

ENROLLED SENATE
BILL NO. 858

BY: BROWN and WILLIAMS (Penny)
of the SENATE

and

HEFNER of the HOUSE

AN ACT RELATING TO STATE GOVERNMENT AND CHILDREN;
CREATING THE OKLAHOMA LAW ENFORCEMENT, PUBLIC
SAFETY AND CORRECTIONS UNIFICATION STUDY COUNCIL;
PROVIDING FOR MEMBERSHIP, OFFICERS, QUORUM,
SUBCOMMITTEES, VACANCY OF CHAIR AND COMPENSATION
OF THE COUNCIL; REQUIRING COUNCIL TO SUBMIT
FINDINGS, RECOMMENDATIONS AND PLAN FOR UNIFYING
LAW ENFORCEMENT, PUBLIC SAFETY AND CORRECTIONS
SERVICES OF CERTAIN ENTITIES BY CERTAIN DATE;
PROVIDING FOR COOPERATION AND SUPPORT SERVICES TO
COUNCIL; FIXING RESPONSIBILITY FOR CERTAIN COSTS;
PROVIDING TERMINATION DATE; CREATING THE OKLAHOMA
JUVENILE SERVICES TRANSFER STUDY COUNCIL;
PROVIDING FOR MEMBERSHIP, OFFICERS, QUORUM,
SUBCOMMITTEES, VACANCY OF CHAIR AND COMPENSATION
OF THE COUNCIL; REQUIRING COUNCIL TO SUBMIT
FINDINGS AND RECOMMENDATIONS REGARDING THE
TRANSFER OF CERTAIN JUVENILE DELINQUENCY
SERVICES; PROVIDING FOR COOPERATION AND SUPPORT
SERVICES TO COUNCIL; FIXING RESPONSIBILITY FOR
CERTAIN COSTS; PROVIDING TERMINATION DATE;
PROVIDING FOR CODIFICATION; AND DECLARING AN
EMERGENCY.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 5100 of Title 74, unless there
is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Law Enforcement, Public
Safety and Corrections Unification Study Council, hereafter referred
to as the "Unification Study Council", which shall consist of
twenty-one voting members and four nonvoting members.

B. The following persons or their designee or their successor
shall serve as voting members of the Unification Study Council until
June 15, 1993:

1. The Secretary of the Department of Safety and Security, who
shall serve as chairman of the Unification Study Council;

2. The Director of the Oklahoma State Bureau of Investigation;

3. The Director of the Oklahoma State Bureau of Narcotics and
Dangerous Drugs Control;

4. The State Fire Marshal;

5. The Director of the Alcoholic Beverage Laws Enforcement
Commission;

6. The Director of Civil Defense;

7. The Director of the Department of Corrections;

8. The Executive Director of the Pardon and Parole Board;

9. The Chief Medical Examiner;
10. The Director of the Oklahoma Criminal Justice Resource Center;
11. The Director of the Council on Law Enforcement Education and Training;
12. Four persons shall be appointed by the Governor by June 15, 1992, who shall be, respectively a district attorney, a police chief, a county sheriff and a fire chief;
13. Three persons shall be appointed by the President Pro Tempore of the Senate by June 15, 1992, each of whom shall be members of the Senate; and
14. Three persons shall be appointed by the Speaker of the House of Representatives by June 15, 1992, each of whom shall be members of the House of Representatives.

C. The members of the Unification Study Council shall elect a vice-chairman from among the Unification Study Council membership at the first meeting.

D. The Chairman of the Unification Study Council may designate as many subcommittees as he deems appropriate. Chairmen and members of any subcommittees so designated by the Chairman shall be appointed from the voting members of the Unification Study Council.

E. If the chairmanship is vacated, the vice-chairman will serve as acting chairman until a new Secretary of the Department of Safety and Security is appointed by the Governor. The newly appointed Secretary of the Department of Safety and Security shall assume the duties of Chairman of the Unification Study Council immediately following appointment and confirmation.

F. The following persons or their designee or their successor shall serve as ex officio nonvoting members of the Unification Study Council until June 15, 1993:

1. The Attorney General;
2. The Director of the Office of State Finance;
3. The Director of the Office of Public Affairs; and
4. The Administrator of the Office of Personnel Management.

