

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

HOUSE BILL NO. 1551

By: Cozort

AS INTRODUCED

An Act relating to children; amending 10 O.S. 1991, Sections 1101, as amended by Section 14, Chapter 298, O.S.L. 1992 and 1102, as last amended by Section 2, Chapter 373, O.S.L. 1992 (10 O.S. Supp. 1992, Sections 1101 and 1102), which relate to delinquent children, children in need of supervision, children in need of mental health treatment, deprived children and handicapped children; modifying age limitation on delinquent children; enacting the Oklahoma Youthful Offender Act; providing short title; defining terms; creating the Youthful Offender Authority; creating the position of Director; providing for qualifications and appointment of such Director; providing for power and duties of Director; authorizing the creation of certain Division and the appointment of Deputy Directors; providing for qualifications of such Deputy Directors; providing for certain powers and duties of such Division; authorizing certain leaves and places of confinement; prohibiting certain passes; requiring accompaniment of certain persons on certain leaves; authorizing a house arrest program; specifying certain youthful offenders for such program;

limiting participants in such program; requiring certain notification; requiring the implementation of certain procedures prior to certain transfers; requiring the Authority to administer certain programs; providing for the release of certain youthful offenders on parole; stating conditions for such release; providing for notification of parole violations; requiring certain recommendations to the State Pardon and Parole Board; requiring the providing of certain items and monies from certain funds to a youthful offender upon release; requiring certain notification on release or discharge; specifying such notification; disclaiming certain liability; deeming pardon and parole officers to be peace officers; requiring certain training and qualifications of such officers; requiring certain notification by such officers; authorizing certain warrant for arrest; authorizing certain incarceration; authorizing the advancement of sick leave for employees under certain conditions; limiting such leave; authorizing the repair or replacement of employees' property under certain conditions; specifying such replacement; requiring certain duties of the Authority relating to the reception process; providing for certain alcohol treatment centers and contracts relating thereto; authorizing the adoption of certain rules; creating the Oklahoma Youthful Offender Authority Revolving Fund; specifying deposits to and expenditures from such fund; stating purpose; stating procedures relating to such fund; amending 22 O.S. 1991, Section 991a,

as last amended by SEction 3, Chapter 382, O.S.L. 1992 (22 O.S. Supp. 1992, Section 991a), which relates to disposition orders; stating placement of youthful offenders to be under the supervision of the Authority instead of the Department of Corrections in certain disposition orders; repealing 10 O.S. 1991, Section 1104.2, as amended by Section 2, Chapter 192, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1104.2), which relates to reverse certification of certain juveniles; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1101, as amended by Section 14, Chapter 298, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1101), is amended to read as follows:

Section 1101. When used in this title, unless the context otherwise requires:

1. "Child", for purposes of being alleged a delinquent child, means any person under ~~eighteen (18)~~ fifteen (15) years of age, except for any person ~~sixteen (16) or seventeen (17)~~ years of age ~~who is charged with any crime specified in subsection A of Section 1104.2 of this title, or~~ who has been certified as an adult pursuant to Section 1112 of this title; provided that any person under ~~eighteen (18)~~ fifteen (15) years of age ~~who is not convicted after being charged with a crime pursuant to Section 1104.2 of this title,~~ ~~or~~ who is not convicted after certification as an adult pursuant to Section 1112 of this title, shall continue to be subject to the

jurisdiction of the juvenile court. "Child", for purposes of being alleged a child in need of supervision, a deprived child, a child in need of mental health treatment, or a handicapped child, means any person under eighteen (18) years of age.

2. "Delinquent child" means a child who:

- a. has violated any federal or state law or municipal ordinance, except a traffic statute or traffic ordinance, or any lawful order of the court made pursuant to the provisions of Sections 1101 through 1506 of this title, or
- b. has habitually violated traffic laws or traffic ordinances.

3. "Child in need of supervision" means a child who:

- a. has repeatedly disobeyed reasonable and lawful commands or directives of his parent, legal guardian, or other custodian, or
- b. is willfully and voluntarily absent from his home without the consent of his parent, legal guardian, or other custodian for a substantial length of time or without intent to return, or
- c. is willfully and voluntarily absent from school for fifteen (15) or more days or parts of days within a semester or four (4) or more days or parts of days within a four-week period without a valid excuse as defined by the local school boards, if said child is subject to compulsory school attendance.

4. "Deprived child" means a child:

- a. who is for any reason destitute, homeless, or abandoned, or
- b. who does not have the proper parental care or guardianship or whose home is an unfit place for the child by reason of neglect, cruelty, or depravity on

- the part of his parents, legal guardian, or other person in whose care the child may be, or
- c. who is a child in need of special care and treatment because of his physical or mental condition including a child born in a condition of dependence on a controlled dangerous substance, and his parents, legal guardian, or other custodian is unable or willfully fails to provide said special care and treatment, or
  - d. who is a handicapped child deprived of the nutrition necessary to sustain life or of the medical treatment necessary to remedy or relieve a life-threatening medical condition in order to cause or allow the death of said child if such nutrition or medical treatment is generally provided to similarly situated nonhandicapped or handicapped children, provided that no medical treatment is necessary if, in the reasonable medical judgment of the attending physician, such treatment would be futile in saving the life of the child, or
  - e. who is, due to improper parental care and guardianship, absent from school for fifteen (15) or more days or parts of days within a semester or four (4) or more days or parts of days within a four-week period without a valid excuse as defined by the local school boards if said child is subject to compulsory school attendance, or
  - f. whose parent or legal custodian for good cause desires to be relieved of his custody.

No child who, in good faith, is being provided with treatment and care by spiritual means alone in accordance with the tenets and practice of a recognized church or religious denomination by a duly accredited practitioner thereof shall be considered, for that reason

alone, to be a deprived child pursuant to any provision of Sections 1101 through 1506 of this title. The phrase dependent and neglected shall be deemed to mean deprived.

