

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 1817

BY: ROBERTS (Walt)

AS INTRODUCED

AN ACT RELATING TO THE CENTRAL OKLAHOMA JUVENILE CENTER; PROVIDING FOR THE TRANSFER OF CENTRAL OKLAHOMA JUVENILE CENTER TO THE DEPARTMENT OF CORRECTIONS; PROVIDING FOR THE RETENTION OF CERTAIN RECORDS BY THE DEPARTMENT OF HUMAN SERVICES; PROVIDING FOR THE ASSUMPTION OF CERTAIN OBLIGATIONS BY THE DEPARTMENT OF CORRECTIONS; AMENDING 10 O.S. 1991, SECTION 451, WHICH RELATES TO JUVENILE FACILITIES WITHIN THE DEPARTMENT OF HUMAN SERVICES; TRANSFERRING CENTRAL OKLAHOMA JUVENILE CENTER FROM THE DEPARTMENT OF HUMAN SERVICES; AMENDING 10 O.S. 1991, SECTION 1401, WHICH RELATES TO CENTRAL OKLAHOMA JUVENILE CENTER, ALTERNATIVE PLACEMENTS, AND LICENSED NONPROFIT FACILITIES; REMOVING AUTHORITY OF DEPARTMENT OF HUMAN SERVICES FOR CENTRAL OKLAHOMA JUVENILE CENTER; ELIMINATING CERTAIN INSPECTIONS AND REPORTS; AMENDING 57 O.S. 1991, SECTIONS 502 (SECTION 1, CHAPTER 307, O.S.L. 1991) AND 509, WHICH RELATE TO THE OKLAHOMA CORRECTIONS ACT OF 1967; MODIFYING LISTS OF INSTITUTIONS WITHIN THE DEPARTMENT OF CORRECTIONS; AMENDING 62 O.S. 1991, SECTION 195, WHICH RELATES TO PETTY CASH FUNDS; ABOLISHING PETTY CASH FUND FOR CENTRAL OKLAHOMA JUVENILE CENTER AND TRANSFERRING

MONEY TO THE GENERAL REVENUE FUND; REPEALING 57 O.S. 1991, SECTION 502 (SECTION 14, CHAPTER 291, O.S.L. 1991), WHICH IS A DUPLICATE SECTION RELATING TO DEFINITIONS IN THE OKLAHOMA CORRECTIONS ACT OF 1967; REPEALING 62 O.S. 1991, SECTIONS 180, 181, 182 AND 183, WHICH RELATE TO AN INSTITUTIONAL REVOLVING FUND FOR THE FACILITY AT TECUMSEH; PROVIDING AN EFFECTIVE DATE; 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 509.6 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Central Oklahoma Juvenile Center and the property related thereto, located at Tecumseh, Oklahoma, is hereby transferred from the Department of Human Services to the Department of Corrections.

B. All official records maintained by Central Oklahoma Juvenile Center while said institution was under the supervision, management, operation, and control of the Department of Human Services shall be retained by the Department of Human Services.

C. All contracts, leases, agreements and obligations pertaining to utilities and property maintenance for Central Oklahoma Juvenile Center shall be assumed by the Department of Corrections.

SECTION 2. AMENDATORY 10 O.S. 1991, Section 451, is amended to read as follows:

Section 451. ~~The State Training School for White Girls, known as "Girls Town," Tecumseh, Oklahoma;~~ the State Training School for Negro Boys, located at Boley, Oklahoma; the West Oklahoma State Home

for White Children, Helena, Oklahoma; and the State Training School for Girls, now Consolidated Negro Institution, located at Taft, Oklahoma, are hereby transferred from the Board of Managers of such institutions to the Oklahoma Public Welfare Commission.

Central Oklahoma Juvenile Center, formerly known and designated as Girls' Town, located at Tecumseh, Oklahoma, is hereby transferred from the Department of Human Services to the Department of Corrections, pursuant to Section 1 of this act.

SECTION 3. AMENDATORY 10 O.S. 1991, Section 1401, is amended to read as follows:

Section 1401. A. ~~The Department shall have the supervision, management, operation and control of the children's institution located at Tecumsch, formerly known and designated as Girls' Town and now known as Central Oklahoma Juvenile Center.~~

~~It shall be the duty of the State Fire Marshal and the Commissioner of Public Health, to cause regular, periodic, not less than quarterly, unannounced inspections of said institution, utilizing adequately trained and qualified inspection personnel, to determine and evaluate conditions and programs being maintained and carried on at said institution in their respective areas of agency jurisdiction. Such inspections shall include, but not be limited to, the following: Compliance with minimum fire and life safety standards; compliance with minimum standards governing general sanitation of the institution, with particular emphasis upon food storage, preparation, serving and transportation, respectively. Reports of such inspections will be made in writing, itemizing and identifying any deficiencies and recommending corrective measures, and shall be filed with the Commission for Human Services, the Director of the Department of Human Services, the Governor, the Attorney General, the Speaker of the House of Representatives, the President Pro Tempore of the Senate and the Office of Juvenile System Oversight. The Department shall file copies of the reports~~