G. A majority of the voting membership of the Unification Study Council constitutes a quorum for the purpose of conducting the business of the Unification Study Council.

H. The Chairman shall call the first meeting of the Unification Study Council for no later than July 1, 1992, and shall convene the Unification Study Council at least twice a month thereafter during the 1992 legislative interim.

I. Members of the Unification Study Council who are not appointed by the Governor, the President Pro Tempore of the Senate or the Speaker of the House of Representatives shall receive no compensation for their services but shall be reimbursed for necessary traveling expenses in the performance of their duties by their respective agency, board, commission, council or department pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

J. Members of the Unification Study Council who are appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall receive no compensation for their services but shall be reimbursed for necessary traveling expenses in the performance of their duties by their respective appointing authorities pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 5101 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Unification Study Council shall study the feasibility and advisability of consolidating various law enforcement, public safety and corrections services and functions and shall develop findings and recommendations to:

1. Consolidate the administrative, operational and support services and functions of any or all of the following law enforcement, public safety and corrections entities if the Council determines such consolidation to be feasible and advisable:

- a. the Department of Public Safety,
- b. the State Bureau of Investigation,
- c. the Bureau of Narcotics and Dangerous Drugs Control,
- d. the Office of the State Fire Marshal,
- e. the Alcoholic Beverage Laws Enforcement Commission,
- f. the Department of Civil Defense,
- g. the Department of Corrections,
- h. the Pardon and Parole Board,
- i. the Council on Law Enforcement Education and Training, and
- j. the Office of the Chief Medical Examiner; and

2. Improve law enforcement, public safety and corrections services and coordination, reduce costs of administration, and maximize utilization of budget, personnel resources, communications capabilities, equipment and facilities.

B. The Unification Study Council shall submit a report of its findings and recommendations to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by December 1, 1992.

C. All state agencies, boards and commissions shall cooperate with the Unification Study Council and its subcommittees as required to implement the duties as prescribed herein.

D. Legal assistance and advice to the Unification Study Council and its subcommittees shall be provided by the office of the Attorney General.

E. Staff support services for the Unification Study Council and subcommittees shall be provided by the Cabinet Secretary of the Department of Human Resources from the various resources within his Department.

F. The Secretary of the Department of Safety and Security, the Secretary of the Department of Administration, the Secretary of the Department of Finance and Revenue and the Secretary of the Department of Human Resources shall coordinate the various resources within their respective departments to share all necessary and appropriate costs of the Unification Study Council and its subcommittees, with the exception of necessary travel expenses of the members as provided in subsections I and J of Section 1 of this act.

G. The Unification Study Council's functions and duties as prescribed by this act shall terminate on June 15, 1993.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1161.1 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the Oklahoma Juvenile Services Transfer Study Council, hereafter referred to as the "Transfer Study Council", which shall consist of thirty-four voting members and four nonvoting members.

B. The following persons or their designee or their successor shall serve as voting members of the Transfer Study Council until June 30, 1993:

1. The Governor shall appoint the following seven persons by June 30, 1992: a director of one of the statutorily constituted

juvenile bureaus, one district attorney of counties having a population of more than three hundred fifty thousand (350,000) and one district attorney of counties having a population of less than three hundred fifty thousand (350,000), two public defenders, one person knowledgeable in the field of juvenile probation, parole and institutional services and one person who shall be the Chairman of the Transfer Study Council;

2. The President Pro Tempore of the Senate shall appoint the following five persons by June 30, 1992: two members of the Senate, one person knowledgeable in the field of juvenile probation, parole and institutional services, one county sheriff of a county having a population of less than three hundred thousand (300,000), and one police chief of a municipality having a population of more than two hundred thousand (200,000);

3. The Speaker of the House of Representatives shall appoint the following five persons by June 30, 1992: two members of the House of Representatives, one person knowledgeable in the field of juvenile probation, parole and institutional services, one county sheriff of a county having a population of more than three hundred thousand (300,000) and one police chief of a municipality having a population of less than two hundred thousand (200,000);

4. The Chief Justice of the Supreme Court shall appoint two district or associate district judges having juvenile docket responsibility by June 30, 1992;

