

ENGROSSED HOUSE  
BILL NO. 2692

By: Benson, Boyd (Laura) and  
Voskuhl of the House

and

Fisher of the Senate

( juveniles - amending 7 sections in Title 10 - Juvenile  
Justice Advisory and Oversight Committee - amending  
sections in Titles 47, 70 and 74 - denial of license to  
certain persons - codification - effective date -  
emergency )

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

SECTION 1. AMENDATORY Section 2, Chapter 299, O.S.L.  
1992, as amended by Section 189, Chapter 352, O.S.L. 1995 (10 O.S.  
Supp. 1995, Section 601.13), is amended to read as follows:

Section 601.13 A. In order to aid and assist the ~~Department of  
Human Services~~ Office of Juvenile Affairs in accomplishing its  
mission in regard to delinquent children and children in need of  
supervision there is hereby formed the Juvenile Justice Advisory and  
Oversight Committee to be composed of the following five (5)  
members:

1. One member who shall be a member of the public at large  
appointed by the Speaker of the House of Representatives;

2. One member who shall be a member of the public at large  
appointed by the President Pro Tempore of the Senate;

3. One member who shall be a member of the public at large appointed by the Governor;

4. One member who shall be a judge of the district court appointed by the Chief Justice of the Supreme Court; and

5. One member who shall be a district attorney appointed by the District Attorneys Council.

The member appointed by the Governor shall serve as the Chairman of the Committee.

B. The terms of office of the member appointed by the Speaker of the House of Representatives and the member appointed by the President Pro Tempore of the Senate shall expire on March 15, 1995, and each six (6) years thereafter; the term of the member appointed by the District Attorneys Council shall expire on March 15, 1997, and each six (6) years thereafter; and the terms of the member appointed by the Chief Justice of the Supreme Court and the member appointed by the Governor shall expire on March 15, 1999, and each six (6) years thereafter. Any member of the Committee may be removed from office in the manner provided by law for the removal of officers not subject to impeachment. Vacancies on the Committee shall be filled for the unexpired term by the original appointing authority.

C. The Committee shall have the following duties:

~~1. To review the policies and programs of the Department of Human Services concerning juveniles and make recommendations concerning those policies and programs to the Commission for Human Services;~~

~~2.~~ To review services provided by the Office of Juvenile Affairs and make recommendations thereon;

~~3.~~ 2. To review the funding of juvenile programs and make recommendations thereon;

~~4.~~ 3. To review any proposed settlement of lawsuits alleging negligent or other improper care and treatment of delinquent

children or children in need of supervision while in state custody and make recommendations thereon; and

~~5.~~ 4. To review statutory provisions relating to juveniles and make recommendations thereon.

The Committee may review and discuss information made confidential by either Article V of the Oklahoma Children's Code or Article VII of the Oklahoma Juvenile Code as may be necessary for the performance of the duties of the Committee, but shall maintain the confidentiality of such information as required by law. All discussions and any writings produced or created by the Committee in the course of its review of a proposed settlement of any lawsuit, including any recommendation by the Committee as the result of such review, shall be privileged and shall not be admissible as evidence in any proceeding.

D. The Committee shall meet at least four times a year on a quarterly basis and at such other times as it deems necessary for the purpose of considering the funding and reviewing the operational and capital needs of the Office of Juvenile Affairs and to fulfill its other duties. The Committee shall formulate recommendations to be submitted to the Executive Director of the Office of Juvenile Affairs, the Director of the Department of Human Services, the Commission for Human Services, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Governor. One quarterly meeting of the Committee shall be held in conjunction with the regularly scheduled meeting of the Board of Juvenile Affairs at which the budget request for the Office of Juvenile Affairs for the next fiscal year is considered for submission to the Office of State Finance. The Committee also may meet with the Board of Juvenile Affairs at such other times as necessary. A majority of the members shall constitute a quorum for the purposes of conducting business. Members of the Committee shall

serve without compensation but may be reimbursed in accordance with the provisions of the State Travel Reimbursement Act.

E. Administrative assistance for the Committee shall be provided by the Office of Juvenile Affairs.

SECTION 2. AMENDATORY Section 7, Chapter 290, O.S.L. 1994, as amended by Section 74, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7302-2.1), is amended to read as follows:

Section 7302-2.1 A. The Board of Juvenile Affairs shall appoint the Executive Director of the Office of Juvenile Affairs. The Executive Director shall serve at the pleasure of the Board.

B. The Executive Director of the Office of Juvenile Affairs shall be qualified for such position by character, ability, education, training, and successful administrative experience in the corrections or juvenile justice field; shall have earned a master's degree or other advanced degree from an accredited college or university with a major field of study in at least one of the following: Corrections, juvenile justice, juvenile delinquency, criminal justice, law, police science, criminology, psychology, sociology, administration, education, or a related social science, and three (3) years' work experience in corrections or juvenile justice, or a bachelor's degree in the degree areas specified in this subsection and four (4) years' progressively responsible work experience in corrections or juvenile justice.

C. The Executive Director shall provide for the administration of the Office of Juvenile Affairs and shall:

1. Be the executive officer and supervise the activities of the Office of Juvenile Affairs;

2. Pursuant to legislative authorization employ, discharge, appoint or contract with, and fix the duties and compensation of such assistants, attorneys, law enforcement officers, probation officers, psychologists, social workers, medical professionals,

administrative, clerical and technical, investigators, aides and such other personnel, either on a full-time, part-time, fee or contractual basis, as in the judgment and discretion of the Executive Director shall be deemed necessary in the performance or carrying out of any of the purposes, objectives, responsibilities, or statutory provisions relating to the Office of Juvenile Affairs or Department of Juvenile Justice, or to assist the Executive Director of the Office of Juvenile Affairs or Deputy Director of the Department of Juvenile Justice in the performance of official duties and functions;

3. Establish internal policies and procedures for the proper and efficient administration of the Office of Juvenile Affairs; and

4. Exercise all incidental powers which are necessary and proper to implement the purposes of the Office of Juvenile Affairs pursuant to this act.

D. The Executive Director shall employ an attorney to be designated the "General Counsel" who shall be the legal advisor for the Office of Juvenile Affairs and the Department of Juvenile Justice. Except as provided in this subsection, the General Counsel is authorized to appear for and represent the Board, Office and Department in any litigation that may arise in the discharge of the duties of the Board, Office or Department.

It shall continue to be the duty of the Attorney General to give an official opinion to the Executive Director of the Office of Juvenile Affairs, the Deputy Director of the Department of Juvenile Justice, the Office of Juvenile Affairs and the Department of Juvenile Justice, and to prosecute and defend actions therefor, if requested to do so. The Attorney General may levy and collect costs, expenses of litigation and a reasonable attorney's fee for such legal services from the Office or Department. Neither the Office nor Department shall contract for representation by private legal counsel unless approved by the Attorney General. Such

contract for private legal counsel shall be in the best interests of the state. The Attorney General shall be notified by the Office of Juvenile Affairs or its counsel of all lawsuits against the Office of Juvenile Affairs or the Department of Juvenile Justice or officers or employees thereof, that seek injunctive relief which would impose obligations requiring the expenditure of funds in excess of unencumbered monies in the agency's appropriations or beyond the current fiscal year. The Attorney General shall review any such cases and may represent the interests of the state, if the Attorney General considers it to be in the best interest of the state to do so, in which case the Attorney General shall be paid as provided in this subsection. Representation of multiple defendants in such actions may, at the discretion of the Attorney General, be divided with counsel for the Office and Department as necessary to avoid conflicts of interest.

E. In the event of the Executive Director's temporary absence, the Executive Director may delegate the exercise of such powers and duties to a designee during the Executive Director's absence. In the event of a vacancy in the position of Executive Director, the Board of Juvenile Affairs shall appoint a new Executive Director. The Board may designate an interim or acting Executive Director who is authorized to exercise such powers and duties until a permanent Executive Director is employed.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-2.4 of Title 10, unless there is created a duplication in numbering, reads as follows:

The Office of Juvenile Affairs is authorized to repair or replace the personal property of an employee if the personal property is damaged or destroyed by a juvenile who is in the custody of the Office of Juvenile Affairs while the employee is engaged in the performance of official duties for the Office of Juvenile Affairs. Any personal property repaired or replaced shall be

comparable in kind, quality and cost to the original property. Reimbursement shall not duplicate insurance coverage carried by the employee.

