatory or predisposition  
2 shall not exceed the ninety-day limitation as  
3 specified in subparagraph a of this paragraph. The  
4 child shall be present at the hearing on the  
5 application for extension unless, as authorized and  
6 approved by the court, the attorney for the child is  
7 present at the hearing and the child is available to  
8 participate in the hearing via telephone conference  
9 communication. For the purpose of this paragraph,  
10 "telephone conference communication" means use of a  
11 telephone device that allows all parties, including  
12 the child, to hear and be heard by the other parties  
13 at the hearing. After the hearing, the court may  
14 order continued detention in a juvenile detention  
15 center, may order the child detained in an alternative  
16 to secure detention or may order the release of the  
17 child from detention.

18 2. No child alleged or adjudicated to be deprived or in need of  
19 supervision or who is or appears to be a minor in need of treatment  
20 as defined by the Inpatient Mental Health and Substance Abuse  
21 Treatment of Minors Act, shall be confined in any jail, adult  
22 lockup, or adult detention facility. No child shall be transported  
23 or detained in association with criminal, vicious, or dissolute  
24 persons.



1           3. Except as otherwise authorized by this section a child who  
2 has been taken into custody as a deprived child, a child in need of  
3 supervision, or who appears to be a minor in need of treatment, may  
4 not be placed in any detention facility pending court proceedings,  
5 but must be placed in shelter care or foster care or, with regard to  
6 a child who appears to be a minor in need of treatment, a behavioral  
7 health treatment facility in accordance with the provisions of the  
8 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,  
9 or released to the custody of the parents of the child or some other  
10 responsible party. ~~When a child is taken into custody as a child in~~  
11 ~~need of supervision as a result of being a runaway, the court may~~  
12 ~~order the child placed in a juvenile detention facility pending~~  
13 ~~court proceedings if it finds the detention to be essential for the~~  
14 ~~safety of the child.~~

15           B. No child shall be placed in secure detention unless:

16           1. The child is an escapee from any delinquent placement;

17           2. The child is a fugitive from another jurisdiction with a  
18 warrant on a delinquency charge or confirmation of delinquency  
19 charges by the home jurisdiction;

20           3. The child is seriously assaultive or destructive towards  
21 others or self;

22           4. The child is currently charged with any criminal offense  
23 that would constitute a felony if committed by an adult or a  
24 misdemeanor and:

- a. is on probation or parole on a prior delinquent offense,
- b. is on preadjudicatory community supervision, or
- c. is currently on release status on a prior delinquent offense;

5. The child has willfully failed or there is reason to believe that the child will willfully fail to appear for juvenile court proceedings;

6. A warrant for the child has been issued on the basis that:

- a. the child is absent from court-ordered placement without approval by the court,
- b. the child is absent from designated placement by the Office of Juvenile Affairs without approval by the Office of Juvenile Affairs,
- c. there is reason to believe the child will not remain at said placement, or
- d. the child is subject to an administrative transfer or parole revocation proceeding.

C. A child who has violated a court order and has had the order revoked or modified pursuant to Section 2-2-503 of this title may be placed into an Office-of-Juvenile-Affairs-designated sanction detention bed or an Office-of-Juvenile-Affairs-approved sanction program.

1 D. Priority shall be given to the use of juvenile detention  
2 facilities for the detention of juvenile offenders through  
3 provisions requiring the removal from detention of a juvenile with a  
4 lower priority status if an empty detention bed is not available at  
5 the time of referral of a juvenile with a higher priority status and  
6 if the juvenile with a higher priority status would be more of a  
7 danger to the public than the juvenile with the lower priority  
8 status.

9 E. 1. Except as otherwise provided in this section, no child  
10 shall be placed in secure detention in a jail, adult lockup, or  
11 other adult detention facility unless:

- 12 a. the child is detained for the commission of a crime  
13 that would constitute a felony if committed by an  
14 adult, and
- 15 b. the child is awaiting an initial court appearance, and
- 16 c. the initial court appearance of the child is scheduled  
17 within twenty-four (24) hours after being taken into  
18 custody, excluding weekends and holidays, and
- 19 d. the court of jurisdiction is outside of the Standard  
20 Metropolitan Statistical Area as defined by the Bureau  
21 of Census, and
- 22 e. there is no existing acceptable alternative placement  
23 for the child, and