~~of the inspections and recommendations of the accrediting agencies listed in subsection B of this section with the Office of Juvenile System Oversight.~~

B. The Department is authorized and directed to establish, subject to the limits of funds available therefor, a diversity of placement alternatives for children committed to the custody of the Department including, but not limited to, foster family homes, foster family group homes, group homes and mental health treatment centers. All child care services and facilities operated by the Department shall be accredited by the American Correctional Association, the Joint Commission on Accreditation of Hospitals or the Child Welfare League of America, as appropriate for the service or facility. Applications for such accreditation shall be submitted to the appropriate agency no later than June 30, 1983.

~~C.~~ B. The Department of Human Services is hereby authorized to expend a sum not to exceed One Million Four Hundred Thousand Dollars (\$1,400,000.00) from monies appropriated for that purpose from the Human Services Fund during the fiscal year ending July 1, 1983, and each fiscal year thereafter, for the purpose of providing subsidy payments to licensed nonprofit child care institutions within the State of Oklahoma to furnish food, clothing, shelter and upkeep for Oklahoma children and to assist the agency in developing a more comprehensive program to meet the needs of each child in the program including, but not limited to, social services, recreational activities and individual and family counseling with the goal of returning the child to his family. Such subsidy shall be made on a per capita basis not to exceed One Thousand Two Hundred Dollars (\$1,200.00) per year and shall be expended in twelve (12) monthly payments beginning July 1 of the fiscal year. Nothing in this section shall preclude an individual from receiving federal matching funds for which he would otherwise be eligible.

SECTION 4. AMENDATORY 57 O.S. 1991, Section 502 (Section 1, Chapter 307, O.S.L. 1991), is amended to read as follows:

Section 502. As used in this title, unless the context otherwise requires:

(a) "Board" means the State Board of Corrections;

(b) "Department" means the Department of Corrections of this state;

(c) "Institutions" means the Oklahoma State Penitentiary located at McAlester, Oklahoma; the Oklahoma State Reformatory located at Granite, Oklahoma; the Lexington Assessment and Reception Center located at Lexington, Oklahoma; the Joseph Harp Correctional Center located at Lexington, Oklahoma; the Jackie Brannon Correctional Center located at McAlester, Oklahoma; the Howard C. McLeod Correctional Center located at Farris, Oklahoma; the Mack H. Alford Correctional Center located at Stringtown, Oklahoma; the Ouachita Correctional Center located at Hodgen, Oklahoma; the Mabel Bassett Correctional Center located at Oklahoma City, Oklahoma; the R.B. "Dick" Conner Correctional Center located at Hominy, Oklahoma; the James Crabtree Correctional Center located at Helena, Oklahoma; the Jess Dunn Correctional Center located at Taft, Oklahoma; the John Lilley Correctional Center located at Boley, Oklahoma; the William S. Key Correctional Center located at Fort Supply, Oklahoma; the Dr. Eddie Walter Warrior Correctional Center located at Taft, Oklahoma; the correctional center, formerly known as Central Oklahoma Juvenile Center, located at Tecumseh, Oklahoma; the Oklahoma City, Clara Waters and Kate Barnard Community Corrections Centers located at Oklahoma City, Oklahoma; the Tulsa Community Corrections Center located at Tulsa, Oklahoma; the Community Corrections Centers located at Lawton, Enid, Muskogee and McAlester; and other facilities under the jurisdiction and control of the Department of Corrections or hereafter established by the Department of Corrections;

(d) "Director" means the Director of the Department of Corrections;

(e) "House arrest" means a program whereby persons committed to the Department of Corrections are authorized to be away from a correctional facility and are placed by the Department in a community for the purpose of reintegration of the person into society, pursuant to the provisions of Section 510.2 of this title; and

(f) "Private prison contractor" means:

(1) a nongovernmental entity or public trust which, pursuant to a contract with the Department of Corrections, operates an institution within the Department, or provides for the housing, care, and control of inmates and performs other functions related to said responsibilities within a minimum or medium security level facility not owned by the Department but operated by the contractor; or

(2) a nongovernmental entity or public trust which, pursuant to a contract with the United States or another state, provides for the housing, care, and control of minimum or medium security inmates in the custody of the United States or another state, and performs other functions related to said responsibilities within a facility owned or operated by the contractor.

