

CS for EHB 2366

1 THE STATE SENATE
2 Monday, April 10, 2006

3 Committee Substitute for
4 ENGROSSED
5 House Bill No. 2366

6 COMMITTEE SUBSTITUTE FOR ENGROSSED HOUSE BILL NO. 2366 - By: JETT of
7 the House and RILEY of the Senate.

8 [children - postadjudication review boards - effective
9 date]

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

11 SECTION 1. AMENDATORY 10 O.S. 2001, Section 1116.2, as
12 amended by Section 2, Chapter 445, O.S.L. 2002 (10 O.S. Supp. 2005,
13 Section 1116.2), is amended to read as follows:

14 Section 1116.2 A. There is hereby established a
15 postadjudication review board in each judicial district in the
16 state. Members and alternate members of the postadjudication review
17 boards shall be residents of or employed within the judicial
18 district in which the board serves and shall be appointed by the
19 Director of the Oklahoma Commission on Children and Youth after
20 consultation with judges in the judicial district having juvenile
21 docket responsibility, provided that in the event of a conflict of
22 interest or for any reason when circumstances or the appearances of
23 justice dictate, the Director of the Oklahoma Commission on Children
24 and Youth may transfer the appointment decision to the entire

1 Oklahoma Commission on Children and Youth whose decision shall be
2 final and further provided, that any aggrieved aspirant may appeal
3 the decision denying appointment by the Director of the Oklahoma
4 Commission on Children and Youth within five (5) days to the
5 Oklahoma Commission on Children and Youth whose decision shall be
6 final. The Oklahoma Commission on Children and Youth may establish
7 additional postadjudication review boards as needed for each county
8 within a judicial district.

9 B. A postadjudication review board for each judicial district
10 shall consist of at least five (5) members. Alternate review board
11 members may be appointed to serve in the absence of a regularly
12 appointed board member. Alternate board members shall be appointed
13 in the same manner as regularly appointed board members. On and
14 after September 1, 1991, currently serving board members shall serve
15 until appointments are made by the Commission on Children and Youth.
16 The Commission on Children and Youth shall complete initial
17 appointments to the review boards no later than June 30, 1992.

18 C. Board members shall be appointed for a term of three (3)
19 years. Members shall serve after the expiration of their terms
20 until their respective successors shall have been appointed.
21 Vacancies shall be filled for the duration of unexpired terms. The
22 review board members shall be appointed according to the following
23 guidelines:

1 1. One member shall be a person who has training or experience
2 in issues concerning child welfare, or a person who has demonstrated
3 an interest in children through voluntary community service or
4 professional activities;

5 2. Whenever possible, at least one member of the board shall be
6 an individual who has served as a foster parent, provided that no
7 person on the review board shall participate as a board member in
8 any review hearing in which he is a party; and

9 3. No more than one person employed by any child welfare agency
10 or juvenile court may be appointed to a board at the same time,
11 provided such person shall not participate in any review hearing in
12 which he is professionally involved.

13 D. Each postadjudication review board shall annually elect a
14 chairperson and shall notify the Commission on Children and Youth as
15 to the name and address of the chairman. A list of the members of
16 each local board and its officers shall be filed with the Presiding
17 Judge of the judicial district and each judge within the district
18 having juvenile docket responsibility.

19 E. Each postadjudication review board shall meet as often as is
20 necessary at a place it designates to carry out the duties of the
21 board established by Section 1116.3 of this title. The review board
22 shall meet at least twice annually. Each review board shall be
23 subject to the provisions of the Oklahoma Open Meeting Act, except

1 that the actual case reviews shall be held in executive session and
2 the names of the children in placement shall not be published.

3 F. As a condition of membership thereto, members and alternates
4 of the postadjudication review boards shall attend the next
5 available orientation program after appointment to the board.
6 Failure to attend an orientation program, at the discretion of the
7 Commission on Children and Youth, may result in the removal of the
8 board member. Members of postadjudication review boards shall
9 attend the annual meeting or training programs or both such meeting
10 and training programs as are authorized and directed by the
11 Commission on Children and Youth.

12 G. Members of postadjudication review boards shall serve
13 without compensation, but shall be reimbursed for travel and
14 training expenses from monies appropriated by the Legislature for
15 such purposes, as provided by the State Travel Reimbursement Act.
16 The Commission on Children and Youth shall provide members of
17 postadjudication review boards with necessary operating supplies and
18 postage fees or members shall be reimbursed for these expenses.

