

SHORT TITLE: Juveniles; authorizing municipality to create juvenile detention center; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 212

By: Leftwich

AS INTRODUCED

An Act relating to juveniles; authorizing municipality to create juvenile detention center; specifying population requirements; providing for approval of certain facility; requiring certification from Department of Human Services; directing costs to be paid from municipal funds; authorizing temporary detention of certain juveniles in certain facility; authorizing release of juvenile upon certain conditions; providing exception; authorizing the district court to make other placement in certain condition; specifying time for court to place juvenile; prohibiting juveniles from certain contact with certain adults; construing act; providing for codification; and providing an effective date.

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 1635 of Title 10, unless there is created a duplication in numbering, reads as follows:

A. The governing body in any municipality in this state having a population in excess of three hundred thousand (300,000) persons,

according to the federal decennial census of 1990 or any succeeding federal decennial census, is hereby authorized to establish, maintain, and operate one or more centers for temporary detention of juveniles alleged to have violated state law or municipal ordinance.

B. The design and location of any juvenile detention center established pursuant to this act, and the staffing, equipment, and furnishings required for its operation, shall be approved by the district court after consultation with the municipal police chief and with the city-county health department and the district attorney of the county in which the detention center is to be located. In addition, said center shall be certified by the Department of Human Services. Such approval and certification shall be obtained prior to establishment and operation of said center.

C. Any municipal juvenile detention center established pursuant to the provisions of this act shall operate as an agency of the municipality, and the municipality may appoint the personnel necessary for the staffing thereof. Costs of establishing, maintaining, and operating said detention center may be paid out of municipal or other available funds.

D. Whenever a juvenile is taken into custody by a sworn peace officer for an alleged violation of state law or municipal ordinance, said juvenile may, unless otherwise ordered by the district court, be temporarily detained in a municipal juvenile center established pursuant to this act. Following detention in said center, the juvenile may be released to the custody of a parent, legal guardian, or other person appointed by the district court upon written promise of such person to produce the juvenile at a time fixed by the district court in regard to a violation of state law or the municipal court in regard to a violation of municipal ordinance. Provided however, the juvenile shall not be released if the district court so orders. If the juvenile is not released to a parent, legal guardian, or other person appointed by the district

court within eight (8) hours from the time of detention, the juvenile shall be taken as soon thereafter as practicable to the district court for an order regarding custody. Pending further disposition of the case, the district court may order that the juvenile be released to the custody of a parent, legal guardian, or other person, or that the juvenile be detained in a place designated by the district court, subject to further orders of the district court.

E. No juvenile held in any municipal juvenile detention center established pursuant to this act shall be confined, transferred, or detained in any building where the juvenile could come in contact or communicate with any adult convicted of or under arrest for a crime.

F. Nothing in this section shall be construed as forbidding any sworn peace officer from taking any juvenile found violating state law or municipal ordinance into custody, or from removing any juvenile from surroundings which are detrimental to his or her welfare. In every case, a sworn peace officer taking a juvenile into custody shall report the fact to the district court as soon as practicable, and the matter shall proceed as provided by law.

SECTION 2. This act shall become effective September 1, 1993.

44-1-0496

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