ENGROSSED HOUSE
BILL NO. 2351

BY: LARASON of the HOUSE

and

BROWN of the SENATE

AN ACT RELATING TO CHILDREN; AMENDING 10 O.S. 1991, SECTION 1102, WHICH RELATES TO JURISDICTION OF CERTAIN CHILDREN; PROVIDING FOR JURISDICTION OF DISTRICT COURT FOR CERTAIN CASES; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1102, is amended to read as follows:

Section 1102. A. 1. Upon the filing of a petition, or upon the assumption of custody pursuant to the provisions of Section 1107 of this title, the district court ~~shall have jurisdiction of any~~ of a county in which a child who is or is alleged to be ~~delinquent,~~ abused, neglected or deprived or in need of supervision~~, in need of~~ or treatment~~, or deprived, who is found within the county;~~ :

a. resides,

b. was abused, neglected, or deprived or found to be in need of supervision or treatment, or

c. is found,

shall have jurisdiction of the child and shall have jurisdiction of the parent, guardian or legal custodian of said child~~,~~ regardless of where the parent, guardian or legal custodian is found. The

jurisdiction of the district court for any child who is or is alleged to be delinquent shall be in the county where the cause of action arose.

2. When jurisdiction shall have been obtained over a child who is or is alleged to be in need of supervision, a child in need of treatment, or a deprived child, such may be retained until the child becomes eighteen (18) years of age and when jurisdiction shall have been obtained over a child who is or is alleged to be a delinquent, jurisdiction may be retained until the child becomes nineteen (19) years of age. For the convenience of the parties and in the interest of justice, a proceeding under this chapter may be transferred to the district court in any other county.

B. The district court in which a petition is filed or the district court in which custody has been assumed pursuant to the provisions of Section 1107 of this title may retain jurisdiction of a delinquent child in such proceeding notwithstanding the fact that the child is subject to the jurisdiction of another district court within the state. Any adjudication and disposition made by the court in which said petition is filed shall control over prior orders in regard to the child.

C. The district court in which a petition is filed which alleges that a child is in need of supervision, in need of treatment, or is deprived can issue any temporary order or grant any interlocutory relief authorized by this chapter notwithstanding the fact that another district court within the state has jurisdiction of the child or has jurisdiction to determine the custody or support of the child.

D. If the district court in which a petition is filed pursuant to either subsection B or subsection C of this section sustains the petition, the district court shall have the jurisdiction to make a final determination on the juvenile petition or to transfer the proceedings to a court having prior jurisdiction over the child.

Where the other proceeding is pending in the same judicial district in which the juvenile petition is filed, the chief judge of the judicial district shall determine if the proceedings shall be consolidated and, if consolidated, which judge shall try the issues when the judges to whom the cases have been assigned are unable to agree on the procedure that should be followed.

E. A municipal court, if authorized by the governing body of the municipality, may enter into an agreement with the district court, pursuant to rules promulgated and adopted by the Oklahoma Supreme Court, to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, and public intoxication. A child under eighteen (18) years of age may be charged and prosecuted for violating such a municipal ordinance provided that the maximum fine which may be imposed shall not exceed the maximum fine authorized by law. When assessing punishment, the court also may require appropriate community service work, not to exceed twenty hours, in lieu of a fine if the product of multiplying the number of hours of community service work by the prevailing minimum wage does not result in a number which exceeds the maximum fine authorized by law, or restitution, or both community service work and restitution. In addition, the court may require the child to receive counseling or other community-based services, as necessary. If a child is prosecuted for an offense in a municipal court, the child shall not be prosecuted for the offense in the district court. All municipal arrest and prosecution records for cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, or public intoxication shall be kept confidential and shall not be open to public inspection except by order of the court or as otherwise provided by Sections ~~9~~

~~through 14 of Enrolled House Bill No. 1761 of the 1st Session of the 43rd Oklahoma Legislature~~ 1125 through 1125.4 and 620.6 of this title.

F. Funds generated from fines paid pursuant to an agreement between a municipal court and the district court shall be earmarked and used by the municipality to fund local programs which address problems of juvenile crime.

SECTION 2. This act shall become effective September 1, 1992.

Passed the House of Representatives the 5th day of March, 1992.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1992.

President of the Senate