24

1 f. the jail, adult lockup or adult detention facility  
2 provides sight and sound separation for juveniles,  
3 pursuant to standards required by subsection E of  
4 Section 2-3-103 of this title, or

5 g. the jail, adult lockup or adult detention facility  
6 meets the requirements for licensure of juvenile  
7 detention facilities, as adopted by the Office of  
8 Juvenile Affairs, is appropriately licensed, and  
9 provides sight and sound separation for juveniles,  
10 which includes:

11 (1) total separation between juveniles and adult  
12 facility spatial areas such that there could be  
13 no haphazard or accidental contact between  
14 juvenile and adult residents in the respective  
15 facilities,

16 (2) total separation in all juvenile and adult  
17 program activities within the facilities,  
18 including recreation, education, counseling,  
19 health care, dining, sleeping and general living  
20 activities, and

21 (3) separate juvenile and adult staff, specifically  
22 direct care staff such as recreation, education  
23 and counseling.  
24

1 Specialized services staff, such as cooks,  
2 bookkeepers, and medical professionals who are not  
3 normally in contact with detainees or whose infrequent  
4 contacts occur under conditions of separation of  
5 juveniles and adults can serve both.

6 2. Nothing in this section shall preclude a child who is  
7 detained for the commission of a crime that would constitute a  
8 felony if committed by an adult, or a child who is an escapee from a  
9 juvenile secure facility or from an Office of Juvenile Affairs group  
10 home from being held in any jail certified by the State Department  
11 of Health, police station or similar law enforcement offices for up  
12 to six (6) hours for purposes of identification, processing or  
13 arranging for transfer to a secure detention or alternative to  
14 secure detention. Such holding shall be limited to the absolute  
15 minimum time necessary to complete these actions.

16 a. The time limitations for holding a child in a jail for  
17 the purposes of identification, processing or  
18 arranging transfer established by this section shall  
19 not include the actual travel time required for  
20 transporting a child from a jail to a juvenile  
21 detention facility or alternative to secure detention.

22 b. Whenever the time limitations established by this  
23 subsection are exceeded, this circumstance shall not  
24

1           constitute a defense in a subsequent delinquency or  
2           criminal proceeding.

3           3. Nothing in this section shall preclude detaining in a county  
4 jail or other adult detention facility an eighteen-year old charged  
5 in a juvenile petition for whom certification to stand trial as an  
6 adult is prayed. However, if no certification motion is filed, the  
7 eighteen-year old may remain in a juvenile detention facility as  
8 long as secure detention is required.

9           4. Nothing in this section shall preclude detaining in a county  
10 jail or other adult detention facility a person provided for in  
11 Section 2-3-102 of this title if written or electronically  
12 transmitted confirmation is received from the state seeking return  
13 of the individual that the person is a person provided for in  
14 Section 2-3-102 of this title and if, during the time of detention,  
15 the person is detained in a facility meeting the requirements of  
16 Section 2-3-103 of this title.

17           5. Nothing in this section shall preclude detaining a person,  
18 whose age is not immediately ascertainable and who is being detained  
19 for the commission of a felony, in a jail certified by the State  
20 Department of Health, a police station or similar law enforcement  
21 office for up to twenty-four (24) hours for the purpose of  
22 determining whether or not the person is a child, if:

- 23           a. there is a reasonable belief that the person is  
24           eighteen (18) years of age or older,

- 1           b.    there is a reasonable belief that a felony has been  
2                   committed by the person,
- 3           c.    a court order for such detention is obtained from a  
4                   judge of the district court within six (6) hours of  
5                   initially detaining the person,
- 6           d.    there is no juvenile detention facility that has space  
7                   available for the person and that is within thirty  
8                   (30) miles of the jail, police station, or law  
9                   enforcement office in which the person is to be  
10                  detained, and
- 11          e.    during the time of detention the person is detained in  
12                  a facility meeting the requirements of subparagraph g  
13                  of paragraph 1 of this subsection.

14 The time limitation provided for in this paragraph shall include the  
15 time the person is detained prior to the issuance of the court  
16 order.

17 The time limitation provided for in this paragraph shall not include  
18 the actual travel time required for transporting the person to the  
19 jail, police station, or similar law enforcement office. If the  
20 time limitation established by this paragraph is exceeded, this  
21 circumstance shall not constitute a defense in any subsequent  
22 delinquency or criminal proceeding.