19 H. The Commission on Children and Youth shall be responsible
20 for developing procedures for the removal of a member from a
21 postadjudication review board. The grounds for the removal of a
22 postadjudication review board member shall include but not be
23 limited to:

- 1 1. Failure to attend board meetings as required by the
2 Commission on Children and Youth;
3 2. Engaging in illegal conduct involving moral turpitude;
4 3. Engaging in conduct involving dishonesty, fraud, deceit, or
5 misrepresentation; or
6 4. Wrongful disclosure of information as provided by Section
7 1116.4 of this title.

8 I. Necessary staff assistance required by the postadjudication
9 review boards may be provided by the bailiff or bailiffs, or other
10 person designated by the court, of the judges with juvenile docket
11 responsibility in the judicial district. Upon the request of the
12 presiding judge, the Chief Justice of the Supreme Court may
13 authorize additional staff to be paid from local court funds to
14 assist the review board.

15 The Administrative Director of the Courts may include such
16 additional funding requests in the annual budget for the courts as
17 are necessary to provide staff and administrative support for the
18 review boards.

19 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7302-3.1, is
20 amended to read as follows:

21 Section 7302-3.1 A. Effective July 1, 1995, in addition to
22 other responsibilities specified by law, the Department of Juvenile
23 Justice shall:

1 1. Be the state planning and coordinating agency for statewide
2 juvenile justice and delinquency prevention services;

3 2. Provide court intake, probation and parole for delinquent
4 children; and

5 3. Collect and disseminate information and engage in juvenile
6 justice or delinquency prevention activities relating to the
7 provisions of the Oklahoma Juvenile Code.

8 B. The Department of Juvenile Justice shall include the
9 following divisions:

10 1. The Division of Advocate Defender;

11 2. The Division of the Parole Board which shall consist of the
12 Parole Review and Hearing Board transferred to the Department of
13 Juvenile Justice pursuant to subsection E of this section; and

14 3. Such other divisions prescribed by the Executive Director of
15 the Office of Juvenile Affairs or by law.

16 C. 1. Effective July 1, 1995, the following programs are
17 established within the Department of Juvenile Justice:

18 a. programs for community intervention and diversion
19 projects to prevent juvenile delinquency,

20 b. state programs for children who are potentially
21 delinquent and/or who are adjudicated delinquent,

22 c. programs for community disciplinary projects,

23 d. programs of juvenile crime restitution,

- 1 e. the Serious and Habitual Juvenile Offender Program,
- 2 f. regimented juvenile training programs,
- 3 g. the Delinquency and Youth Gang Intervention and
- 4 Deterrence Act~~r~~, and
- 5 h. such other programs prescribed by the Executive
- 6 Director of the Office of Juvenile Justice or by law.

7 2. Beginning July 1, 1995, the Office of Juvenile Affairs, in
8 cooperation with the courts, shall develop programs which can be
9 used directly by the Department of Juvenile Justice or can be used
10 in communities with the assistance of the Department of Juvenile
11 Justice to divert juveniles at risk of becoming delinquent from the
12 formal court process. Such programs shall be implemented by the
13 Department of Juvenile Justice beginning July 1, 1995. Such
14 programs shall include, but not be limited to:

- 15 a. alternative diversion programs for first-time
- 16 offenders as defined by Section 7303-4.6 of this
- 17 title,
- 18 b. teen court programs, subject to the requirements and
- 19 procedures provided in Section 7303-4.6 of this title,
- 20 and
- 21 c. teen substance abuse schools. A teen substance abuse
- 22 school shall include any program approved by the court
- 23 that provides educational, motivational and behavior

1 modification instruction for juveniles who have
2 chemical dependency problems.

3 D. Beginning July 1, 1995, the Department of Juvenile Justice,
4 in its role as coordinator for delinquency prevention services,
5 shall:

6 1. Establish guidelines for juvenile delinquency prevention and
7 diversion programs for use in local communities, including, but not
8 limited to:

- 9 a. counseling programs,
- 10 b. recreational programs,
- 11 c. job skills workshops,
- 12 d. community public improvement projects,
- 13 e. mediation programs,
- 14 f. programs to improve relationships between juveniles
15 and law enforcement personnel,
- 16 g. diagnostic evaluation services,
- 17 h. substance abuse prevention programs, and
- 18 i. independent living skills and self-sufficiency
19 planning programs; and

20 2. Provide that personnel shall be available in each county of
21 the state to assist local communities in developing and implementing
22 community programs to prevent delinquency and to divert juveniles
23 who have committed delinquent acts from committing further

1 delinquent or criminal acts. The Department of Juvenile Justice
2 shall provide this service in each county either directly or by
3 contract.