SECTION 4. AMENDATORY Section 10, Chapter 290, O.S.L. 1994, as amended by Section 78, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7302-3.2), is amended to read as follows:

Section 7302-3.2 A. Effective July 1, 1995, there is hereby established within the Department of Juvenile Justice the Division of Advocate Defender which will be separate and apart from the Office of General Counsel. The administrative officer of the Division of Advocate Defender shall be the Advocate General, who shall be an attorney with a minimum of three (3) years' experience as an attorney. The Executive Director of the Office of Juvenile Affairs shall employ such other personnel as may be necessary to carry out the purposes of this section. Such personnel may be dismissed only for cause.

B. Effective July 1, 1995, the duties and responsibilities of the Advocate General are as follows:

1. Supervise personnel assigned to children's institutions and facilities as student defender/representatives;

2. Monitor and review grievance procedures and hearings;

3. Investigate grievances of juveniles and staff grievances related to juveniles which are not resolved at the facility level;

4. ~~Report to the Department of Human Services~~ Investigate allegations of abuse or neglect of juveniles who are in the custody of the Office of Juvenile Affairs and placed in private facilities or facilities operated by the Office of Juvenile Affairs and report findings of abuse or neglect to the Department of Human Services; ~~or~~

5. Coordinate any hearings or meetings of administrative review committees conducted as a result of unresolved grievances or as a result of investigations;

6. Make recommendations to the Deputy Director of the Department of Juvenile Justice, and provide regular or special reports regarding grievance procedures, hearings and investigations to the Executive Director of the Office of Juvenile Affairs, the Office of Juvenile System Oversight and other appropriate persons as necessary;

7. Forward to the Office of Juvenile Systems Oversight, for the information of the Executive Director of the Office of Juvenile Systems Oversight, a copy of the final report of a complaint which is not resolved, through the system for resolution of grievances established by the Office of Juvenile Affairs, in the favor of the complainant; and

8. Perform such other duties as required by the Executive Director of the Office of Juvenile Affairs.

SECTION 5. AMENDATORY 10 O.S. 1991, Section 1404.1, as last amended by Section 107, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7302-8.1), is amended to read as follows:

Section 7302-8.1 A. There is hereby created a program of juvenile crime victim restitution to be administered by the Office of Juvenile Affairs through its Department of Juvenile Justice. The program shall be known as the "Juvenile Offender Victim Restitution Work Program".

B. The Board of Juvenile Affairs shall promulgate rules necessary for the implementation of the provisions of this section. Until the rules are promulgated by the Board, the rules promulgated by the Commission for Human Services shall remain in effect.

C. The programs developed under the provisions of this section shall provide restitution to a victim by requiring the ~~child~~ juvenile to work or provide a service for the victim, or to make monetary restitution to the victim from money earned from such a program. Restitution shall be made through the employment of the

juvenile in work programs. The supervised work or service program shall not deprive the ~~child~~ juvenile of schooling which is appropriate to the ~~child's~~ age, need, and specific rehabilitative goals of the juvenile. ~~Provided, such~~ The program shall not prohibit the ~~child~~ juvenile from fulfilling restitution ~~obligation~~ obligations through jobs the ~~child~~ juvenile has found, by performing volunteer services for the community, or by doing work for the victim.

D. Agreements for participation in the programs under this section may include restitution not in excess of actual damages caused by the ~~child~~ juvenile which shall be paid from the net earnings of the ~~child~~ juvenile received through participation in a constructive program of service or education acceptable to the ~~child~~ juvenile, the victim, the Department of Juvenile Justice, the district attorney and/or the district court. During the course of such service, the ~~child~~ juvenile shall be paid no less than the federal minimum wage. In considering ~~such~~ a restitution agreement, the Department of Juvenile Justice, the district attorney and/or the district court shall take into account the ~~child's~~ age, physical and mental capacity of the juvenile. The service shall be designed to relate to the ~~child~~ juvenile a sense of responsibility for the injuries caused to the person or property of another. If a petition has not been filed, the district attorney shall approve the nature of the work, the number of hours to be spent performing the assigned tasks and shall further specify that as part of a plan of treatment and rehabilitation, that fifty percent (50%) or more of the ~~child's~~ net earnings of the juvenile shall be used for restitution in order to provide positive reinforcement for the work performed. If a petition has been filed, the district court may approve the nature of the work, the number of hours to be spent performing the assigned tasks and may further specify that as part of a plan of treatment and rehabilitation, that fifty percent (50%) or more of the ~~child's~~

net earnings of the juvenile shall be used for restitution. The amount of earnings designated for restitution to victims shall be placed in the Juvenile Restitution Revolving Fund, established by Section 6 of this act.

E. The Department of Juvenile Justice may subsidize the employment of a ~~child~~ juvenile for the purposes of participation in a work program as provided by this section.

F. Any person, entity or political subdivision who is an employer of ~~children~~ juveniles or recipient of services ~~either of which are under~~ from a juvenile, pursuant to an agreement with the Juvenile Offender Victim Restitution Work Program shall not be liable for ordinary negligence for:

1. Damage to the property of the ~~child~~ juvenile or injury to the ~~child~~ juvenile except as to the liability established by the Workers' Compensation Act if the ~~child~~ juvenile is covered thereunder; or

2. Damage to any property or injury to any person~~r~~ which results from the services of the ~~child~~ juvenile pursuant to this section.

SECTION 6. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 7302-4.2 of Title 10, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Office of Juvenile Affairs to be designated the "Juvenile Restitution Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Office of Juvenile Affairs from payments made to the fund pursuant to Section 5 of this act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Office of Juvenile Affairs for restitution payments to victims harmed by acts of delinquent juveniles and for administration of the Juvenile Offender Victim

Restitution Work Program. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 7. AMENDATORY Section 114, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7303-1.1), is amended to read as follows:

Section 7303-1.1 A. A child may be taken into custody prior to the filing of a petition alleging that the child is delinquent or in need of supervision:

1. By a peace officer, without a court order for any criminal offense for which the officer is authorized to arrest an adult without a warrant, or if the child is willfully and voluntarily absent from the home of the child without the consent of the parent, legal guardian, legal custodian or other person having custody and control of the child for a substantial length of time or without intent to return, or if the child's surroundings are such as to endanger the welfare of the child;

2. By an employee of the court without a court order, if the child is willfully and voluntarily absent from the home of the child without the consent of the parent, legal guardian, legal custodian or other person having custody and control of the child for a substantial length of time or without intent to return, or if the child's surroundings are such as to endanger the welfare of the child;

3. Pursuant to an order of the district court issued on the application of the office of the district attorney. The application presented by the district attorney shall be supported by a sworn affidavit which may be based upon information and belief. The application shall state facts sufficient to demonstrate to the court that there is probable cause to believe the child has committed a

crime or is in violation of the terms of probation, parole or order of the court; and

4. By order of the district court pursuant to subsection E of this section when the child is in need of medical or mental health treatment or other action in order to protect the child's health or welfare and the parent, legal guardian, legal custodian or other person having custody or control of the child is unwilling or unavailable to consent to such medical or mental health treatment or other action.

B. Whenever a child is taken into custody as a delinquent child or a child in need of supervision, the child shall be detained, held temporarily in the custodial care of a peace officer or other person employed by a police department, or be released to the custody of the child's parent, legal guardian, legal custodian, attorney or other responsible adult, upon the written promise of such person to bring the child to the court at the time fixed if a petition is to be filed and to assume responsibility for costs for damages caused by the child if the child commits any delinquent acts after being released regardless of whether or not a petition is to be filed. It shall be a misdemeanor for any person to sign the written promise and then fail to comply with the terms of the promise. Any person convicted of violating the terms of the written promise shall be subject to imprisonment in the county jail for not more than six (6) months or a fine of not more than Five Hundred Dollars (\$500.00) or both such fine and imprisonment. In addition, if a parent, legal guardian, legal custodian, attorney or other responsible adult is notified that the child has been taken into custody, it shall be a misdemeanor for such person to refuse to assume custody of the child within a timely manner. If detained, the child shall be taken immediately before a judge of the district court in the county in which the child is sought to be detained, or to the place of detention or shelter designated by the court. If no judge be

available locally, the person having the child in custody shall immediately report the detention of the child to the presiding judge of the judicial administrative district, provided that the child shall not be detained in custody beyond the next judicial day or for good cause shown due to problems of arranging for and transporting the child to and from a ~~regional~~ secure juvenile detention center, beyond the next two (2) judicial days unless the court shall so order after a detention hearing to determine if there exists probable cause to detain the child. If the latter judge cannot be reached, such detention shall be reported immediately to any judge regularly serving within the judicial administrative district. If detained, a reasonable bond for release shall be set. Pending further disposition of the case, a child whose custody has been assumed by the court may be released to the custody of a parent, legal guardian, legal custodian, or other responsible adult or to any other person appointed by the court, or be detained pursuant to Article IV of the Oklahoma Juvenile Code in such place as shall be designated by the court, subject to further order.

