

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 203

By: Standridge

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5  
6 AS INTRODUCED

7 An Act relating to venue in juvenile cases; amending  
8 10A O.S. 2011, Section 2-7-601, which relates to  
9 juveniles placed in Office-operated institutions and  
10 facilities; updating language; modifying venue  
11 requirement for certain hearings; and providing an  
12 effective date.

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

14 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-7-601, is  
15 amended to read as follows:

16 Section 2-7-601. A. In addition to the other powers and duties  
17 prescribed by law, the Office of Juvenile Affairs shall have the  
18 following duties and powers with regard to juveniles placed in  
19 Office-operated institutions and facilities:

20 1. Provide for the care, education, training, treatment and  
21 rehabilitation of juveniles who are placed in the institutions and  
22 facilities. The Office shall provide for a uniform system of  
23 assessment of the reading ability of each juvenile upon initial  
24 placement in an Office-operated institution or facility. The

1 assessment shall include, but not be limited to, the following  
2 skills:

- 3 a. the level of word decoding skills of the juvenile,
- 4 b. the level of vocabulary and spelling ability of the  
5 juvenile, and
- 6 c. the comprehension level of the juvenile.

7 The Office may give assistance to local school districts in  
8 providing an education to such juveniles, may supplement such  
9 education, and may provide facilities for such purposes. It shall  
10 be the duty of the Office to assure that juveniles in the aforesaid  
11 institutions and facilities receive educational services which  
12 provide each juvenile with a balanced and comprehensive reading  
13 program, which includes as its primary and foundational components:

- 14 (1) an organized, systematic, explicit skills program  
15 that may include phonics, word recognition  
16 strategies and other word decoding skills to  
17 address the needs of the individual juvenile as  
18 determined by the entry level needs assessment,
- 19 (2) a strong language arts and comprehension program  
20 that includes a balance of oral and written  
21 language, an ongoing individualized evaluation  
22 and diagnosis that informs the teacher and an  
23 assessment that assures accountability, and

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1 (3) writing, mathematics, science and vocational-  
2 technical education;

3 2. Transfer from a juvenile institution to another facility  
4 under the jurisdiction of the Office, a juvenile who has been  
5 adjudicated delinquent, if the Office believes it advisable to do  
6 so; transfer from a facility for juveniles in need of supervision to  
7 another such facility, a juvenile who has been adjudicated in need  
8 of supervision, provided that such transfer is consistent with the  
9 treatment needs of the juvenile; transfer from a juvenile  
10 institution or facility to a state school for the mentally retarded,  
11 any juvenile eligible for admission thereto, if the juvenile appears  
12 to be in need of the care and treatment provided at such school;  
13 transfer from a facility for delinquent or in need of supervision  
14 juveniles to an appropriate facility or to the Department of Mental  
15 Health and Substance Abuse Services any juvenile found by the court  
16 to be a minor in need of treatment pursuant to the Inpatient Mental  
17 Health and Substance Abuse Treatment of Minors Act and committed to  
18 inpatient mental health or substance abuse treatment as provided by  
19 the Inpatient Mental Health and Substance Abuse Treatment of Minors  
20 Act. If a transfer is made pursuant to this paragraph, the Office  
21 shall comply with the notification requirements of Section 2-2-504  
22 of this title;

23 3. Release on parole a juvenile previously adjudicated to be  
24 delinquent, subject to terms and conditions specified by the Office,

1 whenever the Office determines that such release will not be  
2 detrimental to society and that the juvenile is ready to be returned  
3 to the community and revoke ~~said~~ parole for violation of the  
4 specified terms or conditions of parole pursuant to the provisions  
5 of this section and the rules and procedures established by the  
6 Office for such revocation;

7 4. Release any juvenile from a juvenile institution for  
8 placement in a group home, transitional living program, independent  
9 living program, other community-based facility or program or out-of-  
10 home care subject to terms and conditions specified by the Office;  
11 and

12 5. Provide parole services for juveniles released on parole  
13 from juvenile institutions, and aftercare services for juveniles  
14 discharged from juvenile institutions or facilities. Persons  
15 designated as Juvenile Parole Officers by the Office shall have the  
16 power to serve process and to apprehend and detain juveniles and  
17 make arrests in accordance with the laws of the state.

18 B. The transfer of a juvenile from a nonsecure placement to a  
19 secure placement shall be subject to an administrative transfer  
20 hearing and any revocation of parole shall be subject to a parole  
21 revocation hearing.

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

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- 1 a. the juvenile shall have the right to notice of the  
2 proposed transfer or parole revocation hearing and the  
3 alleged violation of administrative or parole rules on  
4 which the proposed transfer or parole revocation is  
5 based,
- 6 b. the juvenile shall have the right to representation by  
7 an attorney,
- 8 c. the juvenile shall have the right to present evidence  
9 on behalf of the juvenile, and
- 10 d. the juvenile shall have a right to bail, except that  
11 ~~said~~ the right to bail shall not be construed to  
12 require that a juvenile who is in residence in an  
13 Office-operated institution or other facility at the  
14 time of an alleged violation leading to an  
15 administrative transfer proceeding be released from  
16 such institution or facility.

17 2. The situs of ~~said~~ the hearings shall be the county in which  
18 the alleged violation of administrative or parole rules ~~occurs~~  
19 occurred or the county of original jurisdiction. The judge having  
20 juvenile docket jurisdiction in ~~said~~ the county shall aid the  
21 administrative transfer or parole revocation process of the Office  
22 by:

- 23 a. determining eligibility for and amount of bail<sup>+</sup>l
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- 1           b.    deciding any intermediate custody or placement issue~~+~~,  
2                    and  
3           c.    if legal counsel for the juvenile has not otherwise  
4                    been obtained, appointing legal counsel for the  
5                    juvenile and fixing the amount of compensation for the  
6                    legal counsel. ~~Said~~ The judge shall also determine if  
7                    the juvenile is eligible for free legal services. If  
8                    the juvenile is not eligible for free legal services,  
9                    the court shall order the parents or legal guardian of  
10                   the juvenile to pay for such services.

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

22           C.  The Office may participate in federal programs relating to  
23           delinquent juveniles, or juveniles in need of supervision, or  
24

1 institutions and services for such juveniles and apply for, receive,  
2 use and administer federal funds for such purposes.

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

8 SECTION 2. This act shall become effective November 1, 2015.

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