4 E. 1. On July 1, 1995, the following programs or divisions
5 shall be transferred, along with funding allocations, from the
6 Department of Human Services to the Department of Juvenile Justice
7 within the Office of Juvenile Affairs:

- 8 a. the Residential Services Unit of the Office of
9 Juvenile Justice and all staff for the Unit,
- 10 b. the Quality Assurance Monitoring Unit of the Office of
11 Juvenile Justice and all staff for the Unit,
- 12 c. the Contract Management/Youth Services Unit of the
13 Office of Juvenile Justice and all staff for the Unit,
- 14 d. the Psychological Unit of the Office of Juvenile
15 Justice and all staff for the Unit,
- 16 e. the Juvenile Services Unit and all field and
17 supervisory staff for the Unit,
- 18 f. all institutional staff for institutions transferred
19 from the Department of Human Services to the Office of
20 Juvenile Affairs,
- 21 g. all staff assigned to the community residential
22 programs of the Office of Juvenile Justice,

- 1 h. the Management Services Unit of the Office of Juvenile
2 Justice,
3 i. the Programs Unit of the Office of Juvenile Justice,
4 j. all staff of the business office of the Office of
5 Juvenile Justice,
6 k. the Planning and Information Unit of the Office of
7 Juvenile Justice,
8 l. all staff of the Office of Juvenile Justice assigned
9 to serve as the liaison to the Federal Court Monitor
10 of the Office of Juvenile Justice,
11 m. the Parole Review and Hearing Board within the Office
12 of the General Counsel of the Department of Human
13 Services and all members of the Board and support
14 staff for the Board, and
15 n. the Division Administrator for the Office of Juvenile
16 Justice and administrative staff for the Division
17 Administrator.

18 2. The Office of Juvenile Affairs and the Department of Human
19 Services may enter into an agreement for the transfer of personnel
20 on July 1, 1995, from the Department of Human Services to the Office
21 of Juvenile Affairs. No selected employee shall be transferred to
22 the Office of Juvenile Affairs, except on the freely given written
23 consent of the employee.

1 3. The classified and unclassified employees who are
2 transferred pursuant to paragraph 1 or 2 of this subsection from the
3 Department of Human Services to the Office of Juvenile Affairs on
4 July 1, 1995, shall be subject to the following provisions:

5 a. classified employees shall remain subject to the
6 provisions of the Merit System of Personnel
7 Administration as provided in the Oklahoma Personnel
8 Act except that such employees shall be exempt from
9 the provisions of the Merit System pertaining to
10 classification until October 1, 1995. Effective
11 October 1, 1995, such employees shall be given status
12 in the class to which the position occupied by the
13 employee on October 1, 1995, is allocated by the
14 Office of Personnel Management. The salary of such an
15 employee shall not be reduced as a result of such
16 position allocation, and if the employee's salary is
17 below the minimum rate of pay for the class to which
18 the position occupied by the employee on October 1,
19 1995, is allocated, the employee's salary shall be
20 adjusted up to the minimum rate of pay; provided, if
21 such allocation is a promotion, the minimum rate shall
22 be determined as provided in 530:10-7-14 of the
23 Oklahoma Administrative Code,

1 b. unclassified employees shall remain in the
2 unclassified service and shall serve at the pleasure
3 of the Executive Director. Effective October 1, 1995,
4 such employees who occupy positions that are subject
5 to the Merit System of Personnel Administration shall
6 become classified and subject to the provisions of the
7 Merit System of Personnel Administration pursuant to
8 Section 840-4.1 of Title 74 of the Oklahoma Statutes.
9 Unclassified employees who, on October 1, 1995, occupy
10 positions that remain in the unclassified service
11 pursuant to law, shall remain in the unclassified
12 service and shall continue to serve at the pleasure of
13 the Executive Director,
14 c. all employees who are transferred to the Office of
15 Juvenile Affairs shall retain leave, sick and annual
16 time earned and any retirement and longevity benefits
17 which have accrued during their tenure with the agency
18 from which transferred. The salaries of employees who
19 are transferred shall not be reduced as a direct and
20 immediate result of the transfer. The transfer of
21 personnel among the state agencies shall be
22 coordinated with the Office of Personnel Management,
23 and