5. "Child in need of mental health treatment" means a child in need of mental health treatment as defined by the Inpatient Mental Health Treatment of Children Act.

6. "Handicapped child" means any child who has a physical or mental impairment which substantially limits one or more of the major life activities of the child or who is regarded as having such an impairment by a competent medical professional.

7. "Department" means the Department of Human Services.

8. "Adjudicatory hearing" means a hearing to determine whether the allegations of a petition pursuant to the provisions of Section 1103 of this title are supported by the evidence and whether a child should be adjudged to be a ward of the court.

9. "Dispositional hearing" means a hearing to determine the order of disposition which should be made with respect to a child adjudged to be a ward of the court.

10. "Preliminary inquiry" or "intake" means a mandatory, preadjudicatory interview of the child and, if available, his parents, legal guardian, or other custodian, which is performed by a duly authorized individual to determine whether a child comes within the purview of this chapter, whether other nonadjudicatory alternatives are available and appropriate, and if the filing of a petition is necessary.

11. "Facility" means a place, an institution, a building or part thereof, a set of buildings, or an area whether or not enclosing a building or set of buildings which is used for the lawful custody and treatment of juveniles and may be owned or operated by a public or private agency.

12. "Secure facility" means a facility which is designed and operated to ensure that all entrances and exits from the facility

are subject to the exclusive control of the staff of the facility, whether or not the person being detained has freedom of movement within the perimeter of the facility, or a facility which relies on locked rooms and buildings, fences, or physical restraint in order to control behavior of its residents.

13. "Community-based" means a facility, program or service, or open group home or other suitable place located near the home or family of the child, and programs of community supervision and service which maintain community participation in their planning, operation, and evaluation. These programs may include but are not limited to medical, educational, vocational, social, and psychological guidance, training, counseling, alcoholism treatment, drug treatment, transitional living, independent living and other rehabilitative services.

14. "Day treatment" means a program which provides intensive services to children who reside in their own home, the home of a relative, or a foster home. Day treatment programs include educational services and may be operated as a part of a residential facility.

15. "Group home" means a residential facility housing no more than twelve children with a program which emphasizes family-style living in a homelike environment. Said group home may also offer a program within the community to meet the specialized treatment needs of its residents.

16. "Transitional living program" means a residential program that may be attached to an existing facility or operated solely for the purpose of assisting children to develop the skills and abilities necessary for successful adult living. Said program may include but shall not be limited to reduced staff supervision, vocational training, educational services, employment and employment training, and other appropriate independent living skills training as a part of the transitional living program.

17. "Independent living program" means a program designed to assist a child to enhance skills and abilities necessary for successful adult living and may include but shall not be limited to minimal direct staff supervision and supportive services in making the arrangements necessary for an appropriate place of residence, completing an education, vocational training, obtaining employment or other similar services.

18. "Community residential center" means a residential facility for no more than twenty children which offers a range of services including personal and social services, and emphasizes normal group living, school attendance, securing employment, and general participation in the community.

19. "Institution" means a residential facility offering care and treatment for more than twenty residents. Said institution may:

- a. have a program which includes community participation and community-based services, or
- b. be a secure facility with a program exclusively designed for a particular category of resident.

20. "Mental health facility" means a mental health facility as defined by the Inpatient Mental Health Treatment of Children Act.

21. "Training school" means an institution maintained by the state exclusively for the care, education, training, treatment, and rehabilitation of delinquent children.

22. "Rehabilitative facility" means a facility maintained by the state exclusively for the care, education, training, treatment, and rehabilitation of children in need of supervision.

23. "Treatment center" means a facility maintained by the state for the care, education, training, treatment, and rehabilitation of children who are in the custody of the Department and who have been found by the court to be in need of treatment.



SECTION 2. AMENDATORY 10 O.S. 1991, Section 1102, as last amended by Section 2, Chapter 373, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1102), is amended to read as follows:

Section 1102. A. 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 child who is or is alleged to be delinquent, in need of supervision or deprived, who is found within the county; and of the parent, guardian, legal custodian, legal guardian or stepparent of said child, regardless of where the parent, guardian, legal custodian, legal guardian or stepparent is found; and of any other adult person living in the home of such child. When jurisdiction shall have been obtained over a child who is or is alleged to be in need of supervision 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)~~ sixteen (16) 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 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 to assume jurisdiction of cases involving children under ~~eighteen (18)~~ fifteen (15) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, curfews, possession of nonintoxicating beverages as defined in Section 161.2 of Title 37 of the Oklahoma Statutes, possession of alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes, and public intoxication. A child under ~~eighteen (18)~~ fifteen (15) 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)~~ fifteen (15) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, truancy, curfews, possession of nonintoxicating beverages as defined in Section 161.2 of Title 37 of the Oklahoma Statutes, possession of alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes, 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 1125 through 1125.4 of this title and Section 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 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 800 of Title 57, unless there is created a duplication in numbering, reads as follows:

Sections 3 through 27 of this act shall be known and may be cited as the "Oklahoma Youthful Offender Act".