C. When any child is taken into custody pursuant to this title and it reasonably appears to the peace officer, employee of the court or person acting pursuant to court order that the child is in need of medical treatment to preserve the health of the child, any peace officer, any employee of the court or person acting pursuant to court order shall have the authority to authorize medical examination and medical treatment for any child found to be in need of medical treatment as diagnosed by a competent medical authority in the absence of the child's parent, legal guardian, legal custodian, or other person having custody and control of the child who is competent to authorize medical treatment. The officer or the employee of the court or person acting pursuant to court order shall authorize said medical treatment only after exercising due diligence to locate the child's parent, legal guardian, legal custodian, or

other person legally competent to authorize said medical treatment. The child's parent, legal guardian, legal custodian, or other person having custody and control shall be responsible for such medical expenses as ordered by the court. No peace officer, any employee of the court or person acting pursuant to court order authorizing such treatment in accordance with the provisions of this section for any child found in need of such medical treatment shall have any liability, civil or criminal, for giving such authorization.

D. A child who has been taken into custody as otherwise provided by this Code who appears to be a child in need of mental health treatment may be admitted to a mental health facility on an emergency psychiatric basis or for an inpatient mental health evaluation or inpatient mental health treatment only in accordance with the provisions of the Inpatient Mental Health Treatment of Children Act.

E. 1. A child may be taken into custody pursuant to an order of the court specifying that the child is in need of medical treatment or other action to protect the child's health or welfare and the parent, legal guardian, legal custodian, or other responsible adult having custody or control of a child is unwilling or unavailable to consent to such medical treatment or other action.

2. If the child is in need of immediate medical treatment or other action to protect the child's health or welfare, the court may issue an emergency ex parte order upon application of the district attorney of the county in which the child is located. The application for an ex parte order may be verbal or in writing and shall be supported by facts sufficient to demonstrate to the court that there is reasonable cause to believe that the child is in need of immediate medical treatment or other action to protect the child's health or welfare. The emergency ex parte order shall be in effect until a full hearing is conducted. A copy of the application, notice for full hearing and a copy of any ex parte

order issued by the court shall be served upon such parent, legal guardian, legal custodian, or other responsible adult having custody or control of the child. Within twenty-four (24) hours of the filing of the application the court shall schedule a full hearing on the application, regardless of whether an emergency ex parte order had been issued or denied.

3. Except as otherwise provided by paragraph 2 of this section, whenever a child is in need of medical treatment to protect the child's health or welfare, or whenever any other action is necessary to protect the child's health or welfare, and the child's parent, legal guardian, legal custodian, or other person having custody or control of the child is unwilling or unavailable to consent to such medical treatment or other action, the court, upon application of the district attorney of the county in which the child is located, shall hold a full hearing within five (5) days of filing the application. Notice of the hearing and a copy of the application shall be served upon the parent, legal guardian, legal custodian, or other person having custody or control of the child.

4. At any hearing held pursuant to this subsection, the court may grant any order or require such medical treatment or other action as is necessary to protect the health or welfare of the child.

5. a. The parent, legal guardian, legal custodian, or other person having custody or control of the child shall be responsible for such medical expenses as ordered by the court.

b. No peace officer, any employee of the court or person acting pursuant to court order authorizing such treatment in accordance with the provisions of this subsection for any child found in need of such medical treatment shall have any liability, civil or criminal.

SECTION 8. AMENDATORY 10 O.S. 1991, Section 1102, as last amended by Section 115, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7303-1.2), is amended to read as follows:

Section 7303-1.2 A. 1. Upon the filing of a petition, or upon the assumption of custody pursuant to the provisions of Section ~~1107~~ 7303-1.1 of this title, the district court of the county in which a child:

- a. resides,
- b. is found, or
- c. is alleged to be or is found to be in need of supervision,

shall have jurisdiction of any child who is or is alleged to be in need of supervision and shall have jurisdiction 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 shall have jurisdiction of any other adult person living in the home of such child. For any child who is or is alleged to be delinquent, the district court of the county where the cause of action arose shall have jurisdiction of the child and of the parent, guardian, legal custodian, legal guardian or stepparent of said child, regardless where the parent, guardian, legal custodian, legal guardian or stepparent is found; and shall have jurisdiction of any other adult person living in the home of such child.

2. When jurisdiction shall have been obtained over a child who is or is alleged to be in need of supervision, 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) years of age upon the court's own motion, motion by the district attorney or motion by the Department

of Juvenile Justice, as provided in subsection B of Section 7302-5.4 of this title.

3. For the convenience of the parties and in the interest of justice, a proceeding under the Oklahoma Juvenile Code 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 7303-1.1 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 can issue any temporary order or grant any interlocutory relief authorized by this Code notwithstanding the fact that another district court within the state has jurisdiction 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. 1. A municipality may enter into an interlocal cooperation agreement with the district court pursuant to the Interlocal Cooperation Act, Sections 1001 through 1008 of Title 74 of the

Oklahoma Statutes, to assume jurisdiction of cases involving children under eighteen (18) years of age charged with violating municipal ordinances relating to vandalism, shoplifting, trespassing, assault, battery, assault and battery, illegal possession of firearms, truancy, curfews, possession of nonintoxicating beverages as defined in Section 163.2 of Title 37 of the Oklahoma Statutes, possession of alcoholic beverages as defined in Section 506 of Title 37 of the Oklahoma Statutes, disorderly conduct, public intoxication and failure to appear for a court appearance or comply with a court order. For the purposes of this subsection, "district court" shall mean the district court judicial district or districts in which the contracting municipality is situated. The chief juvenile judge of the district court judicial district is hereby authorized to enter into the interlocal cooperation agreement as provided for in this section for and on behalf of said judicial district if the judge determines that the agreement is constitutional and complies with state and federal law. Provided, if there is no chief juvenile judge in the judicial district, then the presiding judge of the judicial administrative district that includes the contracting judicial district may enter into the agreement for and on behalf of said judicial district if the judge determines that the agreement is constitutional and complies with state and federal law.

2. A child under eighteen (18) years of age who is taken into custody for the alleged violation of a municipal ordinance relating to truancy may be held pursuant to Section 10-109 of Title 70 of the Oklahoma Statutes.

3. A child under eighteen (18) years of age who is taken into custody for the alleged violation of a municipal ordinance relating to curfews may be held temporarily under the custodial care of a peace officer or other person employed by a police department only until the child's parent, legal guardian, legal custodian, attorney

or other responsible adult assumes custody or, if such a person cannot be located within a reasonable time of the taking of the child into custody or if such a person refuses to assume custody, until temporary shelter is found for the child. In no event shall the child be placed in a jail, lockup, or detention facility. The temporary custody provided for by this paragraph shall be utilized as a means of returning the child to the child's home or other place of shelter.

4. Notwithstanding any other provision of this Code, a child less than eighteen (18) years of age, who is taken into custody for the alleged violation of a municipal ordinance relating to one or more of the offenses listed in paragraph 1 of this subsection other than truancy or curfew violations, and who can be prosecuted in municipal court for such offense pursuant to jurisdiction assumed by the municipal court pursuant to the provisions of paragraph 1 of this subsection, may be temporarily detained by the municipality in a municipal juvenile facility, as defined by this paragraph, but only pursuant to the following conditions:

- a. the municipality shall immediately take all reasonable steps to attempt to locate the child's parent, legal guardian, legal custodian, attorney or another responsible adult and determine if said parent, legal guardian, legal custodian, attorney or other responsible adult is willing to appear at the municipal juvenile facility and assume personal custody of the child upon the child's release from such facility,
- b. the child shall be released to the personal custody of the child's parent, legal guardian, legal custodian, attorney or other responsible adult as soon as practicable and upon the written promise of such person to return the child to municipal court to

answer the municipal charges on the date and at the time set by the municipal court and to assume responsibility for costs for damages by the child if the child causes damages while committing any acts in violation of municipal ordinances listed in this section after being released. Municipalities may enact ordinances providing penalties for failure to comply with the written promise and for refusal to assume custody of a child in a timely manner,

- c. the child shall be detained in the municipal juvenile facility for no longer than twenty-four (24) hours; provided, if the child's parent, legal guardian, legal custodian, attorney or other responsible adult fails to appear at the municipal juvenile facility and assume personal custody of the child within said twenty-four-hour period, then custody or release of the child shall be determined pursuant to the provisions of Section 7303-1.1 of this title,
- d. the child shall be provided with adequate fresh drinking water,
- e. the child shall be provided with adequate food not less than three times in a twenty-four-hour period,
- f. the child shall be provided with adequate bathroom facilities and bedding, and
- g. the child shall be provided with any necessary medical care and treatment.