1 d. if the Office of Juvenile Affairs should implement a
2 reduction in force, all employees transferred from the
3 Department of Human Services to the Office of Juvenile
4 Affairs on July 1, 1995, shall be credited for the
5 time they were employed by the Department of Human
6 Services. The Office of Juvenile Affairs may enter
7 into a contract for professional services for any
8 contract that was in effect at the time of the posting
9 of the reduction in force with a person who has been
10 separated from service with the Office of Juvenile
11 Affairs as a result of the reduction in force.

12 F. Effective July 1, 1995, custody, care and supervision of
13 juveniles adjudicated to be delinquent or in need of supervision and
14 any monies and funds received on behalf of such juveniles are hereby
15 transferred from the Department of Human Services to the Office of
16 Juvenile Affairs. Records in the custody of the Department of Human
17 Services on the transfer date relating to delinquent juveniles and
18 juveniles in need of supervision shall be transferred to the
19 Department of Juvenile Justice.

20 G. Effective July 1, 1995, all powers, duties, records,
21 property, assets, monies and funds of the Office of Juvenile Justice
22 shall be transferred to the Office of Juvenile Affairs. Effective
23 July 1, 1995, liabilities of the Office of Juvenile Justice shall be

1 transferred to the Office of Juvenile Affairs as provided for in the
2 appropriation process of the Legislature. Any additional
3 administrative support or costs incurred by the Office of Juvenile
4 Affairs as a result of the transfer required by this section shall
5 be borne by the Office of Juvenile Affairs.

6 H. The Office of Juvenile Justice shall be abolished by the
7 Commission for Human Services after such transfer has been
8 completed.

9 I. The Director of State Finance is hereby directed to
10 coordinate the transfer of assets, funds, allotments, purchase
11 orders, liabilities, outstanding financial obligations or
12 encumbrances provided for in this section. The Department of
13 Central Services is hereby directed to coordinate the transfer of
14 property and records provided for in this section.

15 SECTION 3. AMENDATORY 10 O.S. 2001, Section 7302-5.4, is
16 amended to read as follows:

17 Section 7302-5.4 A. Except as otherwise provided by law, all
18 children adjudicated delinquent and committed to the Department of
19 Juvenile Justice shall be discharged at such time as the Department
20 determines there is a reasonable probability that it is no longer
21 necessary, either for the rehabilitation and treatment of the child,
22 or for the protection of the public, that the Department retain
23 legal custody. Following a hearing, the court may also order that a

1 child adjudged delinquent and committed to the Department shall be
2 discharged by the Department provided the child is on parole status
3 and the court deems the discharge in the best interest of the child
4 and public. The Department shall give a fifteen-day notice to the
5 court and the district attorney before discharging from legal
6 custody any child committed and confined in a secure facility.

7 B. Except as otherwise provided by law, all children adjudged
8 delinquent and committed to the Department of Justice and not
9 discharged under subsection A of this section shall be discharged
10 when the child becomes eighteen (18) years of age, unless the
11 Department is authorized by the court to retain custody of the child
12 until nineteen (19) years of age. Upon the court's own motion or
13 motion of the Department or the district attorney, which must be
14 filed prior to the date the child becomes eighteen (18) years of
15 age, the court, after notice to the delinquent child and to the
16 parents and attorney of said child, may authorize the Department to
17 retain custody of the child until he reaches nineteen (19) years of
18 age in order for the child to complete the previously adopted plan
19 of rehabilitation or achieve reasonable treatment objectives. If
20 the court sustains a motion to retain custody, the delinquent child
21 during the extended period shall be considered as a child for
22 purposes of receiving services from the Department. If a criminal
23 offense is committed by the individual during the extended period,

1 said offense shall be considered as having been committed by an
2 adult. Except to the extent necessary to effectuate the purposes of
3 this section, an individual after age eighteen (18) years is
4 considered an adult for purposes of other applicable law.

5 C. The Department of Juvenile Justice shall not place a child
6 under ten (10) years of age in an institution maintained for
7 delinquent children.