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 801 of Title 57, unless there is created a duplication in numbering, reads as follows:

As used in the Oklahoma Youthful Offender Act:

1. "Youthful offender" means any person between the ages of fifteen (15) and twenty-three (23) who is convicted of a felony or misdemeanor;

2. "Authority" means the Youthful Offender Authority;

3. "Director" means the Director of the Youthful Offender Authority;

4. "Halfway house" means a private facility for the placement of inmates in a community setting for the purpose of reintegrating into the community youthful offenders who are nearing their release dates. The term shall not include private prisons;

5. "House arrest" means a program whereby persons committed to the Youthful Offender Authority are authorized to be away from a correctional facility and are placed by the Authority in a community for the purpose of reintegration of the person into society;

6. "Private prison contractor" means:

- a. a nongovernmental entity or public trust which, pursuant to a contract with the Youthful Offender Authority, operates an institution within the Youthful Offender Authority, or provides for the housing, care, and control of youthful offenders and performs other functions related to said responsibilities within a minimum or medium security level facility not owned by the Authority but operated by the contractor, or
- b. 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 youthful offenders 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;

7. "Department" means the Department of Corrections; and

8. "Board" means the Oklahoma Pardon and Parole Board.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 802 of Title 57, unless there is created a duplication in numbering, reads as follows:

There is hereby created the Youthful Offender Authority.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 803 of Title 57, unless there is created a duplication in numbering, reads as follows:

There is hereby created the position of Director of the Youthful Offender Authority. The Director shall be qualified for such position by character, personality, ability, education, training and successful administrative experience in the correctional field and shall have earned a master's degree from an accredited college or university with a major field of study in at least one of the following: Corrections, criminal justice, police science, criminology, psychology, sociology, administration, education, or a related social science, and five (5) years' work experience in corrections, or a bachelor's degree in the degree areas above specified and six (6) years' progressively responsible work experience in corrections. The Director of the Youthful Offender Authority shall be appointed by the Governor, with the advice and consent of the Senate and shall be subject to removal by the Governor for cause or in the manner provided by law for the removal of officers not subject to impeachment.

SECTION 7. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 804 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Director shall be the executive officer of the Authority and shall have the following general powers and duties:

1. To supervise the activities of the Authority and to act for the Authority in all matters, except as may be otherwise provided in the Oklahoma Youthful Offender Act;

2. To prescribe rules and regulations for the operation of the Authority;

3. To appoint and fix the duties and salaries of such personnel for the Authority as may be necessary to administer and carry out the provisions of the Oklahoma Youthful Offender Act. The Authority and the employees thereof, except the the Director, shall be subject to the provisions of the State Merit System of Personnel Administration, but the Governor may, by Executive Order, exempt positions therefrom as authorized by Section 802 of Title 74 of the Oklahoma Statutes, except as may be otherwise provided in the Oklahoma Youthful Offender Act; and

4. To accept, use, disburse and administer grants, allotments, gifts, devises, bequests, appropriations and other monies and property offered or given to the Authority, or any component or agency thereof, by any agency of the federal government or any corporation or individual for the use of the Authority.

SECTION 8. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 805 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Director is hereby authorized to create divisions within the Oklahoma Youthful Offender Authority as he may deem appropriate to effectively manage the Authority. The divisions shall be under the immediate supervision and control of the Director. The Director is hereby authorized to appoint Deputy Directors for the divisions of the Authority, who shall be exempt from the Merit System of Personnel Administration Act, and to fix the salaries and duties thereof; provided, the salary ranges of said Deputy Directors shall be set by the Legislature in the Authority's annual appropriation. The Deputy Directors shall have at least a master's degree from an accredited college or university, with a major field of study in at least one of the following: Corrections, criminology, criminal justice, psychology, sociology, administration, education or a

related social science, and at least four (4) years' work experience in corrections; or a bachelor's degree in the above specified major fields of study and at least five (5) years' work experience in corrections. Provided, however, that for the position of Deputy Director of administrative services, administrative experience may be substituted for work experience in corrections.

SECTION 9. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 806 of Title 57, unless there is created a duplication in numbering, reads as follows:

There is hereby created within the Authority a Legal Division. The Director may employ or contract with attorneys as needed and determine their salaries. These attorneys may advise the Director, administrative supervisors of facilities and Authority personnel on legal matters and may appear for and represent the Director, administrative supervisors of facilities and Authority personnel in administrative hearings and other legal actions and proceedings.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 807 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Director shall have the following specific powers and duties relating to the youthful offender institutions:

1. To appoint a warden or superintendent for each youthful offender institution, who shall qualify for the position by character, personality, ability, training, and successful administrative experience in the youthful offender field; and if he is not the incumbent warden or superintendent of a youthful offender institution, he shall have a college degree with a major in the behavioral sciences. As used in this section, "major in the behavioral sciences" means a major in psychology, sociology, criminology, education, corrections, human relations, guidance and counseling, administration, criminal justice administration, or penology;

2. To fix the duties of the wardens and superintendents and to appoint and fix the duties and compensation of such other personnel for each institution as may be necessary for the proper operation thereof. Youthful offender officers and guards shall have the following qualifications:

- a. the minimum and maximum age for service shall be established by the Director,
- b. possession of a minimum of thirty (30) semester hours from an accredited college or university, or possession of a high school diploma acquired from an accredited high school or GED equivalent testing program and graduation from a training course conducted by the Authority and certified by the Council on Law Enforcement Education and Training during the first six (6) months of employment,
- c. be a resident of this state during employment,
- d. be of good moral character,
- e. before going on duty alone, satisfactory completion of an adequate training program for youthful offender officers and guards, as prescribed and approved by the Director,
- f. satisfactory completion of minimum testing or professional evaluation through the Merit System of Personnel Administration, to determine the fitness of the individual to serve in the position written evaluations shall be submitted to the Authority, and
- g. satisfactory completion of a physical in keeping with the conditions of his job description on an annual basis and along the guidelines as established by the Authority and in compliance with the Americans With Disabilities Act;



3. To designate as peace officers qualified personnel in any Authority job classifications. The peace officer authority of employees so designated shall be limited to: maintaining custody of youthful offenders; preventing attempted escapes; pursuing, recapturing and incarcerating escapees and parole or probation violators and arresting such escapees, parole or probation violators, and serving warrants. Such powers and duties of peace officers may be exercised for the purpose of maintaining custody, security and control of any youthful offender being transported outside this state as authorized by the Uniform Criminal Extradition Act. To become qualified for designation as peace officers, employees shall meet the training and screening requirements conducted by the Authority and certified by the Council on Law Enforcement Education and Training and shall not be subject to Section 3311 of Title 70 of the Oklahoma Statutes;