Prior to the temporary detention of any child pursuant to the authority of this subsection, the municipal juvenile facility shall be certified by the Office of Juvenile Affairs pursuant to the applicable certification standards set by the Board of Juvenile Affairs, and each member of the staff of the municipal juvenile facility shall have satisfactorily completed a training program

provided or approved by the Department of Juvenile Justice. In furtherance of this subsection, the Office of Juvenile Affairs is directed to and shall establish standards for the certification of municipal juvenile facilities, with said standards to include, but not be limited to, the conditions set forth in subparagraphs a through g, inclusive, of this paragraph, and the Department of Juvenile Justice is directed to and shall provide or approve an appropriate training program for staff members of such facilities. In lieu of operating a municipal juvenile facility with trained municipal employees, the municipality may contract with an independent public or private facility properly certified by the Office of Juvenile Affairs for performance of the detention services authorized by the provisions of this paragraph. For the purposes of this section, a "municipal juvenile facility" shall mean a secure facility which is entirely separate from any jail, adult lockup, or other adult facility, or is spatially separate if contained inside any jail, adult lockup, or other adult facility which is certified by the Office of Juvenile Affairs for use for the temporary detention of juveniles as authorized by the provisions of this paragraph. The provisions of this paragraph shall not restrict or limit the use of municipal juvenile facilities for detention of juveniles who are detained pursuant to other provisions of law. In no event shall a juvenile be held in an adult facility that does not meet the definition of a municipal juvenile facility.

5. Pursuant to an interlocal cooperation agreement between a municipality and the district court, as authorized by the provisions of paragraph 1 of this subsection, a child less than eighteen (18) years of age may be charged, prosecuted and, if convicted, fined for violating a municipal ordinance relating to one or more of the offenses listed in paragraph 1 of this subsection; 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 ninety (90) 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, during any calendar year that any child:

- a. fails to appear for a court date on more than one occasion,
- b. is convicted of two or more of the offenses listed in paragraph 1 of this subsection, which offenses occurred on different days, or
- c. fails to pay any fine or cost properly assessed by a municipal court,

and after the expiration of ninety (90) days, the court clerk shall mail notice of such occurrence to the Department of Public Safety, which department shall thereafter suspend or deny driving privileges for such child for six (6) months. The suspension may be modified as provided in Section 6-107.2 of Title 47 of the Oklahoma Statutes. 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. The municipal court may also impose costs as authorized by law.

6. Any fines and costs properly assessed against any child and which remain unpaid after three (3) months may be assessed by the municipal judge against the child's parent, parents, legal guardian or legal custodian and collected and paid as provided for in Section 27-122 of Title 11 of the Oklahoma Statutes. Provided however, prior to such latter assessment, the court clerk shall give such child's parent, parents, legal guardian or legal custodian notice by

certified mail to their place of residence or personal service of such action proposed to be taken.

7. All municipal arrest records, prosecution records, court records, and court proceedings for cases involving children less than eighteen (18) years of age charged with violating municipal ordinances relating to one or more of the offenses listed in paragraph 1 of this subsection shall be kept confidential and shall not be open to public inspection except by order of the municipal court or as otherwise provided by ~~Sections~~ Article VII of this Code and Section 620.6 of this title.

F. Funds generated from fines paid pursuant to an interlocal cooperation agreement between a municipality and the district court pursuant to the provisions of subsection E of this section shall be earmarked and used by the municipality only for the following purposes:

1. To fund local programs which address problems of juvenile crime;
2. To fund the costs of prosecutions authorized pursuant to the provisions of subsection E of this section;
3. To fund the costs of detention authorized pursuant to the provisions of subsection E of this section; and
4. To fund administrative costs related to local programs that address problems of juvenile crime or related to the prosecution, detention, or punishment authorized pursuant to the provisions of subsection E of this section.

Such earmarked funds shall not be used by the municipality for any purpose other than the purposes set forth in paragraphs 1 through 4 of this subsection.

SECTION 9. AMENDATORY 10 O.S. 1991, Section 1108, as last amended by Section 151, Chapter 352, O.S.L. 1995, and as renumbered by Section 199, Chapter 352, O.S.L. 1995 (10 O.S. Supp. 1995, Section 7304-1.3), is amended to read as follows:

Section 7304-1.3 A. Provision shall be made for the temporary detention of children in a juvenile detention facility or the court may arrange for the care and custody of such children temporarily in private homes, subject to the supervision of the court, or the court may provide shelter or may enter into a contract with any institution or agency to receive, for temporary care and custody, children within the jurisdiction of the court. The Department of Juvenile Justice shall not be ordered to provide detention unless said Department has designated and is operating detention services or facilities.

B. County sheriffs, their designee, private contractors under contract with the Department of Juvenile Justice for transportation services, or juvenile court officers shall provide for the transportation of juveniles to and from secure detention for purposes of admission, interfacility transfer, discharge, medical or dental attention, court appearance, or placement designated by the Department. No private contract for transportation services shall be entered into by the Department unless the private contractor demonstrates to the satisfaction of the Department that such contractor is able to obtain insurance or provide self-insurance to indemnify the Department against possible lawsuits and meets the requirements of subparagraphs a, b and d of paragraph 4 of subsection C of this section. The Department of Juvenile Justice shall not be ordered to provide transportation for a juvenile who is detained in or is destined for secure detention. The Department of Juvenile Justice shall provide reimbursement to the entity transporting juveniles for necessary and actual expenses for transporting juveniles who are detained in or destined for a ~~regional~~ secure detention center as follows:

1. A fee for the cost of personal services at the rate of Twelve Dollars (\$12.00) per hour;

2. Mileage reimbursement for each mile actually traveled at the rate established in the State Travel Reimbursement Act;

3. Meals for transporting personnel, not to exceed Six Dollars (\$6.00) per meal; and

4. Meals for juveniles being transported, not to exceed Six Dollars (\$6.00) per meal.

The Department of Juvenile Justice shall process and mail reimbursement claims within sixty (60) days of receipt. Payments for services provided by a county sheriff's office shall be paid to the county and deposited in the sheriff service fee account.

C. 1. All juvenile detention facilities shall be certified by the Office of Juvenile Affairs. To be certified, a juvenile detention facility shall be required to meet standards for certification promulgated by the Board of Juvenile Affairs. Until such standards are promulgated, the standards promulgated by the Oklahoma Commission for Human Services shall remain in effect.

2. The board of county commissioners of every county shall provide for the temporary detention of a child who is or who may be subject to secure detention and may construct a building or rent space for such purpose. The boards of county commissioners shall provide for temporary detention services and facilities in accordance with the provisions of the State Plan for the Establishment of Juvenile Detention Services adopted pursuant to subsection D of this section and in accordance with Section 7302-6.8 of this title. The boards of county commissioners are hereby authorized to create multi-county trust authorities for the purpose of operating juvenile detention facilities.

3. In order to operate the juvenile detention facilities designated in the State Plan for the Establishment of Juvenile Detention Services and in Section 7302-6.8 of this title, the boards of county commissioners in the designated host counties shall:

- a. operate the juvenile detention facility through a statutorily constituted juvenile bureau subject to the supervision of the district court, or
- b. operate the juvenile detention facility by employing a manager who may employ personnel and incur other expenses as may be necessary for its operation and maintenance, or
- c. contract with a public agency, private agency, federally recognized tribe, or single or multi-county trust authority for the operation of the juvenile detention facility. In the event any board of county commissioners contracts with a public or private agency or a federally recognized tribe, pursuant to the provisions of this section, the Department is authorized to directly contract with and pay such public or private agency or federally recognized tribe for provision of detention services. Any contract with a federally recognized tribe shall become effective upon approval by the board of county commissioners.