8 D. The court may retain jurisdiction over a child adjudged
9 delinquent beyond the age of seventeen (17) years to the extent
10 necessary for the child to complete payment of restitution or court
11 costs. The court may institute contempt proceedings pursuant to
12 Sections 565 through 567 of Title 21 of the Oklahoma Statutes
13 against any person adjudged delinquent and ordered to pay
14 restitution or court costs who neglects or refuses to pay such
15 restitution or court costs. Any child referred to in this
16 subsection over whom the court retains jurisdiction solely for
17 payment of restitution or court costs shall not be considered to be
18 in the custody of or under the supervision of the Department of
19 Juvenile Justice.

20 E. Following a hearing, the court may order that any child
21 shall be discharged by the Department of Juvenile Justice of the
22 Office of Juvenile Affairs provided the child is on parole status
23 and the court deems the discharge in the best interest of the child

1 and public. The Department of Juvenile Justice shall give a
2 fifteen-day notice to the district attorney before discharging from
3 legal custody any child committed and confined in a secure facility.

4 SECTION 4. AMENDATORY 10 O.S. 2001, Section 7302-6.3, is
5 amended to read as follows:

6 Section 7302-6.3 A. The Board of Juvenile Affairs shall
7 promulgate written rules, outline policies and procedures governing
8 the operation of those facilities operated by or through contract
9 with the Department of Juvenile Justice wherein juveniles may be
10 housed. Said policies and procedures shall include, but not be
11 limited to, standards of cleanliness, temperature and lighting,
12 availability of medical and dental care, provision of food,
13 furnishings, clothing and toilet articles, supervision, appropriate
14 and permissible use of restriction and confinement, procedures for
15 enforcing rules of conduct consistent with due process of law and
16 visitation privileges.

17 B. The policies prescribed shall, at a minimum, ensure that:

18 1. A child shall not be punished by physical force, deprivation
19 of nutritious meals, deprivation of family visits or solitary
20 confinement;

21 2. A child shall have the opportunity to participate in
22 physical exercise each day;

1 3. A child shall be allowed daily access to showers and the
2 child's own clothing or individualized clothing which is clean.
3 When a child is participating in an outdoor adventure program that
4 takes the child away from the permanent facility, the child shall be
5 provided with the opportunity to wash with soap and water daily;

6 4. A child shall have constant access to writing materials and
7 may send mail without limitation, censorship or prior reading, and
8 may receive mail without prior reading, except that mail may be
9 opened in the presence of the child, without being read, to inspect
10 for contraband, as defined by Section 21 of Title 57 of the Oklahoma
11 Statutes or as otherwise defined by rules promulgated by the Board
12 of Juvenile Affairs, or to inspect for material harmful to minors,
13 as defined by Section 1040.75 of Title 21 of the Oklahoma Statutes.
14 Provided that, when based on legitimate facility interests of order
15 and security as determined by the facility superintendent, mail
16 addressed to a child or sent by a child may be read, censored, or
17 rejected, except that mail addressed to a child from the attorney of
18 the child or sent by the child to the attorney of said child shall
19 not be opened, censored, or withheld in any way. The child shall be
20 notified when incoming or outgoing mail is withheld in part or in
21 full;

1 5. A child shall have reasonable opportunity to communicate and
2 to visit with the child's family on a regular basis and to
3 communicate with persons in the community;

4 6. A child shall have immediate access to medical care as
5 needed and shall receive necessary psychological and psychiatric
6 services;

7 7. A child in the custody or care of the Department shall be
8 provided access to education including teaching, educational
9 materials and books, provided, that such policies shall provide
10 emphasis upon basic literacy skills, including but not limited to
11 curricula requirements stressing reading, writing, mathematics,
12 science, vocational-technical education, and other courses of
13 instruction designed to assure that such children will be capable of
14 being assimilated into society as productive adults capable of self-
15 support and full participation;

16 8. A child shall have reasonable access to an attorney upon
17 request;

18 9. A child shall be afforded a grievance procedure, including
19 an appeal procedure;

20 10. A child's mental health needs and mental well-being will be
21 met, protected and served through provision of guidance, counseling
22 and treatment programs, staffed by competent, professionally
23 qualified persons, serving under the supervision of licensed

1 psychologists, psychiatrists or licensed clinical social workers as
2 defined by the regulations of the State Board of Licensed Social
3 Workers; and

4 11. Upon leaving the custody of the Department, a child shall
5 be afforded a copy of the literacy progress section of the
6 individualized service plan developed for the child for continued
7 use at the next school placement of the child.