4. To maintain such industries, factories, plants, shops, farms, and other enterprises and operations, hereinafter referred to as youthful offender industries, at each institution as the State Board of Corrections deems necessary or appropriate to employ the youthful offenders or teach them skills, or to sustain the institution; and as provided for by policies established by the Director, to allow compensation for the work of the youthful offenders, and to provide for apportionment of their wages, the amounts thus allowed to be kept in accounts by the Director for the youthful offenders and given to them upon their discharge from the institution, or upon their order paid to their families or dependents or used for the personal needs of the youthful offenders. Any industry which employs youthful offenders shall be deemed a "State Youthful Offender Industry" if the youthful offenders are paid from state funds including the proceeds of goods sold. Any industry in which wages of youthful offenders are paid by a nongovernmental person, group, or corporation, except those

industries employing youthful offenders in work-release centers under the Authority shall be deemed a "Private Youthful Offender Industry";

5. To assign residences at each institution to institutional personnel and their families;

6. To provide for the education, training, vocational education, rehabilitation, and recreation of youthful offenders;

7. To regulate the operation of canteens for youthful offenders;

8. To prescribe rules for the conduct, management and operation of each institution, including rules for the demeanor of youthful offenders and punishment of recalcitrant youthful offenders or the treatment of incorrigible youthful offenders;

9. To transfer youthful offenders from one institution to another;

10. To transfer to a state hospital for the mentally ill for care and treatment, any youthful offender who appears to be mentally ill. Said youthful offender shall be returned to the institution when the superintendent of the hospital certifies that the youthful offender has been restored to mental health;

11. To maintain courses of training and instruction for employees at each institution;

12. To maintain a program of research and statistics;

13. To provide for the periodic audit, at least once annually, of all funds and accounts of each institution and the funds of each youthful offender;

14. To provide for the utilization of youthful offender labor for any agency of the state, municipality, or political subdivision of this state, upon the duly authorized request for such labor by said agency. Said labor shall not be used to reduce employees or replace regular maintenance or operations of the agency. The labor shall be used solely for public or state purposes. Any such

youthful offender labor shall not be used for private use or purpose. Insofar as it is practicable, all such youthful offender labor shall be of such a nature and designed to assist and aid in the rehabilitation of youthful offenders performing the labor;

15. To make investigations and inquiries as to youthful offenders at the institutions who are to be, or who might be, considered for parole or other clemency; assist youthful offenders who are to be, or who might be, considered for parole or discharge in obtaining suitable employment or educational opportunities in the event of parole or discharge; report to the Pardon and Parole Board, for recommendation to the Governor, violations of terms and conditions of paroles; upon request of the Governor, make investigations and inquiries as to persons who are to be, or who might be, considered for reprieves or leaves of absence; report to the Pardon and Parole Board, for recommendation to the Governor, whether a parolee is entitled to a pardon, when the terms and conditions of his parole have been completed; make presentence investigations for, and make reports thereof to, trial judges in criminal cases before sentences are pronounced; supervise persons undergoing suspended sentences, or who are on probation or parole; and develop and operate work-release centers, community treatment facilities or prerelease programs at appropriate sites throughout this state;

16. To conduct continual planning and research and periodically evaluate the effectiveness of the various youthful offender programs instituted by the Authority; manage the designing, building, and maintaining of all the capital improvements of the Authority; establish and maintain current and efficient business, bookkeeping, and accounting practices and procedures for the operations of all institutions and facilities, and for the Authority's fiscal affairs; conduct initial orientation and continuing in-service training for the Authority employees; provide public information services;

inspect and examine the condition and management of state youthful offender institutions; investigate complaints concerning the management of youthful offenders or alleged mistreatment of youthful offenders thereof; and hear and investigate complaints as to misfeasance or nonfeasance of employees of the Authority; and

17. When an employee of the Authority has been charged with a violation of the rules of the Authority or with a felony pursuant to the provisions of a state or federal statute, the Director may, in his discretion, suspend the charged employee, in accordance with the Oklahoma Personnel Act and/or the Merit System of Personnel Administration Rules, pending the hearing and final determination of the charges. Notice of suspension shall be given by the Director, in accordance with the provisions of the Oklahoma Personnel Act. If after completion of the investigation of the charges, it is determined that such charges are without merit or are not sustained before the Oklahoma Merit Protection Commission or in a court of law, the employee shall be reinstated and shall be entitled to receive all lost pay and benefits.

This provision shall in no way deprive an employee of their right of appeal according to the Oklahoma Personnel Act, Section 841.13 of Title 74 of the Oklahoma Statutes.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 808 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Authority may extend the limits of the place of confinement of a committed offender at any of the youthful offender facilities by authorizing such committed offender under special conditions to be away from such youthful offender facility but within the state. Such authority may be granted for any of the following purposes:

1. To attend the funeral of a relative;
2. To visit a critically ill relative;

3. To obtain medical, psychiatric, sociological or social services in the community; or

4. To participate in public works projects.

B. Except as provided in subsection C of this section, the Authority may extend the limits of the place of confinement of a committed offender at any of the youthful offender facilities by granting the offender a pass authorizing the committed offender to be away from the youthful offender facility, but within the state, for any of the following purposes:

1. To contact prospective employers;

2. To secure a suitable residence for use upon release on parole or discharge;

3. To participate in work, educational and training programs in the community; or

4. For any other reasons consistent with the reintegration of a committed offender into the community, if authorized by law.

