

ENGROSSED HOUSE  
BILL NO. 2243

By: Cozort of the House  
and  
Fisher of the Senate

An Act relating to juvenile officers; amending Section 96, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7302-6.4), which relates to use of physical force in juvenile facilities; expanding facilities that are subject to guidelines for use of physical force; authorizing use of pepper spray subject to certain guidelines; amending 47 O.S. 1991, Section 156, as last amended by Section 1, Chapter 128, O.S.L. 1995 (47 O.S. Supp. 1995, Section 156), which relates to purchase of automobiles or buses with public funds; adding Office of Juvenile Affairs to list of agencies that may make such purchases; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 96, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7302-6.4), is amended to read as follows:

Section 7302-6.4 A. Use of physical force in institutions and other facilities operated by or through contract with the Department of Juvenile Justice wherein children are housed or in detention

centers operated by or through contract with a county shall be permitted only under the following circumstances:

1. For self-protection;
2. To separate juveniles who are fighting; ~~or~~
3. To restrain juveniles in danger of inflicting harm to themselves or others; or
4. To restrain juveniles who have escaped or who are in the process of escaping.

B. When use of physical force is authorized, the least force necessary under the circumstances shall be employed. Use of pepper spray shall be permitted only under guidelines prepared by the Office of Juvenile Affairs.

C. Staff members of residential and nonresidential programs who are assigned to work with juveniles shall receive written guidelines on the use of physical force and the use of pepper spray, and that, in accordance with staff disciplinary procedures, loss of employment may result if unauthorized use of physical force or pepper spray is proven.

D. Use of mechanical restraints in institutions and other facilities operated by or through contract with the Department of Juvenile Justice or the Department of Mental Health and Substance Abuse Services wherein children are housed shall be minimal and shall be prohibited except as specifically provided for in the rules of each of the Departments.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 156, as last amended by Section 1, Chapter 128, O.S.L. 1995 (47 O.S. Supp. 1995, Section 156), is amended to read as follows:

Section 156. A. Unless otherwise provided for by law, no state board, commission, department, institution, official, or employee, except the Department of Public Safety, the Department of Human Services, the Department of Wildlife Conservation, the Department of Corrections, the State Department of Education, the Oklahoma School

of Science and Mathematics, the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control, the Oklahoma State Bureau of Investigation, the Transportation Commission, the Department of Agriculture, the State Department of Health, the Department of Mental Health and Substance Abuse Services, the Oklahoma Tourism and Recreation Department, the Oklahoma Conservation Commission, the Oklahoma Water Resources Board and, the Department of Mines, and the Office of Juvenile Affairs shall purchase any passenger automobile or bus with public funds.

B. The Oklahoma School for the Deaf at Sulphur, the Oklahoma School for the Blind at Muskogee, and any state institution of higher education may purchase, own, or keep if now owned, or acquire by lease or gift, and use and maintain such station wagons, automobiles, trucks, or buses as are reasonably necessary for the implementation of the educational programs of said institutions. No bus operated, owned, or used by such educational institutions shall be permitted to carry any person other than students, faculty members, employees, or volunteers of such institutions. The provisions of this section shall not be construed to prohibit the operation of intracampus buses or buses routed directly between portions of the campus of any institution not adjacent to each other, nor to prohibit the collection of fares from such students, faculty members, or employees of such institutions, sufficient in amount to cover the reasonable cost of such transportation.

C. The J.D. McCarty Center for Children with Developmental Disabilities, the Oklahoma Department of Libraries, the Oklahoma Department of Veterans Affairs, and the Oklahoma Veterans Centers may own and maintain such passenger vehicles as those institutions have acquired prior to May 1, 1981.

D. The use of station wagons, automobiles, and buses, other than as provided for in this section, shall be permitted only upon written request for such use by heads of departments of the

institution, approved in writing by the president of said institution or by some administrative official of said institution authorized by the president to grant said approval. Such use shall be permitted only for official institutional business or activities connected therewith. Such use shall be subject to the provisions of Sections 156.1 and 159.7 of this title forbidding personal use of such vehicles, and to the penalties therein declared.

E. Any person convicted of violating the provisions of this section shall be guilty of a misdemeanor and shall be punished by fine or imprisonment, or both, as provided for in Section 156.1 of this title.

F. For the purpose of this section and Section 156.3 of this title, a station wagon is classified as a passenger automobile and may not be purchased solely for the use of transporting property. Such vehicles shall include, but not be limited to, all vehicles which have no separate luggage compartment or trunk but which do not have open beds, whether the same are called station wagons, vans, suburbans, town and country, blazers, or any other names. All state boards, commissions, departments, and institutions may own and maintain station wagons purchased solely for the purpose of transporting property if acquired prior to July 1, 1985.

G. The provisions of this section and Section 156.1 of this title shall not apply to public officials who are statewide elected commissioners.

SECTION 3. This act shall become effective July 1, 1996.

SECTION 4. 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 House of Representatives the 27th day of February, 1996.

Speaker

of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1996.

President

of the Senate