4. Management contracts for privately operated detention facilities shall be negotiated with the firm found most qualified by the board of county commissioners. However, no private management contract shall be entered into by the board unless the private contractor demonstrates to the satisfaction of the board:

- a. that the contractor has the qualifications, experience, and personnel necessary to implement the terms of the contract,
- b. that the financial condition of the contractor is such that the term of the contract can be fulfilled,
- c. that the ability of the contractor to obtain insurance or provide self-insurance to indemnify the county

against possible lawsuits and to compensate the county for any property damage or expenses incurred due to the private operation of the juvenile detention facility, and

- d. that the contractor has the ability to comply with applicable court orders and rules of the Department of Juvenile Justice.

5. All counties to be served by a ~~regional~~ secure juvenile detention facility may, upon the opening of such facility, contract with the operators for the use of the facility for the temporary detention of children who are subject to secure detention; provided, however, a jail, adult lockup, or other adult detention facility may be used for the secure detention of a child as provided for in Section 7304-1.1 of this title.

6. Expenses incurred in carrying out the provisions of this section shall be paid from the general fund of the county or from other public funds lawfully appropriated for such purposes or from private funds that are available for such purposes. A county may also issue bonds for the construction of detention facilities.

7. The operation of a juvenile detention facility by a county shall constitute a quasi-judicial function and is also hereby declared to be a function of the State of Oklahoma for purposes of the Eleventh Amendment to the United States Constitution. In addition, no contract authorized by the provisions of this section for the providing of transportation services or for the operation of a juvenile detention facility shall be awarded until the contractor demonstrates to the satisfaction of the county that the contractor has obtained liability insurance with the limits specified by the Governmental Tort Claims Act against lawsuits arising from the operation of the juvenile detention facility by the contractor, or if the contract is for the providing of transportation services, the contractor has obtained liability insurance with the limits

specified by the Governmental Tort Claims Act against lawsuits arising from the transportation of juveniles as authorized by subsection A of this section.

D. The Board of Juvenile Affairs, from monies appropriated for that purpose, shall develop, adopt, and implement a plan for secure juvenile detention services and alternatives to secure detention, to be known as the State Plan for the Establishment of Juvenile Detention Services, which shall provide for the establishment of juvenile detention facilities and services with due regard for appropriate geographical distribution and existing juvenile detention programs operated by statutorily constituted juvenile bureaus. Said plan may be amended or modified by the Board as necessary and appropriate. Until said plan is adopted by the Board, the plan adopted by the Oklahoma Commission for Human Services shall remain in effect.

1. The Board of Juvenile Affairs shall establish procedures for the letting of contracts or grants, including grants to existing juvenile detention programs operated by statutorily constituted juvenile bureaus, and the conditions and requirements for the receipt of said grants or contracts for juvenile detention services and facilities as provided in this section and Section 7302-4.1 of this title. A copy of such procedures shall be made available to any member of the general public upon request. All such grants or contracts shall require the participation of local resources in the funding of juvenile detention facilities. A contract for services shall be based upon a formula approved by the Board which shall set the contract amount in accordance with the services offered and the degree of compliance with standards for certification. Until the procedures are established by the Board, the procedures established by the Commission for Human Services shall remain in effect.

2. The Board of Juvenile Affairs shall establish standards for the certification of detention services and juvenile detention

facilities. Such standards may include, but not be limited to: Screening for detention; education and recreation opportunities for juveniles in secure detention; and accreditation by the American Correctional Association. As a condition of continuing eligibility for grants or contracts, secure juvenile detention services and facilities shall be certified by the Board within two (2) years of the date of the initial grant or contract.

E. The State Department of Health, with the assistance of the Office of Juvenile Justice, shall establish standards for the certification of jails, adult lockups, and adult detention facilities used to detain juveniles. Such standards shall include but not be limited to: Separation of juveniles from adults; supervision of juveniles; and health and safety measures for juveniles. The Department of Health is authorized to inspect any jail, adult lockup, or adult detention facility for the purpose of determining compliance with such standards. No jail, adult lockup, or other adult detention facility shall be used to detain juveniles unless such jail, adult lockup, or other adult detention facility complies with the standards established by the Department of Health and is designated as a place for the detention of juveniles by the judge having juvenile docket responsibility in the county from a list of eligible facilities supplied by the Department of Health.

The development and approval of the standards provided for in this paragraph shall comply with the provisions of the Administrative Procedures Act.

F. The State Board of Health shall promulgate rules providing for the routine recording and reporting of the use of any adult jail, lockup or other adult facility for the detention of any person under the age of eighteen (18).

1. For the purpose of ensuring the uniformity and compatibility of information related to the detention of persons under age eighteen (18), said rules shall be reviewed and approved by the

Oklahoma Commission on Children and Youth prior to their adoption by the Board; and

2. Said records of detention shall be reviewed during each routine inspection of adult jails, lockups or other adult detention facilities inspected by the State Department of Health and a statistical report of said detentions shall be submitted to the Oklahoma Commission on Children and Youth at least every six (6) months in a form approved by the Commission.

SECTION 10. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-107.3 of Title 47, unless there is created a duplication in numbering, reads as follows:

A. The Department of Public Safety shall deny a license, restricted license, or instruction permit for the operation of a motor vehicle to any person under eighteen (18) years of age who does not, at the time of application, present documentation that the person:

1. Is enrolled in a public or private secondary school, including any area vocational-technical school, of this state or any other state;

2. Has received a diploma or certificate of completion issued to the person from a secondary school of this state or any other state;

3. Is enrolled and making satisfactory progress in a program leading to a Certificate of High School Equivalency issued from the State Department of Education, or has obtained such certificate; or

4. Is excused from such requirement pursuant to any lawful excuse as defined in this section or due to circumstances beyond the control of the person.

B. 1. Persons under eighteen (18) years of age who are receiving education by other means including education at home, pursuant to Section 4 of Article XIII of the Oklahoma Constitution, shall satisfy the documentation requirement of subsection A of this

section by providing a written statement from the parent or guardian of the child to the Department of Public Safety that the child is receiving instruction by other means pursuant to Section 4 of Article XIII of the Oklahoma Constitution. The documentation shall be signed by the parents, custodial parent, or legal guardian.

2. Any person who falsifies the information required in such documentation, upon conviction, shall be guilty of a misdemeanor.

C. School district attendance officers, upon request, shall provide documentation of the enrollment status of a student on a form which has been established and approved by the Department of Public Safety to any student under eighteen (18) years of age who is properly enrolled in a school under the jurisdiction of the attendance officer, for presentation to the Department of Public Safety on application for or reinstatement of an instruction permit, restricted license, or license to operate a motor vehicle. Except as provided in subsection D of this section, whenever a student over fourteen (14) years of age and under eighteen (18) years of age withdraws from school, the attendance officer shall notify the Department of Public Safety of such withdrawal through a documentation of enrollment status form. Within fifteen (15) working days of receipt of such notice, the Department of Public Safety shall provide written notice by certified mail with return receipt requested to the student that the license of the student will be canceled or the application of the student will be denied thirty (30) days following the date the notice to the student was sent unless documentation of compliance with the provisions of this section is received by the Department of Public Safety before such time. After the thirty-day period, the Department of Public Safety shall cancel the driving privileges of the student.

D. When the withdrawal from school of a student is due to circumstances beyond the control of the student or is pursuant to any lawful excuse or is for the purpose of transfer to another

school, including education at home, pursuant to Section 4 of Article XIII of the Oklahoma Constitution, as confirmed in writing by a parent or guardian of the student, no notice as required by subsection C of this section shall be sent to the Department of Public Safety, or if sent, such notice will be disregarded by the Department of Public Safety. If the student is applying for a license, restricted license, or instruction permit, the attendance officer shall provide the student with documentation to present to the Department of Public Safety to excuse the student from the provisions of this section. The board of education of a public school district or the appropriate school official of any private secondary school shall be the sole judge of whether the withdrawal of a student is due to circumstances beyond the control of the student or is made pursuant to lawful excuse.

