

ENGROSSED SENATE AMENDMENTS
TO
ENGROSSED HOUSE
BILL NO. 2403

By: Young and Nance of the
House

and

Myers of the Senate

(juveniles - Oklahoma Juvenile Drug Court Act -
amending 10 O.S., Sections 7303-4.6 and 7303-5.5 -
fees - amending 63 O.S., Section 2-503.2 -
violations - codification -

effective date)

AUTHOR: Add the following Senate Coauthor: Lawler

AMENDMENT NO. 1. Page 1, strike the enacting clause

AMENDMENT NO. 2. Page 13, line 13 1/2, insert new Sections 8
through 12 to read

"SECTION 8. AMENDATORY 10 O.S. 2001, Section 7302-7.1,
is amended to read as follows:

Section 7302-7.1 A. ~~Sections~~ Section 7302-7.1 ~~through 7302-7.5~~
et seq. of this title shall be known and may be cited as the
"Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention
Act".

B. The Legislature recognizes that the economic cost of crime
to the state and communities continues to drain existing resources,
and the cost to victims, both economic and psychological, is
traumatic and tragic. The Legislature further recognizes that many
adults in the criminal justice system were once delinquents in the
juvenile justice system. The Legislature also recognizes that the
most effective juvenile delinquency programs are programs that ~~not~~
only prevent children from entering the juvenile justice system, ~~but~~
also meet local community needs, and have substantial community

involvement and support. Therefore, it is the belief of the Legislature that one of the best investments of scarce resources available to combat crime is to counteract the negative social and economic factors that contribute to criminal and delinquent behavior by engaging youth, ~~at an early age,~~ who are determined to have the highest risk of involvement with gangs or delinquent behaviors or live in at-risk neighborhoods and communities in positive programs and opportunities at the local, neighborhood and community level.

C. For the purpose of reducing the likelihood of later or continued involvement in criminal or delinquent activities, the intent of the Legislature in enacting the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act is to provide ~~for school, school-related and after-school~~ programs for adjudicated delinquents and highest risk children ~~in grades 1 through 12,~~ and their families, ~~who live in at-risk school districts,~~ neighborhoods and communities, as defined in Section 7302-7.2 of this title, and to aid all communities in developing delinquency ~~prevention and gang intervention~~ and early intervention prevention programs and activities.

SECTION 9. AMENDATORY 10 O.S. 2001, Section 7302-7.2, is amended to read as follows:

Section 7302-7.2 For the purposes of the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act:

1. "At-risk ~~school districts,~~ neighborhoods and communities" means ~~a school district, neighborhood or community with~~ residential and business areas within a specific political subdivision with a history of assault or battery offenses, shootings or firearm-related offenses, substance abuse-related offenses, property and theft-related offenses, and known gang activity that are documented by local law enforcement agencies, and an incidence of reported juvenile crime or referrals for juvenile court intakes, or some combination of both such incidence and referrals as approved by the

Department of Juvenile Justice and substantiated by local law enforcement agencies, that is significantly higher than the statewide statistical mean for such offenses, incidence, referrals or combination;

2. ~~"School, school-related or after-school programs and activities"~~ ~~includes delinquency prevention or early intervention programs and activities that occur during or outside of regular school hours~~ "Children at highest risk of involvement with gangs or delinquent behaviors" means:

- a. children and their family members living in at-risk neighborhoods and communities as defined in this section,
- b. children living with family members who are gang members or associate with gang members,
- c. children living with family members who have been adjudicated or convicted of a criminal offense,
- d. children adjudicated delinquent and their family members, or
- e. children who use alcohol or controlled substances or who have behavioral problems in school, with peers, family members or authority figures, or some combination thereof; and

3. ~~"Delinquency prevention and early and gang intervention and prevention programs and activities"~~ includes but is not limited to the following for participating youth: Intensive school and school-related programs, such as tutoring and other educational services, vocational training and counseling, employment services, recreational opportunities, and counseling services, such as family counseling, mental health counseling, substance abuse outpatient treatment, education programs, and programs and services involving the ~~families~~ family members of participating youth; and

4. "Family members" means children, siblings, parents and persons living in the immediate household.

SECTION 10. AMENDATORY 10 O.S. 2001, Section 7302-7.3, as amended by Section 2, Chapter 413, O.S.L. 2002 (10 O.S. Supp. 2003, Section 7302-7.3), is amended to read as follows:

Section 7302-7.3 A. From funds appropriated for the Delinquency and Youth Gang Intervention and Prevention Act or otherwise available for that purpose, the Office of Juvenile Affairs through its Department of Juvenile Justice shall:

1. Issue requests for proposals and contract with eligible entities for delinquency ~~prevention and early~~ and gang intervention and prevention programs for children and their family members who live in at-risk neighborhoods and communities, as defined by Section 7302-7.2 of this title;

2. Provide information and technical assistance to ~~school districts~~ individuals and entities receiving grants or contracts pursuant to the Delinquency and Youth Gang Intervention and Prevention Act, schools, neighborhood and community organizations, and agencies within the children and youth service system, as that term is defined by the Serious and Habitual Juvenile Offender Act, for the purpose of assisting ~~them to make~~ such agencies in making application for federal, state and private grants for delinquency ~~prevention and early~~ gang intervention and prevention programs; and

3. Coordinate efforts among the Office of Juvenile Affairs, Department of Human Services, State Department of Education, State Department of Health, Department of Mental Health and Substance Abuse Services, State Arts Council, Oklahoma Commission on Children and Youth, the Oklahoma Health Care Authority, 4-H Clubs, Oklahoma Cooperative Extension Service and other organizations identified by the Department of Juvenile Justice that provide services to children and youth on the creation of an out-of-school resource center subject to the availability of funds.