8 C. Any contract or agreement between the Department of Juvenile
9 Justice and the Department of Mental Health and Substance Abuse
10 Services for the care and treatment of children in the custody of
11 the Department of Juvenile Justice shall provide that the Department
12 of Mental Health and Substance Abuse Services shall comply with the
13 provisions of subsections A and B of this section and the provisions
14 of Section 7302-6.4 of this title.

15 SECTION 5. AMENDATORY 10 O.S. 2001, Section 7302-6.6, is
16 amended to read as follows:

17 Section 7302-6.6 A. The Office of Juvenile Affairs through its
18 Department of Juvenile Justice shall have the supervision,
19 management, operation and control of the children's institution
20 located at Tecumseh, formerly known and designated as Girls' Town
21 and now known as Central Oklahoma Juvenile Center, ~~and the youth~~
22 ~~camp located at Lake Tenkiller,~~ and all property, equipment and
23 supplies related thereto. All contracts, leases, or other

1 agreements entered into by the Department of Human Services on
2 behalf of the Center prior to July 1, 1995, shall be administered by
3 the Department of Juvenile Justice.

4 B. The Central Oklahoma Juvenile Center shall maintain
5 facilities and bed-space capacity for programs that are consistent
6 with providing statewide juvenile justice and delinquency prevention
7 services.

8 C. It shall be the duty of the State Fire Marshal and the
9 Commissioner of Public Health, to cause regular, periodic, not less
10 than quarterly, unannounced inspections of said institution,
11 utilizing adequately trained and qualified inspection personnel, to
12 determine and evaluate conditions and programs being maintained and
13 carried on at said institution in their respective areas of agency
14 jurisdiction. Such inspections shall include, but not be limited
15 to, the following: Compliance with minimum fire, life and health
16 safety standards; compliance with minimum standards governing
17 general sanitation of the institution, with particular emphasis upon
18 food storage, preparation, serving and transportation, respectively.
19 Reports of such inspections will be made in writing, itemizing and
20 identifying any deficiencies and recommending corrective measures,
21 and shall be filed with the Board of Juvenile Affairs, the Executive
22 Director of the Office of Juvenile Affairs, the Deputy Director of
23 the Department of Juvenile Justice, the Governor, the Attorney

1 General, the Speaker of the House of Representatives, the President
2 Pro Tempore of the Senate, the Office of Juvenile System Oversight
3 and the Oklahoma Commission on Children and Youth. The Department
4 of Juvenile Justice shall file copies of the reports of the
5 inspections and recommendations of the accrediting agencies listed
6 in subsection B of this section with the Office of Juvenile System
7 Oversight.

8 D. The Department of Juvenile Justice is authorized and
9 directed to establish, subject to the limits of funds available
10 therefor, a diversity of placement alternatives for children
11 committed to the custody of the Department including, but not
12 limited to, foster family homes, foster family group homes, and
13 group homes. All child care services and facilities operated by the
14 Department shall be accredited by the American Correctional
15 Association, the Joint Commission on Accreditation of Hospitals or
16 the Child Welfare League of America, as appropriate for the service
17 or facility. The Department may directly contract for accreditation
18 fees, training or training conferences with the organization
19 accrediting the service or facility as required by this subsection.

20 SECTION 6. AMENDATORY 10 O.S. 2001, Section 7302-6.9, is
21 amended to read as follows:

22 Section 7302-6.9 ~~A.~~ It is the intent of the Legislature that
23 the ~~program~~ facilities and residential programs established pursuant

1 ~~to this section benefit the state by providing a two phase~~
2 ~~regimented juvenile training program under which certain adjudicated~~
3 ~~juveniles are subject to a controlled and regimented environment~~
4 ~~that affirms~~ or contracted by the Office of Juvenile Affairs through
5 the Department of Juvenile Justice affirm the dignity of self and
6 respect for others; ~~promotes~~ promote the value of education, work,
7 and self-discipline; and ~~develops~~ develop useful skills and
8 abilities that can be applied when the juvenile is reintegrated into
9 the community.