E. As used in this section:

1. "Withdrawal" means more than ten (10) consecutive days or parts of days of unexcused absences or fifteen (15) days or parts of days total unexcused absences during a single semester;

2. "Lawful excuse" means absence from school pursuant to any valid physical or mental illness or pursuant to any legal excuse as provided in Section 10-105 of Title 70 of the Oklahoma Statutes, but shall not include marriage;

3. "Circumstances beyond the control of the person" shall not include marriage, suspension or expulsion from school, or imprisonment in a jail, penitentiary or other correctional institution; and

4. "Documentation of enrollment status" means the necessary identifying information concerning a student's eligibility to be issued or to retain a license or permit. Such documentation shall not include any information which is considered an education record pursuant to the Family Education Rights and Privacy Act, 20 U.S.C.,

Section 1232g et seq., unless compliance is made with the restrictions regarding disclosure of the information.

F. The provisions of this section shall be inapplicable with respect to any minor upon whom rights of majority have been conferred pursuant to Section 91 et seq. of Title 10 of the Oklahoma Statutes.

G. The Department of Public Safety shall establish the necessary and appropriate documentation forms sufficient to enable school districts to comply with the provisions of this section. Upon establishment of such forms, the State Department of Public Safety shall notify each school district and the State Board of Education of the content thereof.

SECTION 11. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-107.4 of Title 47, unless there is created a duplication in numbering, reads as follows:

Whenever a license or instruction permit for the operation of a motor vehicle is canceled or denied pursuant to Section 10 of this act, the license or privilege to operate a motor vehicle shall remain canceled or denied for a minimum period of sixty (60) days or until the person whose license or permit has been canceled or denied reaches eighteen (18) years of age, whichever period is the shortest. After the minimum period, the licensee or applicant may at any time apply for reinstatement of driving privileges by presenting sufficient documentation to the Department of Public Safety pursuant to Section 10 of this act and paying any required fees. A reinstatement fee no greater than Twenty-five Dollars (\$25.00) may be charged.

SECTION 12. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-107.5 of Title 47, unless there is created a duplication in numbering, reads as follows:

Any person aggrieved by a denial or cancellation of driving privileges pursuant to Section 10 of this act may submit, within

thirty (30) days of the denial or of the receipt of notice of cancellation, a written request to the Department of Public Safety for a hearing before the Department of Public Safety. The hearing shall be held within ten (10) days of the receipt by the Department of the request, to determine whether the person is entitled to a license or is subject to cancellation of a license under the provisions of Sections 10 through 13 of this act and Sections 6-103 and 6-105 of Title 47 of the Oklahoma Statutes. Appeal from the decision of the Department may be taken to any court of competent jurisdiction as provided for in Section 6-211 of Title 47 of the Oklahoma Statutes.

SECTION 13. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 6-107.6 of Title 47, unless there is created a duplication in numbering, reads as follows:

Any person who creates, writes, publishes, enters, or submits false information relating to the attendance, nonattendance, verification of attendance or enrollment of a person in a school or a program of education pursuant to Section 10 of this act, knowing that such information is false, or any person who knowingly aids or abets another in the creation or submission of such information, upon conviction, shall be guilty of a misdemeanor.

SECTION 14. AMENDATORY 47 O.S. 1991, Section 6-103, as amended by Section 6, Chapter 217, O.S.L. 1992 (47 O.S. Supp. 1995, Section 6-103), is amended to read as follows:

Section 6-103. A. Except as otherwise provided by law, the Department of Public Safety shall not issue a driver's license to:

1. Any person who is under the age of ~~sixteen (16)~~ eighteen (18) years, except that the Department may issue a Class D license to any person who:

a. is sixteen (16) years of age before January 1, 1997,  
or

b. attains sixteen (16) years of age on or after January 1, 1997, and meets the requirements of Section 10 of this act;

2. Any person whose driving privilege is under suspension, revocation, cancellation or denial in this or any other state until such privilege has been reinstated by the state withdrawing such privilege;

3. Any person whose driving privilege has been revoked for a period of three (3) years pursuant to the provisions of paragraph 4 of Section 6-205.1 of this title, until the person has furnished a report from a licensed physician that the person has been free from alcohol or drug abuse for at least the preceding twelve-month period;

4. Any person who is required by Section 6-101 et seq. of this title to take an examination, unless such person shall have successfully passed such examination;

5. Any person who is required under the laws of this state to deposit proof of financial responsibility and who has not deposited such proof;

6. Any person who is physically deformed or who is afflicted with any mental disease or physical condition that would impair the driving ability of such a person or when the Commissioner of Public Safety, from information concerning such person or from the records and reports on file in the Department of Public Safety, determines that the operation of a motor vehicle by such person on the highways would be inimical to public safety or welfare;

7. Any person who is a nonresident as defined in Section 1-137 of this title;

8. Any alien unless such person presents valid documentation of identity issued pursuant to the laws of the United States; or

9. Any person who possesses a valid license to operate a motor vehicle issued by another state until such other state license has been surrendered.

B. Any applicant who is denied a license under the provisions of this section shall have the right to an appeal as provided in Section 6-211 of this title.

SECTION 15. AMENDATORY 47 O.S. 1991, Section 6-105, as last amended by Section 14, Chapter 2, O.S.L. 1994 (47 O.S. Supp. 1995, Section 6-105), is amended to read as follows:

Section 6-105. A. Any person under the age of sixteen (16) years may be permitted to operate a motor vehicle as follows: Any secondary school student who is at least fifteen and one-half (15 1/2) years of age and is regularly enrolled and receiving instruction in or has satisfactorily completed a prescribed secondary school driver education course, as defined by Section 19-113 et seq. of Title 70 of the Oklahoma Statutes, a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school, or a commercial driver training course, as defined by Sections 801 through 808 of this title may apply for a restricted Class D license. The Department of Public Safety, after the applicant has successfully passed all parts of the examination other than the driving test and is in compliance with Section 10 of this act, may issue to the applicant a restricted Class D license which shall entitle the applicant having such license in his immediate possession to operate a Class D motor vehicle upon the public highways while accompanied by a licensed driver who is eighteen (18) years of age or older and who is actually occupying a seat beside the driver. This restricted driver's license shall be issued for the same period as all other driver's licenses; provided, such restricted license may be suspended or canceled at the discretion of the Department for violation of restrictions, for failing to give

the required or correct information on the application or for violation of any traffic laws of this state pertaining to the operation of a motor vehicle. The holder of such restricted license who is at least sixteen (16) years of age who has been issued such restricted license for a minimum of thirty (30) days may have the restriction requiring an accompanying driver removed by satisfactorily completing a driver's examination. The Department shall cause such examination to be conducted not more than three times during the first six (6) months after date of eligibility of the holder of said restricted license to have the restriction removed and not more than one time every three (3) months thereafter upon request of the holder thereof.

B. The Department may issue a Class D license with a motorcycle restriction to any person fourteen (14) years of age or older, who is in compliance with Section 10 of this act and has met all the requirements of the rules ~~and regulations~~ of the Department except the driving test on the motor-driven cycle to enable the person to gain knowledge and experience in handling and operation of such vehicle. The Department may issue such license restricting the person while having the license in ~~his~~ their immediate possession to operate a motor-driven cycle with a piston displacement not to exceed one hundred twenty-five (125) cubic centimeters, between the hours of 4:30 a.m. to 9:00 p.m. only, while wearing approved protective headgear, while accompanied by and receiving instruction from a parent, legal guardian or any person twenty-one (21) years of age or older who is properly licensed to operate a Class A, B or C commercial motor vehicle with a motorcycle endorsement or a Class D motor vehicle with a motorcycle endorsement, and who has visual contact with the operator.

The holder of any such restricted license may apply on or after thirty (30) days from date of issuance to have the restriction of

being accompanied by a licensed driver removed by successfully completing the driving portion of a test.

C. The Department may in its discretion issue a special permit to any person who has attained the age of fourteen (14) years, authorizing such person to operate farm vehicles between the farm and the market to haul commodities grown on such farm. Provided that such special permit shall be temporary and shall expire not more than thirty (30) days after the issuance thereof. Special permits shall be issued only to farm residents and shall be issued only during the time of the harvest of the principal crops grown on said farm. Provided that the Department shall not issue a special permit pursuant to this subsection until the Department is fully satisfied after the examination of said application and other evidence furnished in support thereof that said person is physically and mentally developed to such a degree that the operation of a motor vehicle by said person would not be inimical to public safety.