5. A representative of each of the following organizations shall be appointed by the governing board of each organization by June 30, 1991: Oklahoma Association of Youth Services, Oklahoma Institute for Child Advocacy, Oklahoma Association of Children's Institutions and Agencies, Oklahoma Bar Association, Association of Private Detention Operators, Oklahoma Juvenile Detention Association, Oklahoma Sheriffs and Peace Officers Association, Oklahoma Association of Chiefs of Police;

6. Director, Department of Human Services;

7. Director, Department of Mental Health and Substance Abuse Services;

8. Director, Oklahoma Commission on Children and Youth;

9. Executive Director, Oklahoma Indigent Defense System;

10. Executive Coordinator, District Attorneys Council; and

11. Two victims of juvenile crime who shall be appointed by the District Attorneys Council.

C. The Chairman shall be appointed by the Governor as provided by paragraph 1 of subsection B of this section. The members of the Transfer Study Council shall elect a vice-chairman from among the Transfer Study Council membership at the first meeting.

D. The Chairman of the Transfer Study Council may designate as many subcommittees as he deems appropriate. Chairmen and members of any subcommittees so designated by the Chairman shall be appointed from the voting members of the Transfer Study Council.

E. If the chairmanship is vacated, the vice-chairman will serve as acting chairman until a new chairman is appointed by the Governor.

F. The following persons or their designee or their successor shall serve as ex officio nonvoting members of the Transfer Study Council until June 15, 1993:

1. The Attorney General;

2. The Director of the Office of State Finance;

3. The Director of the Office of Public Affairs; and

4. The Administrator of the Office of Personnel Management.

G. A majority of the voting membership of the Transfer Study Council constitutes a quorum for the purpose of conducting the business of the Transfer Study Council.

H. The Chairman shall call the first meeting of the Transfer Study Council for no later than July 1, 1992, and shall convene the Transfer Study Council at least twice a month thereafter during the 1992 legislative interim.

I. Members of the Transfer Study Council who are appointed by the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives shall receive no compensation for their services but shall be reimbursed for necessary traveling expenses in the performance of their duties by their respective appointing authorities pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

J. Members of the Transfer Study Council who are not appointed by the Governor, the President Pro Tempore of the Senate or the Speaker of the House of Representatives shall receive no compensation for their services but shall be reimbursed for necessary traveling expenses in the performance of their duties by their respective agency, board, commission, council or department pursuant to the State Travel Reimbursement Act, Section 500.1 et seq. of Title 74 of the Oklahoma Statutes.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1161.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The Transfer Study Council shall study the feasibility and advisability of transferring the juvenile delinquency prevention, intervention, supervision, placement and other services related to delinquent youth currently administered by the Department of Human Services to another appropriate agency or department or to an agency created for the purpose of administering said services. The study shall include but not be limited to recommendations regarding the organization of the juvenile justice system and the agencies comprising the juvenile justice system, as defined by Section 1160.2 of Title 10 of the Oklahoma Statutes, for the purpose of determining an effective organizational structure for said system. In developing its recommendations, the Transfer Study Council shall consider:

1. The respective roles and responsibilities of the agencies comprising the juvenile justice system;

2. Effective communication, coordination of services and effective delivery among the agencies comprising the juvenile justice system; and

3. The cost and funding implications of the current and any alternative organizational structure for juvenile services.

B. The Transfer Study Council shall submit a report of its findings and recommendations to the Governor, the President Pro Tempore of the Senate and the Speaker of the House of Representatives by December 1, 1992.

C. All state agencies, boards and commissions shall cooperate with the Transfer Study Council and its subcommittees as required to implement the duties as prescribed herein.

D. Legal assistance and advice to the Transfer Study Council and its subcommittees shall be provided by the office of the Attorney General.

E. Staff support services for the Transfer Study Council and subcommittees shall be provided by the Cabinet Secretary of the Department of Human Resources from the various resources within his Department.

F. The Secretary of the Department of Administration, the Secretary of the Department of Finance and Revenue and the Secretary of the Department of Human Resources shall coordinate the various resources within their respective departments to share all necessary and appropriate costs of the Transfer Study Council and its subcommittees, with the exception of necessary travel expenses of the members as provided in subsection I of Section 4 of this act.

G. The Transfer Study Council's functions and duties as prescribed by this act shall terminate on June 15, 1993.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 27th day of May, 1992.

President of the Senate

Passed the House of Representatives the 28th day of May, 1992.

Speaker of the House of Representatives