10 ~~B. 1. The Office of Juvenile Affairs through the Department of~~
11 ~~Juvenile Justice shall establish, maintain, and operate a regimented~~
12 ~~juvenile training program. Juveniles eligible for participation in~~
13 ~~the program shall be assessed and deemed appropriate for the program~~
14 ~~by the Department of Juvenile Justice. The juveniles eligible for~~
15 ~~the program shall include juveniles adjudicated delinquent or in~~
16 ~~need of supervision in this state or another state. However, no~~
17 ~~more than one third (1/3) of the juveniles allowed to participate in~~
18 ~~the program during any particular time period shall be from other~~
19 ~~states. No juvenile adjudicated in this state or any other state~~
20 ~~for murder or any offense which, if committed or attempted in this~~
21 ~~state, would be a crime or attempt to commit a crime requiring~~
22 ~~registration as a sex offender pursuant to Section 582 of Title 57~~
23 ~~of the Oklahoma Statutes shall be eligible for the program.~~

1 ~~Juveniles from other states shall be placed in the program pursuant~~
2 ~~to provisions of the Interstate Compact on the Placement of Children~~
3 ~~and rules promulgated by the Office of Juvenile Affairs.~~

4 ~~2. Three percent (3%) of any fees received by a program for a~~
5 ~~delinquent from another state shall be deposited in the Office of~~
6 ~~Juvenile Affairs Revolving Fund.~~

7 ~~3. A juvenile may be eliminated from the program upon a~~
8 ~~determination by the Department of Juvenile Justice that a physical~~
9 ~~or mental condition will prevent full participation in the program~~
10 ~~by such offender.~~

11 ~~C. The regimented juvenile training program shall consist of~~
12 ~~two phases, which shall be administered as follows:~~

13 ~~1. Phase I: An intensive physical training and discipline~~
14 ~~phase in a secure facility or a nonsecure facility, for a period of~~
15 ~~not more than one hundred twenty (120) days and administered by the~~
16 ~~Department of Juvenile Justice. The Department may operate Phase I~~
17 ~~at facilities operated by the Office of Juvenile Affairs or contract~~
18 ~~for such services;~~

19 ~~2. Phase II: A community reintegration phase for juveniles who~~
20 ~~have completed Phase I of the program, which is administered by the~~
21 ~~Office, as follows:~~

1 a. ~~if appropriate juvenile diversion services are~~
2 ~~available, the Department of Juvenile Justice may~~
3 ~~contract for such services, and~~

4 b. ~~if appropriate diversion services are not available,~~
5 ~~the juvenile shall be subject to a period of~~
6 ~~supervision under the Department of Juvenile Justice;~~

7 3. ~~A juvenile in the regimented juvenile training program shall~~
8 ~~be required to participate in the reintegration phase for a period~~
9 ~~to be determined by the Department of Juvenile Justice; and~~

10 4. ~~In addition to the requirements set forth in this~~
11 ~~subsection, juveniles shall be required to participate in a job~~
12 ~~training and educational component, as deemed appropriate by the~~
13 ~~Department of Juvenile Justice. The educational component shall~~
14 ~~include classroom work comprised of basic academic and/or vocational~~
15 ~~instruction. Educational services for juveniles adjudicated by~~
16 ~~another state shall be funded pursuant to Section 1-113 of Title 70~~
17 ~~of the Oklahoma Statutes.~~

18 D. ~~If a juvenile fails to progress through or complete the~~
19 ~~initial phase of the regimented juvenile training program, the~~
20 ~~Department of Juvenile Justice may reassign the juvenile to another~~
21 ~~appropriate facility. In addition, if a juvenile fails to progress~~
22 ~~through or complete the second phase of the program, the Department~~
23 ~~may return the juvenile to Phase I of the program for completion of~~

1 ~~all or part of the earlier phase; except that a juvenile shall not~~
2 ~~be returned for participation in the initial phase more than once.~~

3 ~~E. The Office of Juvenile Affairs shall establish standards,~~
4 ~~which shall be enforced by the Department of Juvenile Justice, for~~
5 ~~the regimented juvenile training program and each of the phases~~
6 ~~thereof described in this section. Supportive services deemed~~
7 ~~necessary by the Department shall be made available under the phases~~
8 ~~of the regimented juvenile training program, as deemed appropriate~~
9 ~~by the Office of Juvenile Affairs.~~

10 SECTION 7. AMENDATORY 10 O.S. 2001, Section 7303-1.2, is
11 amended to read as follows:

12 Section 7303-1.2 A. 1. Upon the filing of a petition, or upon
13 the assumption of custody pursuant to the provisions of Section
14 7303-1.1 of this title, the district court of the county in which a
15 child:

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

20 shall have jurisdiction of any child who is or is alleged to be in
21 need of supervision and shall have jurisdiction of the parent,
22 guardian, legal custodian, legal guardian or stepparent of said
23 child, regardless of where the parent, guardian, legal custodian,

1 legal guardian or stepparent is found; and shall have jurisdiction
2 of any other adult person living in the home of such child. For any
3 child who is or is alleged to be delinquent, the district court of
4 the county where the cause of action arose shall have jurisdiction
5 of the child and of the parent, guardian, legal custodian, legal
6 guardian or stepparent of said child, regardless where the parent,
7 guardian, legal custodian, legal guardian or stepparent is found;
8 and shall have jurisdiction of any other adult person living in the
9 home of such child.

