

STATE OF OKLAHOMA

1st Session of the 45th Legislature (1995)

HOUSE BILL NO. 1467

By: Dank

AS INTRODUCED

An Act relating to schools; amending 70 O.S. 1991, Section 10-109, which relates to truants; clarifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 70 O.S. 1991, Section 10-109, is amended to read as follows:

Section 10-109. A. An attendance officer, a police officer employed by a police department which has entered into an agreement with a school district pursuant to Section ~~3~~ 10-102.1 of this ~~act~~ title, or any school administrator or designee of the school administrator who is employed by the school, may, except for children being home schooled pursuant to Section 10-105 of ~~the Oklahoma Statutes~~ this title, temporarily detain and assume temporary custody of any child subject to compulsory full-time education, during hours in which school is actually in session, who is found away from the home of such child and who is absent from school without lawful excuse within the school district that such attendance officer, police officer or school official serves.

B. Any person temporarily detaining and assuming temporary custody of a child pursuant to this section shall immediately deliver the child either to the parent, guardian, or other person having control or custody of the child, or to the school from which the child is absent without valid excuse, or to a nonsecure youth service or community center servicing the school district.

C. The temporary custody or detention provided by this section shall be utilized as a means of reforming and returning the truant students to school and shall not be used as a pretext for investigating criminal matters. The temporary custody or detention herein provided is a severely limited type of detention and is not justified unless there are specific facts causing an attendance officer or other authorized person to reasonably suspect that a truancy violation is occurring and that the person the officer intends to detain is a truant.

SECTION 2. This act shall become effective November 1, 1995.

45-1-6208

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