C. Offenders whose controlling, concurrent, or consecutive sentence is for a sex or incest related offense or a drug distribution or drug trafficking offense or who have a prior conviction for a sex or incest offense or a drug distribution or drug trafficking offense shall not be eligible for passes authorized by subsection B of this section at minimum security facilities. Offenders assigned to a community treatment center or a community security facility whose controlling, concurrent, or consecutive sentence is for a sex or incest related offense or a drug distribution or drug trafficking offense or who have a prior conviction for a sex or incest offense or a drug distribution or drug trafficking offense shall not be eligible for passes authorized by subsection B of this section until they are within eleven (11) months of current release date or on a parole stipulation for work release of one hundred eighty (180) days or less, except that offenders with a conviction for forcible sodomy, rape in the first

degree, rape by instrumentation, or lewd or indecent act with a child shall not be eligible for passes until they are within six (6) months of current release date or in the final ninety (90) days of a parole stipulation.

D. For the purpose of this section, "relative" means the committed offender's father, mother, child, brother, sister, spouse, grandparents, uncle, aunt or foster parents acting as his parents.

E. A person away from a youthful offender facility, pursuant to this section, and who is classified in medium or higher security shall be accompanied by an officer or other employee of the Authority.

F. A committed offender is, during his absence, to be considered as in the custody of the youthful offender facility and the time of such absence is to be considered as part of the term of sentence. Failure to return to the facility shall be deemed an escape and subject to such penalty as provided by law.

G. Except as provided in subsection C of this section and subject to the approval of the Authority, the administrator of a county or municipal jail or youthful offender facility may grant leave authority to a committed offender in such jail or facility for the purposes specified in subsections A or B of this section.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 809 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Authority may implement a house arrest program for persons in the custody of the Authority, who meet the following guidelines:

1. Only youthful offenders who are incarcerated for a nonviolent offense as defined in Section 571 of Title 57 of the Oklahoma Statutes, or youthful offenders who are within six (6) months of their projected release date, except those convicted of a

sex-related offense, shall be eligible to participate in the house arrest program; and

2. A youthful offender shall serve at least fifteen percent (15%) of his sentence of incarceration prior to being placed on house arrest.

B. The total number of persons placed in the house arrest program shall not exceed fifteen percent (15%) of the total population of persons committed to the custody of the Authority, excluding those on probation and parole; provided, if said total population of persons committed to the custody of the Authority decreases so that the percentage of persons on house arrest exceeds fifteen percent (15%) of that population, the Authority shall not be required to remove youthful offenders from the program.

C. Prior to the placement of a youthful offender on house arrest, the Authority shall provide written notification to the sheriff and district attorney of the county in which any person on house arrest is to be placed and to the chief law enforcement officer of any incorporated municipality in which said person is to be placed of the placement of the person on house arrest within the county or incorporated municipality.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 810 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Authority shall implement procedures to ensure that eligible youthful offenders who complete vocational-technical training shall be transferred to a community treatment center or to house arrest. Those youthful offenders shall have priority over other youthful offenders who have not completed such programs, for such placement.

SECTION 14. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 811 of Title 57, unless there is created a duplication in numbering, reads as follows:

It shall be the responsibility of the Authority to administer the house arrest program or any other alternatives to incarceration, and the employees of the Authority shall have the direct responsibility for oversight and supervision of youthful offenders involved in such programs.

SECTION 15. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 812 of Title 57, unless there is created a duplication in numbering, reads as follows:

Any youthful offender in a state youthful offender institution who has been granted a parole shall be released from the institution upon the following conditions:

1. That he comply with specified requirements of the Division of Community Services of the Authority under the active supervision of a probation and parole officer. Such active supervision shall be for a period not to exceed three (3) years, except as provided in paragraph 2 of this section; and

2. That he be actively supervised by a probation and parole officer for an extended period not to exceed the expiration of the maximum term or terms for which he was sentenced upon the determination by the Division of Community Services that the best interests of the public and the parolee will be served by such an extended period of supervision.

The probation and parole officer, upon information sufficient to give him reasonable grounds to believe that the parolee has violated the terms of and conditions of his parole, shall notify the Deputy Director of the Division of Community Services.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 813 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Authority shall recommend to the State Pardon and Parole Board upon the obtaining of age twenty-three (23) of any youthful offender in the custody of the Authority the following:



1. The youthful offender be pardoned or paroled and released from state custody;

2. The youthful offender be paroled and released from state custody under the supervision of a probation and parole officer of the Authority;

3. The youthful offender be transferred to a correctional facility under the Department of Corrections to continue or complete his sentence; or

4. The youthful offender be transferred to the custody of the Department of Corrections for release and supervision by a probation and parole officer of the Department of Corrections.

SECTION 17. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 814 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. When any youthful offender shall be discharged from the institution, the Warden or superintendent shall furnish him with proper and necessary clothing and a ticket for transportation to his home community within the State of Oklahoma, if it is not in the county in which the institution is located; and if his home community is outside the State of Oklahoma, the Warden or superintendent may furnish the necessary tickets to his home community or the county in which the sentence was imposed; and if he does not have Fifty Dollars (\$50.00) to his credit, the Warden or superintendent may furnish such sum as will afford him Fifty Dollars (\$50.00).