23           F.    Nothing contained in this section shall in any way reduce or  
24                  eliminate the liability of a county as otherwise provided by law for

1 injury or damages resulting from the placement of a child in a jail,  
2 adult lockup, or other adult detention facility.

3 G. Any juvenile detention facility shall be available for use  
4 by any eligible Indian child as that term is defined by the Oklahoma  
5 Indian Child Welfare Act, providing that the use of the juvenile  
6 detention facility meets the requirements of the Oklahoma Juvenile  
7 Code. The Indian tribe may contract with any juvenile detention  
8 facility for the providing of detention services.

9 H. Each member of the staff of a juvenile detention facility  
10 shall satisfactorily complete a training program provided or  
11 approved by the Office of Juvenile Affairs.

12 I. Whenever a juvenile is placed in any jail, adult lockup, or  
13 other detention facility, the Office of Juvenile Affairs shall have  
14 access to all facilities which detain such juveniles and shall have  
15 access to any data regarding such juveniles. The Office of Juvenile  
16 Affairs shall have access to all jails, adult lockups, or other  
17 adult facilities in this state, including all data maintained by  
18 such facilities, to assure compliance with this section. The Board  
19 of Juvenile Affairs shall promulgate rules as necessary to implement  
20 the provisions of this section.

21 SECTION 3. AMENDATORY 10A O.S. 2011, Section 2-7-601, is  
22 amended to read as follows:

23 Section 2-7-601. A. In addition to the other powers and duties  
24 prescribed by law, the Office of Juvenile Affairs shall have the



1 following duties and powers with regard to juveniles placed in  
2 Office-operated institutions and facilities:

3 1. Provide for the care, education, training, treatment and  
4 rehabilitation of juveniles who are placed in the institutions and  
5 facilities. The Office shall provide for a uniform system of  
6 assessment of the reading ability of each juvenile upon initial  
7 placement in an Office-operated institution or facility. The  
8 assessment shall include, but not be limited to, the following  
9 skills:

- 10 a. the level of word decoding skills of the juvenile,
- 11 b. the level of vocabulary and spelling ability of the  
12 juvenile, and
- 13 c. the comprehension level of the juvenile.

14 The Office may give assistance to local school districts in  
15 providing an education to such juveniles, may supplement such  
16 education, and may provide facilities for such purposes. It shall  
17 be the duty of the Office to assure that juveniles in the aforesaid  
18 institutions and facilities receive educational services which  
19 provide each juvenile with a balanced and comprehensive reading  
20 program, which includes as its primary and foundational components:

- 21 (1) an organized, systematic, explicit skills program  
22 that may include phonics, word recognition  
23 strategies and other word decoding skills to  
24

1 address the needs of the individual juvenile as  
2 determined by the entry level needs assessment,

- 3 (2) a strong language arts and comprehension program  
4 that includes a balance of oral and written  
5 language, an ongoing individualized evaluation  
6 and diagnosis that informs the teacher and an  
7 assessment that assures accountability, and  
8 (3) writing, mathematics, science and vocational-  
9 technical education;

10 2. Transfer from a juvenile institution to another facility  
11 under the jurisdiction of the Office, a juvenile who has been  
12 adjudicated delinquent, if the Office believes it advisable to do  
13 so; transfer from a facility for juveniles in need of supervision to  
14 another such facility, a juvenile who has been adjudicated in need  
15 of supervision, provided that such transfer is consistent with the  
16 treatment needs of the juvenile; transfer from a juvenile  
17 institution or facility to a state school for the mentally retarded,  
18 any juvenile eligible for admission thereto, if the juvenile appears  
19 to be in need of the care and treatment provided at such school;  
20 transfer from a facility for delinquent or in need of supervision  
21 juveniles to an appropriate facility or to the Department of Mental  
22 Health and Substance Abuse Services any juvenile found by the court  
23 to be a minor in need of treatment pursuant to the Inpatient Mental  
24 Health and Substance Abuse Treatment of Minors Act and committed to

1 inpatient mental health or substance abuse treatment as provided by  
2 the Inpatient Mental Health and Substance Abuse Treatment of Minors  
3 Act. If a transfer is made pursuant to this paragraph, the Office  
4 shall comply with the notification requirements of Section 2-2-504  
5 of this title;