D. The Department may issue an instructor's permit to any qualified secondary school driver education instructor as defined by the Oklahoma State Board of Education Rules and Regulations for Oklahoma High School Driver and Traffic Safety Education, any driver education instructor, certified by the Department of Public Safety, of a parochial, private, or other nonpublic secondary school upon a proper application to the State Board of Education or the Department of Public Safety in the case of secondary schools that are not regulated by the State Board of Education or a commercial driver training course instructor as provided for in Sections 801 through 808 of this title. The Department shall promulgate rules for the issuance of such permits. Any instructor as defined in this subsection who has been issued a permit may instruct any person:

1. Who is at least fifteen and one-half (15 1/2) years of age;

or

2. Who is at least fifteen (15) years of age and of secondary school sophomore or higher educational standing~~÷~~, while regularly enrolled and certified by said instructor as a student taking a prescribed course of secondary school driver education, a driver education course, certified by the Department of Public Safety, from a parochial, private, or other nonpublic secondary school or a commercial driver training course as defined by Sections 801 through 808 of this title to operate a motor vehicle while accompanied by and receiving instruction from said instructor who is actually occupying a seat beside the driver.

E. In addition to the licenses to operate motor vehicles, the Department may issue cards for purposes of identification only. Said identification cards shall be issued and renewed in the same manner as driver's licenses in this state and for a fee of Seven Dollars (\$7.00) to any Oklahoma resident. The application for an identification card by any person under the age of sixteen (16) shall be signed and verified by the parent or legal guardian before a person authorized to administer oaths. Such cards shall be valid for a period of four (4) years from the month of issuance. Provided, however, such identification cards issued to persons sixty-five (65) years of age or older shall be valid indefinitely from the month of issuance, and no person sixty-five (65) years of age or older shall be charged any type of fee to obtain an identification card. The fees derived pursuant to this section shall be apportioned as provided in Section 1104 of this title.

The Oklahoma Tax Commission is hereby authorized to reimburse, from funds available to that agency, each motor license agent issuing an identification card to a person sixty-five (65) years of age or older, an amount not to exceed One Dollar (\$1.00) for each card so issued. The Oklahoma Tax Commission shall develop procedures for claims for such reimbursement.

F. The Department may issue a temporary photo license bearing appropriate restrictions to any person who has been authorized a limited or modified license for a specified period of time. The Department shall collect a fee of Twenty-five Dollars (\$25.00) for such temporary photo license, in addition to any other fee, which shall be deposited in the General Revenue Fund. The Department or a motor license agent, upon receipt of authorization from the Department, upon issuance of a temporary photo license, shall additionally collect a fee of Five Dollars (\$5.00), to be allocated in the same manner as for a replacement license.

SECTION 16. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 10-106.1 of Title 70, unless there is created a duplication in numbering, reads as follows:

It shall be the duty of the attendance officer of each school district to carry out the duties and responsibilities required of the attendance officers by Section 10 of this act. If the attendance officer is unable to carry out the duties and responsibilities, the school district superintendent shall be charged with such duties and responsibilities. Documentation of enrollment status shall be provided to a student by the school district last attended by the student and shall be based upon the last semester's attendance if the student requires documentation during a time when school is not in session.

SECTION 17. AMENDATORY 70 O.S. 1991, Section 24-101, as last amended by Section 1, Chapter 227, O.S.L. 1995 (70 O.S. Supp. 1995, Section 24-101), is amended to read as follows:

Section 24-101. A. Any pupil who is guilty of immorality or violation of the regulations of a public school may be suspended by the principal of such school, which suspension shall not extend beyond the current school semester and the succeeding semester. A pupil suspended pursuant to this subsection shall be placed in a supervised, structured environment in either an alternative school

setting, another appropriate classroom, in-school suspension, or home-based instruction. Unless the district board of education has adopted a policy authorizing appeal to a committee under circumstances as provided in this section and the suspension falls within the category of suspensions to which appeal to a committee is authorized, the suspended pupil shall have the right to appeal from the decision of such principal to the board of education of the district, which shall, upon a full investigation of the matter, determine the guilt or innocence of the pupil and the reasonableness of the term of the suspension, and its decision shall be final. A district board of education may adopt policies and procedures applicable to suspensions of ten (10) or fewer school days, the length of time to be set by the board, by which a pupil shall have the right to appeal the decision of the principal to a committee composed of administrators or teachers or a combination of administrators and teachers. The committee shall, upon full investigation of the matter, determine the guilt or innocence of the pupil and the reasonableness of the term of the suspension. The policy adopted by the board may, but is not required to, provide for appeal of the committee's decision to the board.

B. A pupil who has been suspended from a public or private school in the State of Oklahoma or another state for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other pupils shall not be entitled to enroll in a public school of this state, and no public school shall be required to enroll such pupil, until the terms of the suspension have been met or the time of suspension has expired.

C. A pupil who has been adjudicated as a delinquent for an offense that is not a violent offense, as defined in subsection E of this section, and who is

suspended from a public school of this state and not placed in a secure facility, shall be placed in a supervised, structured environment in either an alternative school setting, another appropriate classroom, in-school suspension, or home-based instruction.

D. No public school of this state shall be required to provide education services in the regular school setting to any pupil who has been adjudicated as a delinquent for an offense defined in subsection ~~D~~ E of this section as a violent offense or convicted as an adult of an offense defined in subsection ~~D~~ E of this section as a violent offense or who has been removed from a public or private school in the State of Oklahoma or another state by administrative or judicial process for a violent act or an act showing deliberate or reckless disregard for the health or safety of faculty or other pupils until the school in which such pupil is subsequently enrolled determines that the pupil no longer poses a threat to self, other pupils, or faculty. Until the school in which such pupil subsequently enrolls or re-enrolls determines that the pupil no longer poses a threat to self, other pupils, or faculty, the school may provide education services through an alternative school setting, home-based instruction, or other appropriate setting. Education and related services for such pupils on an individualized education plan (IEP) pursuant to the Individuals with Disabilities Education Act (IDEA), P.L. No. 101-476, shall be provided the education and related services in accordance with the pupil's individualized education plan.

~~D~~ E. For purposes of this section, "violent offense" shall include those offenses listed as the exceptions to the term "nonviolent offense" as specified in Section 571 of Title 57 of the Oklahoma Statutes. "Violent offense" shall not include the offense of assault.

SECTION 18. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1210.568 of Title 70, unless there is created a duplication in numbering, reads as follows:

Beginning with the first semester of the 1996-1997 school year, the State Board of Education shall implement a statewide system of alternative education programs which shall be phased-in within five (5) years. Beginning with the first semester of the 2000-2001 school year, all school districts of this state shall provide alternative education programs that conform to the requirements of statutes and rules applicable to alternative education. An alternative education program may be offered by an individual school district or may be offered jointly by school districts that have formed interlocal cooperative agreements pursuant to Section 5-117b of Title 70 of the Oklahoma Statutes.

SECTION 19. AMENDATORY 74 O.S. 1991, Section 30b, is amended to read as follows:

Section 30b. A. There is hereby created the Oklahoma Drug and Alcohol Abuse Policy Board.

B. A chairperson shall be appointed by the members of the Oklahoma Drug and Alcohol Abuse Policy Board at the first meeting. The chairperson may establish such committees, subcommittees, or other working groups in order to accomplish the goals of the Board.

C. The Board shall be composed of the following members:

1. The Governor or his designee;
2. The Attorney General;
3. The Director of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control;
4. The Director of the Oklahoma State Bureau of Investigation;
5. The Commissioner of Public Safety;
6. The Commissioner of the Department of Mental Health and Substance Abuse Services;
7. The Commissioner of Health;

8. The Adjutant General of the Military Department;
9. The Superintendent of Public Instruction;
10. The Director of Corrections;
11. The Director of the Department of Human Services;
12. The Director of the Alcoholic Beverage Laws Enforcement Commission;
13. The Executive Director of the District Attorneys' Council;
14. The Executive Director of the Oklahoma Commission on Children and Youth; ~~and~~
15. The Executive Director of the Office of Juvenile Affairs;  
and
16. Two appointees of the Governor, who shall be private citizens appointed to serve for one-year terms.

D. Any other state or local agency or individual may become a nonvoting member of the Board upon approval of a two-thirds (2/3) majority of the voting members set forth in subsection C of this section.