B. Funds necessary to provide said clothing, transportation and Fifty Dollars (\$50.00) shall be drawn from a Petty Cash Fund to be established at each institution of the Oklahoma Authority. Said Petty Cash Fund shall be governed by the rules and regulations established by the Office of State Finance.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 815 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Authority shall notify the district attorney or requesting law enforcement agency of the sentencing county whenever a youthful offender completes his sentence or is otherwise discharged from the physical custody of the Authority, except those discharged under the procedures and supervision of the Pardon and Parole Board. The notification shall be on a monthly basis and shall be made within ten (10) days following the month reported upon. The notification shall include the names of those youthful offenders released to the community under the "house arrest" provisions of the Oklahoma Youthful Offender Act, or any other provision of law which allows a youthful offender to reside outside of an Authority facility for a period in excess of thirty (30) days. For the purposes of this section, "sentencing county" shall mean the county from which the youthful offender received the last sentence served prior to release but shall not refer to any sentences received which include youthful offender status as an element of the offense. Should the youthful offender be released from concurrent sentences then each sentencing district attorney shall receive the notification. The district attorney shall disseminate the information provided herein to any and all law enforcement agencies deemed appropriate by the district attorney and to any victim of the crime for which the youthful offender was convicted. Notification shall be made to a victim by mailing the notification to the last-known address of the victim, if such information is requested by the victim. The district attorney shall not give the address of the youthful offender to any victim of the crime for which the youthful offender was convicted. The notifications required herein shall commence within ten (10) days following the first full month subsequent to the effective date of this act.

SECTION 19. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 816 of Title 57, unless there is created a duplication in numbering, reads as follows:

Neither the Pardon and Parole Board, district attorney's office, Authority, or their members, agents or employees shall be liable for any civil claim of damages, alleged to have arisen from a failure to give any notice under the Oklahoma Youthful Offender Act, or from a disclosure of the location of any person who had been convicted, paroled or pardoned.

SECTION 20. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 817 of Title 57, unless there is created a duplication in numbering, reads as follows:

All probation and parole officers shall be deemed peace officers and shall possess the powers granted by law to peace officers. Probation and parole officers shall meet all of the training and qualifications for peace officers required by Section 3311 of Title 70 of the Oklahoma Statutes. Qualifications for probation and parole officers shall be good character and a bachelor's degree from an accredited college or university including at least twenty-four (24) credit hours in any combination of psychology, sociology, social work, criminology, education, criminal justice administration, penology or police science.

SECTION 21. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 818 of Title 57, unless there is created a duplication in numbering, reads as follows:

The probation and parole officer shall, upon information sufficient to give him reasonable grounds to believe that the parolee has violated the terms of and conditions of his parole, notify the Authority. If it is determined that the facts justify such action, the Authority shall issue a warrant for the arrest of any such parolee and any such warrant shall have the force and effect of any warrant of arrest issued by a district court in this

state. Any such parolee shall, after arrest, be immediately incarcerated in the nearest county jail or Authority facility to await action of the Governor as to revocation of his parole. Parole time shall cease to run after the issuance of a warrant for arrest by the Authority.

SECTION 22. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 819 of Title 57, unless there is created a duplication in numbering, reads as follows:

The probation and parole officer shall, upon information sufficient to give him reasonable grounds to believe that a person on probation has violated the terms or conditions of his probation, notify the Authority. If it is determined that the facts justify such action, the Authority shall issue a warrant for the arrest of any such person on probation and any such warrant shall have the force and effect of any warrant of arrest issued by a district court in this state. Any such person on probation shall, after arrest, be immediately incarcerated in the nearest county jail to await action of the court as to revocation of his probation.

SECTION 23. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 820 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. Whenever employees of the Authority are injured in the line of duty and have used all their sick leave, the Director of the Authority shall determine if the injured employee was actually injured in the line of duty and whether the injured employee should be granted additional sick leave because of the injury. The Director may advance the injured employee not more than an additional forty-five (45) days' sick leave when necessary. Such sick leave advanced shall be accumulated back to the Authority from the employee at the rate of five (5) days per year until the advanced number of days are repaid.

B. Such additional sick leave benefit shall be available to an employee, shall not be cumulative and shall be available for each separate injury incident.

SECTION 24. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 821 of Title 57, unless there is created a duplication in numbering, reads as follows:

The Authority is authorized to repair or replace an employee's personal property if said personal property is damaged, destroyed or stolen by an offender while the employee is engaged in the performance of his duties. Any personal property repaired or replaced shall be comparable in kind, quality and cost. Reimbursement shall not duplicate insurance coverage carried by the employee in his individual capacity.

SECTION 25. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 822 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. The Authority, by the rules of that Authority, shall have the following duties which shall be performed as part of the assessment and reception process of the Authority, upon reception of each youthful offender:

1. To administer, or cause to be administered, physical and psychological examination of all youthful offenders;

2. To inventory the vocational skills of all youthful offenders;

3. To assess the educational and training needs of all youthful offenders;

4. To determine initial security and custody classifications;

5. To determine and recommend for placement in an alcohol treatment facility, as hereinafter provided for, any youthful offender convicted of alcohol-related offenses or otherwise in need of alcohol treatment;

6. To determine and recommend for placement any youthful offender who is in need of acute psychiatric care;

7. To plan for immediate assignments to institutions, community treatment centers, alcohol treatment centers or other facilities, public or private, designated by the Authority;

8. To recommend possible future assignments to institutions, community treatment centers, alcohol treatment centers or other facilities designated by the Authority; and

9. To provide orientation and instruction with respect to rules and procedures for youthful offenders.

B. An alcohol treatment center in which a youthful offender is placed shall provide services and standards of treatment as provided by the Department of Mental Health and Substance Abuse Services under its rules for alcoholism treatment. Upon placement of a youthful offender in a center for alcoholism treatment, the Authority shall enter into a third-party contract with such center for the custodial and professional services rendered to any youthful offender. Such contract may include requirements imposed by law on the Authority or reimbursement for such services, if necessary.

C. The Authority shall adopt rules governing the implementation of the Oklahoma Youthful Offender Act within sixty (60) days from the effective date of this act.