6 3. Release on parole a juvenile previously adjudicated to be  
7 delinquent, subject to terms and conditions specified by the Office,  
8 whenever the Office determines that such release will not be  
9 detrimental to society and that the juvenile is ready to be returned  
10 to the community and revoke said parole for violation of the  
11 specified terms or conditions of parole pursuant to the provisions  
12 of this section and the rules and procedures established by the  
13 Office for such revocation;

14 4. Release any juvenile from a juvenile institution for  
15 placement in a group home, transitional living program, independent  
16 living program, other community-based facility or program or out-of-  
17 home care subject to terms and conditions specified by the Office;  
18 and

19 5. Provide parole services for juveniles released on parole  
20 from juvenile institutions, and aftercare services for juveniles  
21 discharged from juvenile institutions or facilities. Persons  
22 designated as Juvenile Parole Officers by the Office shall have the  
23 power to serve process and to apprehend and detain juveniles and  
24 make arrests in accordance with the laws of the state.

1 B. The transfer of a juvenile from a nonsecure placement to a  
2 secure placement shall be subject to an administrative transfer  
3 hearing and any revocation of parole shall be subject to a parole  
4 revocation hearing.

5 1. In any administrative transfer or parole revocation  
6 proceeding, the following minimum standards shall apply:

7 a. the juvenile shall have the right to notice of the  
8 proposed transfer or parole revocation hearing and the  
9 alleged violation of administrative or parole rules on  
10 which the proposed transfer or parole revocation is  
11 based,

12 b. the juvenile shall have the right to representation by  
13 an attorney,

14 c. the juvenile shall have the right to present evidence  
15 on behalf of the juvenile, and

16 d. the juvenile shall have a right to bail, except that  
17 ~~said~~ the right to bail shall not be construed to  
18 require that a juvenile who is in residence in an  
19 Office-operated institution or other facility at the  
20 time of an alleged violation leading to an  
21 administrative transfer proceeding be released from  
22 such institution or facility.

23 2. The situs of ~~said~~ the hearings shall be the county in which  
24 the alleged violation of administrative or parole rules ~~occurs~~

1 occurred or the county of original jurisdiction. The judge having  
2 juvenile docket jurisdiction in ~~said~~ the county shall aid the  
3 administrative transfer or parole revocation process of the Office  
4 by:

5 a. determining eligibility for and amount of bail;

6 b. deciding any intermediate custody or placement issue;  
7 and

8 c. if legal counsel for the juvenile has not otherwise  
9 been obtained, appointing legal counsel for the  
10 juvenile and fixing the amount of compensation for the  
11 legal counsel. ~~Said~~ The judge shall also determine if  
12 the juvenile is eligible for free legal services. If  
13 the juvenile is not eligible for free legal services,  
14 the court shall order the parents or legal guardian of  
15 the juvenile to pay for such services.

16 3. If legal counsel for the juvenile has not otherwise been  
17 obtained, the appointment of legal counsel for the juvenile, the  
18 setting of the amount of compensation for such counsel, and the  
19 determination of whether or not the juvenile is eligible for free  
20 legal services shall be provided for pursuant to the Indigent  
21 Defense Act; provided, however, in those counties subject to the  
22 provisions of Section 138.1 of Title 19 of the Oklahoma Statutes,  
23 the legal services shall be provided by the county indigent defender  
24 as provided by law. If the juvenile is not eligible for free legal

1 services, the court shall order the parents or legal guardian of the  
2 juvenile to pay for such services.

3 C. The Office may participate in federal programs relating to  
4 delinquent juveniles, or juveniles in need of supervision, or  
5 institutions and services for such juveniles and apply for, receive,  
6 use and administer federal funds for such purposes.

7 D. The Office shall receive interest earnings on the investment  
8 by the State Treasurer of monies, to be credited to an agency  
9 special account, for the benefit of and held in trust for persons  
10 placed in the custody of the Office or in residence at institutions  
11 or facilities maintained by the Office.

12 SECTION 4. This act shall become effective November 1, 2016.

13 Passed the Senate the 9th day of March, 2016.

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\_\_\_\_\_  
Presiding Officer of the Senate

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17 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,

18 2016.

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Presiding Officer of the House  
of Representatives

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