B. The Department of Juvenile Justice, with the assistance of and information provided by the Oklahoma Commission on Children and Youth and the Oklahoma State Bureau of Investigation, shall establish criteria and procedures for:

1. Identifying at-risk neighborhoods, ~~school districts, communities and specific areas within school districts and communities,~~ as defined by Section 7302-7.2 of this title, for the purposes of determining eligibility for any grants for at-risk areas available pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act; and

2. Determining eligibility ~~for communities~~ of individuals and other organizations seeking other grants pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act.

The Oklahoma Commission on Children and Youth and the Oklahoma State Bureau of Investigation shall provide the Department of Juvenile Justice with information and assistance, as requested by the Department, for the purpose of establishing the criteria required by this section.

SECTION 11. AMENDATORY 10 O.S. 2001, Section 7302-7.4, is amended to read as follows:

Section 7302-7.4 A. The ~~Board~~ Office of Juvenile Affairs shall establish ~~the proposal submission and education~~ procedures and criteria and for selecting and implementing program models and issuing and submitting grant proposals. The Board of Juvenile Affairs shall promulgate rules as necessary for the implementation of the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act. ~~Until the rules are promulgated by the Board, the rules for implementation of the Delinquency and Youth Gang Intervention and Deterrence Act promulgated by the Commission for Human Services shall remain in effect.~~

B. In order to be eligible for ~~an at-risk~~ a grant contract in an at-risk neighborhood or community, as defined by Section 7302-7.2

of this title, pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act the proposal shall, at minimum:

1. Be a joint proposal made by an ~~at-risk school district,~~ individual or organization, a neighborhood or community organization, a municipality or county or a municipal or county agency from the at-risk neighborhood or community, and one or more agencies or organizations within the children and youth service system. If a school ~~district~~ or local law enforcement agency is not a joint participant in the proposal, the proposal shall document and describe the active participation in and support of either the local school ~~district~~ or local law enforcement agency in the program and activities for which the proposal is submitted;

2. Be ~~for programs and activities~~ a program or activity for children ~~not less than six (6) years of age, or in grades 1 through 12, whichever is applicable~~ at highest risk of involvement in gangs or delinquent behaviors, as defined by Section 7302-7.2 of this title, and their family members;

3. Describe the respective roles and responsibilities for the administration and operation of the program and activities, including but not limited to the designation of the entity responsible for the receipt and expenditure of any funds awarded pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act;

4. Specifically identify the ~~area within a school district or community or the~~ at-risk neighborhood or community where the programs and activities will be implemented and provide either statistical information concerning the at-risk area or a letter of support from a local school or local law enforcement agency;

5. Describe how the program will coordinate and cooperate with programs and services administered by the Department of Juvenile Justice, the Department of Human Services, the State Department of

Education, and other state or local agencies, such as law enforcement, courts and other agencies within the juvenile, children and youth service system; and

6. Provide the program and activities on-site in a school, community center, or other similar location within the identified at-risk neighborhood ~~or identified area of the school district~~ or community.

C. In order to be eligible for training or continuing education grants or any other ~~contract~~ grant pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act, the proposal shall, at a minimum:

1. Describe the respective roles and responsibilities for the administration and operation of the ~~program and activities~~ training or activity, including but not limited to the designation of the entity responsible for the receipt and expenditure of any funds awarded pursuant to the Delinquency and Youth Gang Intervention and ~~Deterrence~~ Prevention Act; and

2. Describe how the ~~program~~ training or activity will coordinate and cooperate with existing programs and services administered by the Department of Juvenile Justice, the Department of Human Services, the State Department of Education, and other state or local agencies, such as law enforcement, courts and other agencies within the juvenile, children and youth service system.

D. Each entity ~~which receives~~ receiving a grant or contract pursuant to ~~this section~~ the Delinquency and Youth Gang Intervention and Prevention Act shall submit an annual evaluation report to the Department of Juvenile Justice, by a date subsequent to the end of the contract period as established by the Department, documenting the extent to which the program objectives ~~have been~~ were met and any other information required by the Department.

SECTION 12. AMENDATORY 10 O.S. 2001, Section 7302-7.5, is amended to read as follows:

Section 7302-7.5 ~~Effective July 1, 1995, the~~ The Department of Juvenile Justice shall have the responsibility for implementation and evaluation of the Delinquency and Youth Gang Intervention and Deterrence Prevention Act shall be transferred to the Department of Juvenile Justice. Any contract entered into by the Department of Human Services pursuant to the Delinquency and Youth Gang Intervention and Deterrence Act that is still in effect on July 1, 1995, shall remain in effect for the duration of the contract and shall be honored by the Department of Juvenile Justice and any modifications thereto."

and renumber subsequent section

and when the title is restored amend to conform

Passed the Senate the 13th day of April, 2004.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2004.

Presiding Officer of the House
of Representatives