SECTION 26. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 823 of Title 57, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created in the State Treasury a revolving fund for the Oklahoma Youthful Offender Authority to be known as the Oklahoma Youthful Offender Authority Revolving Fund. This revolving fund shall consist of monies received by each institution of the Authority as reimbursements for noninmate individual food consumption; reimbursements from other state agencies and entities of government; receipts from sale of excess byproducts, excess

property, and salvage items; receipts from other ancillary services of the institution, not otherwise provided by law; receipts from the fee provided for in Section 991d of Title 22 of the Oklahoma Statutes; monitoring fees for electronically monitored home detention; receipts from the fees provided for in Section 153 of Title 28 of the Oklahoma Statutes for convictions for driving under the influence of alcohol or other intoxicating substance; monies received for providing primary health care and outpatient services to prisoners in county jails; receipts by the Authority for institutional care from wages earned by inmates while participating in the work release program; funds for prison rodeos and other special events; and any other receipts accruing to the credit of the Oklahoma Youthful Offender Authority which are not directed by law to be deposited in another fund. Expenditures from said fund shall be for the general operating expenses of the Oklahoma Youthful Offender Authority.

B. The fund created by subsection A of this section shall be a continuing fund, under the control of the administrative authority of the Oklahoma Youthful Offender Authority, and not subject to fiscal year limitations. Expenditures shall be made pursuant to the laws of the state and the statutes relating to the Oklahoma Youthful Offender Authority and its institutions, and without legislative appropriation. Warrants for expenditures from said revolving fund shall be based on claims signed by an authorized employee or employees of the Oklahoma Youthful Offender Authority and approved for payment by the Director of State Finance.

SECTION 27. AMENDATORY 22 O.S. 1991, Section 991a, as last amended by Section 3, Chapter 382, O.S.L. 1992 (22 O.S. Supp. 1992, Section 991a), is amended to read as follows:

Section 991a. A. For purposes of the Oklahoma Youthful Offender Act, when a person between the ages of fifteen (15) and twenty-three (23) is convicted of a crime and no death sentence is

imposed, if placed in state custody, that person shall be placed under the supervision of the Oklahoma Youthful Offender Authority instead of the Department of Corrections. Except as otherwise provided in the Elderly and Incapacitated Victims Protection Program, Section 991a-5 et seq. of this title, when a defendant is convicted of a crime and no death sentence is imposed, the court shall either:

1. Suspend the execution of sentence in whole or in part, with or without probation. The court, in addition, may order the convicted defendant at the time of sentencing or at any time during the suspended sentence to do one or more of the following:

- a. to provide restitution to the victim according to a schedule of payments established by the sentencing court, together with interest upon any pecuniary sum at the rate of twelve percent (12%) per annum, if the defendant agrees to pay such restitution or, in the opinion of the court, if he is able to pay such restitution without imposing manifest hardship on the defendant or his immediate family and if the extent of the damage to the victim is determinable with reasonable certainty,
- b. to reimburse any state agency for amounts paid by the state agency for hospital and medical expenses incurred by the victim or victims, as a result of the criminal act for which such person was convicted, which reimbursement shall be made directly to the state agency, with interest accruing thereon at the rate of twelve percent (12%) per annum,
- c. to engage in a term of community service without compensation, according to a schedule consistent with the employment and family responsibilities of the person convicted,



- d. to pay a reasonable sum into any trust fund, established pursuant to the provisions of Sections 176 through 180.4 of Title 60 of the Oklahoma Statutes, and which provides restitution payments by convicted defendants to victims of crimes committed within the State of Oklahoma wherein such victim has incurred a financial loss,
- e. to confinement in the county jail for a period not to exceed six (6) months,
- f. to reimburse the court fund for amounts paid to court-appointed attorneys for representing the defendant in the case in which he is being sentenced, or
- g. to repay the reward or part of the reward paid by a certified local crimestoppers program and the Oklahoma Reward System. In determining whether the defendant shall repay the reward or part of the reward, the court shall consider the ability of the defendant to make the payment, the financial hardship on the defendant to make the required payment, and the importance of the information to the prosecution of the defendant as provided by the arresting officer or the district attorney with due regard for the confidentiality of the records of the certified local crimestoppers program and the Oklahoma Reward System. The court shall assess this repayment against the defendant as a cost of prosecution. "Certified local crimestoppers program" means a crimestoppers program certified by the Office of the Attorney General pursuant to Section 991g of this title. The "Oklahoma General Reward System" means the reward program

established by Section 150.18 of Title 74 of the Oklahoma Statutes;

However, any such order for restitution, community service, payment to a certified local crimestoppers program, payment to the Oklahoma Reward System, or confinement in the county jail, or a combination thereof, shall be made in conjunction with probation and shall be made a condition of the suspended sentence;

2. Impose a fine prescribed by law for the offense, with or without probation or commitment and with or without restitution or service as provided for in this section;

3. Commit such person for confinement provided for by law with or without restitution as provided for in this section;

4. In the case of nonviolent felony offenses, sentence such person to the Community Service Sentencing Program created pursuant to Section 991a-4 of this title;

5. In addition to the other sentencing powers of the court, in the case of a person convicted of operating or being in control of a motor vehicle while the person was under the influence of alcohol, other intoxicating substance, or a combination of alcohol or another intoxicating substance, or convicted of operating a motor vehicle while the ability of the person to operate such vehicle was impaired due to the consumption of alcohol, require such person:

- a. to participate in an alcohol and drug substance abuse course or treatment program, pursuant to Sections 3-452 and 3-453 of Title 43A of the Oklahoma Statutes,
- b. to attend a victims impact panel program, if such a program is offered in the county where the judgment is rendered, and to pay a fee, not less than Five Dollars (\$5.00) nor more than Fifteen Dollars (\$15.00) as set by the governing authority of the program and approved by the court, to the program to offset the cost of participation by the defendant, if in the opinion of

the court the defendant has the ability to pay such fee,

- c. to both participate in the alcohol and drug substance abuse course or treatment program, pursuant to subparagraph a of this paragraph and attend a victims impact panel program, pursuant to subparagraph b of this paragraph,
- d. to install an ignition interlock device, at the person's own expense, approved by the Department of Public Safety, upon every motor vehicle operated by such person and to require that a notation of this restriction be affixed to the person's driver's license at the time of reinstatement of the license. Said restriction shall remain on the driver's license for such period as the court shall determine. The restriction may be modified or removed by order of the court and notice of said order shall be given to the Department of Public Safety. Upon the expiration of the period for the restriction, the Department of Public Safety shall remove the restriction without further court order. Failure to comply with the order to install an ignition interlock device or operating any vehicle without such device during the period of restriction shall be a violation of the sentence and may be punished as deemed proper by the sentencing court, or
- e. beginning January 1, 1993, to submit to electronically monitored home detention administered and supervised by the Department of Corrections or the Oklahoma Youthful Offender Authority, and to pay to the Department or Authority a monitoring fee, not to exceed Seventy-five Dollars (\$75.00) a month, to the

Department of Corrections or Oklahoma Youthful Offender Authority, if in the opinion of the court the defendant has the ability to pay such fee. Any fees collected pursuant to this subparagraph shall be deposited in the Department of Corrections Revolving Fund or the Oklahoma Youthful Offender Authority Revolving Fund. Any order by the court for the payment of the monitoring fee, if willfully disobeyed, may be enforced as an indirect contempt of court; or

6. In addition to the other sentencing powers of the court, in the case of a person convicted of prostitution pursuant to Section 1029 of Title 21 of the Oklahoma Statutes, require such person to receive counseling for the behavior which may have caused such person to engage in prostitution activities. Such person may be required to receive counseling in areas including but not limited to alcohol and substance abuse, sexual behavior problems, or domestic abuse or child abuse problems.

B. When sentencing a person convicted of a crime, the court shall first consider a program of restitution for the victim, as well as imposition of a fine or incarceration of the offender. The provisions of paragraph 1 of subsection A of this section shall not apply to defendants being sentenced upon their third or subsequent to their third conviction of a felony or, beginning January 1, 1993, to defendants being sentenced for their second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, except as otherwise provided in this subsection. In the case of a person being sentenced for their second or subsequent felony conviction for violation of Section 11-902 of Title 47 of the Oklahoma Statutes, the court may sentence the person pursuant to the provisions of paragraph 1 of subsection A of this section if the court orders the person to submit to electronically monitored home detention administered and supervised by the

Department of Corrections or the Oklahoma Youthful Offender Authority pursuant to subparagraph e of paragraph 5 of subsection A of this section.

C. When sentencing a person convicted of a crime, the court shall consider any victim impact statement if submitted to the court.

D. Probation, for purposes of subsection A of this section, is a procedure by which a defendant found guilty of a crime is released by the court subject to conditions imposed by the court and subject to the supervision of the Department of Corrections or the Oklahoma Youthful Offender Authority. Such supervision shall be initiated upon an order of probation from the court, and shall not exceed two (2) years. However, such supervision may be extended for a period not to exceed the expiration of the maximum term or terms of the sentence upon a determination by the Division of Probation and Parole of the Department of Corrections or the Oklahoma Youthful Offender Authority that the best interests of the public and the releasee will be served by an extended period of supervision.

E. The Department of Corrections, the Oklahoma Youthful Offender Authority or such other agency as the court may designate, shall be responsible for the monitoring and administration of the restitution and service programs provided for by subparagraphs a, c, and d of paragraph 1 of subsection A of this section, and shall ensure that restitution payments are forwarded to the victim and that service assignments are properly performed.

F. 1. The Division of Probation and Parole of the Department of Corrections ~~is~~ and the Oklahoma Youthful Offender Authority are hereby authorized, subject to funds available through appropriation by the Legislature, to contract with counties for the administration of county Community Service Sentencing Programs;

2. Any offender eligible to participate in the Program pursuant to this act shall be eligible to participate in a county Program;

provided, participation in county-funded Programs shall not be limited to offenders who would otherwise be sentenced to confinement with the Department of Corrections or the Oklahoma Youthful Offender Authority;

3. The Division shall establish criteria and specifications for contracts with counties for such Programs. A county may apply to the Division for a contract for a county-funded Program for a specific period of time. The Department or Authority shall be responsible for ensuring that any contracting county complies in full with specifications and requirements of the contract. The contract shall set appropriate compensation to the county for services to the Division;

4. The Division is hereby authorized to provide technical assistance to any county in establishing a Program, regardless of whether the county enters into a contract pursuant to this subsection. Technical assistance shall include appropriate staffing, development of community resources, sponsorship, supervision and any other requirements set forth in this act; and

5. The Department or Authority shall annually make a report to the Governor, the President Pro Tempore of the Senate and the Speaker of the House on the number of such Programs, the number of participating offenders, the success rates of each Program according to criteria established by the Department or Authority and the costs of each Program.

G. As used in this section:

1. "Ignition interlock device" means a device that, without tampering or intervention by another person, would prevent the defendant from operating a motor vehicle if the defendant has a blood or breath alcohol concentration of five-hundredths (0.05) or greater.

2. "Electronically monitored home detention" means incarceration of the defendant within a specified location or

locations with monitoring by means of a device approved by the Department of Corrections that detects if the person leaves the confines of any specified location.

SECTION 28. REPEALER 10 O.S. 1991, Section 1104.2, as amended by Section 2, Chapter 192, O.S.L. 1992 (10 O.S. Supp. 1992, Section 1104.2), is hereby repealed.

SECTION 29. This act shall become effective July 1, 1993.

SECTION 30. 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.

44-1-5121 MCD