E. Other officers, excluding the chairperson, may be elected at the discretion of the voting Board members.

F. The Board shall hold meetings at least quarterly and at such other times as the chairperson deems necessary.

SECTION 20. AMENDATORY 74 O.S. 1991, Section 85.12, as last amended by Section 2, Chapter 28, O.S.L. 1994 (74 O.S. Supp. 1995, Section 85.12), is amended to read as follows:

Section 85.12 A. The provisions of this section shall not be construed to affect any law relating to fiscal or accounting procedure except such as may be directly in conflict herewith; and all claims, warrants and bonds shall be examined, inspected and approved as now provided by law.

B. The following acquisitions shall not be included within the purview of the Oklahoma Central Purchasing Act:

1. Food and other products produced by state institutions and agencies;

2. Contracts for construction of new buildings and for the repair, maintenance or modernization of old buildings by state educational institutions included within The Oklahoma State System of Higher Education;

3. The printing or duplication of publications or forms of whatsoever kind or character by state agencies, which service is performed upon their own equipment, by their own employees. In order to be exempt from the Oklahoma Central Purchasing Act pursuant to this paragraph, the state agency may only use equipment owned or leased by the agency and may only utilize that equipment for printing services required by the agency in performing duties imposed upon the agency or functions authorized to be performed by the agency. Any use of the equipment by the agency pursuant to an agreement or contract with any other entity resulting in delivery of intermediate or finished products to the entity purchasing or using the products shall be subject to the provisions of the Oklahoma Central Purchasing Act;

4. Acquisitions by The Oklahoma State System of Higher Education on any institution or entity comprising the same insofar as such acquisitions relate to textbooks, laboratory supplies, instructional materials and specialized laboratory equipment;

5. Department of Transportation and Transportation Commission contractual services or right-of-way purchases. Contracts awarded pursuant to bids let by the Transportation Commission for the maintenance or construction of streets, roads, highways, bridges, or underpasses, or any other transportation facilities under the control of the Department of Transportation, the acquisitions of equipment or materials accruing to the Department of Transportation required in Federal-Aid contracts, and contracts for public service type announcements initiated by the Department of Transportation.

Contractual services as used herein shall not include advertising or public relations services;

6. Utility services where rates therefor are regulated by a state or federal regulatory commission, or by city ordinance or by an Indian Tribal Council for use by the Department of Corrections only;

7. Acquisition of products and services by the University Hospitals and the University Hospitals Authority. The Authority shall develop standards for the acquisition of products and services and may elect to utilize Central Purchasing when appropriate. Such standards shall foster economy, short response time, and shall include appropriate safeguards and written records to assure appropriate competition and economical and efficient purchasing and shall be approved by the Director of Central Purchasing;

8. Contracts for custom harvesting by the Department of Corrections for the Department or its institutions;

9. Contracts with private prison contractors which are subject to the contracting procedures of Section 561 of Title 57 of the Oklahoma Statutes;

10. Acquisitions of aircraft by agencies authorized by the Legislature to purchase aircraft;

11. Purchases by the Oklahoma Municipal Power Authority;

12. Grand River Dam Authority;

13. Purchases by rural water, sewer, gas or solid waste management districts created pursuant to Section 1324.1 et seq. of Title 82 of the Oklahoma Statutes;

14. Purchases by the Oklahoma Ordnance Works Authority or Midwestern Oklahoma Development Authority, except that the Oklahoma Ordnance Works Authority and the Midwestern Oklahoma Development Authority shall remain subject to the provisions of Section 85.32 of this title;

15. Contracts entered into by the Oklahoma Industrial Finance Authority for the services of an appraiser or for acquisition of insurance when it is determined by its Board of Directors that an emergency exists and for the services of legal counsel when approved by the Attorney General;

16. Contracts entered into by the State Department of Education for the purpose of implementing the provisions of Section ~~6-156~~ 6-187 of Title 70 of the Oklahoma Statutes;

17. Expenditure of monies appropriated to the State Board of Education for the purpose of Local, State-supported Programs and State-supported Programs except monies appropriated for the Administrative and Support Functions of the State Department of Education;

18. Contracts entered into by the State Department of Vocational and Technical Education for the development, revision or updating of vocational curriculum materials;

19. Contracts entered into by the Oklahoma Center for the Advancement of Science and Technology for professional services;

20. Contracts entered into by the Oklahoma Department of Commerce pursuant to the provisions of ~~Section 5009.1 et seq. of this title and~~ Section 5066.4 of this title;

21. Purchases made by the Oklahoma Historical Society from monies used to administer the White Hair Memorial;

22. Purchases of products available to an agency through a General Services Administration contract or other federal contract if the item is on current state contract and the terms of such contract are more favorable to the agency than the terms of a state contract for the same products as determined by the State Purchasing Director;

23. Contracts for managed health care services entered into by the state entity designated by law or the Department of Human Services, as specified in paragraph 1 of subsection A of ~~Section 3~~

Section 1010.3 of Title 56 of the Oklahoma Medicaid Healthcare Options Act Statutes;

24. Purchases of products by the Forestry Service of the State Department of Agriculture as authorized by the federal General Services Administration through a General Services Administration contract or other federal contract if the item is not on current state contract or the terms of such federal contract are more favorable to the agency than the terms of a state contract for the same products;

25. Purchases amounting to less than that requiring competitive bid pursuant to Section 85.7 of this title. The Director of Central Services shall promulgate rules related to such purchases in excess of Seven Hundred Fifty Dollars (\$750.00) and not exceeding Two Thousand Five Hundred Dollars (\$2,500.00) to ensure competitiveness and fairness in such purchases; ~~and~~

26. Purchases or acquisitions of clothing for clients of the Department of Human Services and purchases and acquisitions of food for group homes operated by the Department of Human Services; and

27. Purchases or acquisitions of clothing for juveniles in the custody of the Office of Juvenile Affairs and purchases and acquisitions of food for group homes operated by the Office of Juvenile Affairs.

C. Notwithstanding the exclusions provided herein, any agency or common schools of Oklahoma, any municipality of the state, any rural fire protection district and county officers may, unless the contract with the state specifies otherwise, avail themselves of the provisions of the Oklahoma Central Purchasing contracts and the services of the Purchasing Director. Provided further, however, that any subdivision of government and any rural fire protection district of the state may designate the office of Oklahoma Central Purchasing as its agent for the purchase or procurement of any item or service contracted or available to the state.

D. Further, notwithstanding the exclusions provided herein, the purchasing policies and procedures of the Oklahoma Ordnance Works Authority, the University Hospitals Authority and the Midwestern Oklahoma Development Authority shall be subject to approval by the Director of the Department of Central Services, and said Director shall make periodic audits of the purchasing policies and procedures of the Oklahoma Ordnance Works Authority, the University Hospitals Authority and the Midwestern Oklahoma Development Authority to ensure that said purchasing policies and procedures, as approved, are being followed.

SECTION 21. AMENDATORY Section 1, Chapter 280, O.S.L. 1994 (74 O.S. Supp. 1995, Section 85.12c), is amended to read as follows:

Section 85.12c A. Purchases made from funds received by local offices administered by the Department of Human Services for fund-raising activities and donations for the benefit of clients and potential clients at the local offices where such purchases may not otherwise be paid for from appropriated funds, shall not be subject to requirements of the Oklahoma Central Purchasing Act. Monies received by such fund-raising activities or donations shall be maintained in an Agency Special Account, and expenditure control shall reside at the local offices. Monies received by such fund-raising activities or donations from the local office, vending operations administered by employees of the Department of Human Services, and all other nonrestricted cash and cash-equivalent items received by employees of the Department of Human Services shall be deposited in the Agency Special Account established for this purpose. Such deposits shall be made at local banking institutions approved by the State Treasurer.

B. Purchases made from funds received by local offices administered by the Office of Juvenile Affairs for fund-raising activities and donations for the benefit of clients and potential

clients at the local offices where such purchases may not otherwise be paid for from appropriated funds shall not be subject to requirements of the Oklahoma Central Purchasing Act. Monies received by such fund-raising activities or donations shall be maintained in an Agency Special Account, and expenditure control shall reside at the local offices. Monies received by such fund-raising activities or donations from the local office, vending operations administered by employees of the Office of Juvenile Affairs, and all other nonrestricted cash and cash-equivalent items received by employees of the Office of Juvenile Affairs shall be deposited in the Agency Special Account established for this purpose. The deposits shall be made at local banking institutions approved by the State Treasurer.

SECTION 22. This act shall become effective July 1, 1996.

SECTION 23. 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 29th day of February, 1996.

Speaker of the House of Representatives

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

President of the Senate