SECTION 5. AMENDATORY 57 O.S. 1991, Section 509, is amended to read as follows:

Section 509. The Oklahoma State Penitentiary shall be located at McAlester in Pittsburg County, State of Oklahoma; and the Oklahoma State Reformatory shall be located at Granite in Greer County, State of Oklahoma; and the Lexington Assessment and Reception Center shall be located at Lexington in Cleveland County, State of Oklahoma; and the Jackie Brannon Correctional Center shall be located at McAlester in Pittsburg County, State of Oklahoma; and the Joseph Harp Correctional Center shall be located at Lexington in

Cleveland County, State of Oklahoma; and the Howard C. McLeod Correctional Center shall be located at Farris in Atoka County, State of Oklahoma; and the Mack H. Alford Correctional Center shall be located at Stringtown in Atoka County, State of Oklahoma; and the Ouachita Correctional Center shall be located at ~~Hedgens~~ Hodgen in LeFlore County, State of Oklahoma; and the Mabel Bassett Correctional Center shall be located at Oklahoma City in Oklahoma County, State of Oklahoma; and the R.B. "Dick" Conner Correctional Center shall be located at Hominy in Osage County, State of Oklahoma; and the James Crabtree Correctional Center shall be located at Helena in Alfalfa County, State of Oklahoma; and the Jess Dunn Correctional Center shall be located at Taft in Muskogee County, State of Oklahoma; and the John Lilley Correctional Center shall be located at Boley in Okfuskee County, State of Oklahoma; and the William S. Key Correctional Center shall be located at Fort Supply in Woodward County, State of Oklahoma; and the Dr. Eddie Walter Warrior Correctional Center shall be located at Taft in Muskogee County, State of Oklahoma; and the correctional center, formerly known as Central Oklahoma Juvenile Center, shall be located at Tecumseh in Pottawatomie County; and the Oklahoma City, Clara Waters and Kate Barnard Community Corrections Centers shall be located at Oklahoma City in Oklahoma County, State of Oklahoma; and the Tulsa Community Corrections Center shall be located at Tulsa in Tulsa County, State of Oklahoma; and the Muskogee Community Corrections Center shall be located at Muskogee in Muskogee County, State of Oklahoma; and the Lawton Community Corrections Center shall be located at Lawton in Comanche County, State of Oklahoma; and the Enid Community Corrections Center shall be located at Enid in Garfield County, State of Oklahoma; and the McAlester Community Corrections Center shall be located at McAlester in Pittsburg County, State of Oklahoma; and said institutions and community corrections centers are hereby established within the Department.

Said Department shall be the legal successor of and, except as otherwise provided in the Oklahoma Corrections Act of 1967, Section 501 et seq. of this title, shall have the powers and duties vested by law in the Office of Public Affairs in all matters relating to penal institutions, heretofore or hereafter established by the Department, which institutions and community corrections centers shall be under the administrative direction and control of the Department.

SECTION 6. AMENDATORY 62 O.S. 1991, Section 195, is amended to read as follows:

Section 195. A. 1. There is hereby created a petty cash fund at each of the following institutions: Oklahoma School for the Blind, Muskogee, Oklahoma; Oklahoma School for the Deaf, Sulphur, Oklahoma; Griffin Memorial Hospital, Norman, Oklahoma; Eastern State Hospital, Vinita, Oklahoma; Enid State School, Enid, Oklahoma; Pauls Valley State School, Pauls Valley, Oklahoma; Western State Hospital, Fort Supply, Oklahoma; ~~Central Oklahoma Juvenile Treatment Center, Tecumseh, Oklahoma;~~ Hissom Memorial Center, Sand Springs, Oklahoma; L.E. Rader Children's Diagnostic and Evaluation Center, Sand Springs, Oklahoma; L.E. Rader Intensive Treatment Center, Sand Springs, Oklahoma; and the Oklahoma Medical Center.

2. The Director of State Finance and the head of the institution involved are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash funds. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash funds of the institution.

3. The Director of State Finance shall transfer any money in the petty cash fund for Central Oklahoma Juvenile Center to the General Revenue Fund of the state.

B. 1. There is hereby created a petty cash fund in the legal division of the Department of Human Services which fund shall be

used solely to pay court costs, filing fees, witness fees, and expenses related to any case or proceeding within the responsibility of the legal division.

2. The Director of State Finance, and the Director of the Department of Human Services are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash fund. The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash fund.

C. 1. There is hereby created a petty cash fund in the finance department of the Oklahoma Corporation Commission which shall be used solely to pay litigation expenses of the legal division, including court costs, filing fees, witness fees, and other expenses related to any case, proceeding, or matter within the responsibility of the legal division.

2. The Director of State Finance and the Corporation Commission are hereby authorized and it shall be their duty to fix the maximum amount of the petty cash fund, not to exceed Five Hundred Dollars (\$500.00). The Director of State Finance shall prescribe all forms, systems, and procedures for administering the petty cash fund.

SECTION 7. REPEALER 57 O.S. 1991, Section 502 (Section 14, Chapter 291, O.S.L. 1991), and 62 O.S. 1991, Sections 180, 181, 182 and 183, are hereby repealed.

SECTION 8. This act shall become effective July 1, 1992.

SECTION 9. 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.

43-2-7088

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