10 2. When jurisdiction shall have been obtained over a child who
11 is or is alleged to be in need of supervision, such may be retained
12 until the child becomes eighteen (18) years of age and when
13 jurisdiction shall have been obtained over a child who is or is
14 alleged to be a delinquent, jurisdiction may be retained until the
15 child becomes nineteen (19) years of age upon the court's own
16 motion, motion by the district attorney or motion by the Department
17 of Juvenile Justice, as provided in subsection B of Section 7302-5.4
18 of this title.

19 3. For the convenience of the parties and in the interest of
20 justice, a proceeding under the Oklahoma Juvenile Code, Section
21 7301-1.1 et seq. of this title, may be transferred to the district
22 court in any other county.

1 4. Any arrest or detention under the Oklahoma Juvenile Code or
2 any adjudication in a juvenile proceeding shall not be considered an
3 arrest, detention or conviction for purposes of employment, civil
4 rights, or any statute, regulation, license, questionnaire,
5 application, or any other public or private purposes, unless
6 otherwise provided by law.

7 B. The district court in which a petition is filed or the
8 district court in which custody has been assumed pursuant to the
9 provisions of Section 7303-1.1 of this title may retain jurisdiction
10 of a delinquent child in such proceeding notwithstanding the fact
11 that the child is subject to the jurisdiction of another district
12 court within the state. Any adjudication and disposition made by
13 the court in which said petition is filed shall control over prior
14 orders in regard to the child.

15 C. The district court in which a petition is filed which
16 alleges that a child is in need of supervision can issue any
17 temporary order or grant any interlocutory relief authorized by this
18 Code notwithstanding the fact that another district court within the
19 state has jurisdiction of the child.

20 D. If the district court in which a petition is filed pursuant
21 to either subsection B or subsection C of this section sustains the
22 petition, the district court shall have the jurisdiction to make a
23 final determination on the juvenile petition or to transfer the

1 proceedings to a court having prior jurisdiction over the child.
2 Where the other proceeding is pending in the same judicial district
3 in which the juvenile petition is filed, the chief judge of the
4 judicial district shall determine if the proceedings shall be
5 consolidated and, if consolidated, which judge shall try the issues
6 when the judges to whom the cases have been assigned are unable to
7 agree on the procedure that should be followed.

8 E. 1. A municipality with a population of at least twenty-five
9 thousand (25,000) may, by written resolution filed with the district
10 court as defined in this subsection, assume jurisdiction of cases
11 involving children under eighteen (18) years of age charged with
12 violating any municipal ordinance identified in the resolution. Any
13 other municipality may enter into an interlocal cooperation
14 agreement with the district court pursuant to the Interlocal
15 Cooperation Act, Sections 1001 through 1008 of Title 74 of the
16 Oklahoma Statutes, to assume jurisdiction of cases involving
17 children under eighteen (18) years of age charged with violating any
18 municipal ordinance as agreed by the district court, the district
19 attorney and the municipality. For the purposes of this subsection,
20 "district court" shall mean the district court judicial district or
21 districts in which the contracting municipality is situated. The
22 chief juvenile judge of the district court judicial district is
23 hereby authorized to enter into the interlocal cooperation agreement

1 as provided for in this section for and on behalf of said judicial
2 district if the judge determines that the agreement is
3 constitutional and complies with state and federal law. Provided,
4 if there is no chief juvenile judge in the judicial district, then
5 the presiding judge of the judicial administrative district that
6 includes the contracting judicial district may enter into the
7 agreement for and on behalf of said judicial district if the judge
8 determines that the agreement is constitutional and complies with
9 state and federal law.

10 2. A child under eighteen (18) years of age who is taken into
11 custody for the alleged violation of a municipal ordinance relating
12 to truancy may be held pursuant to Section 10-109 of Title 70 of the
13 Oklahoma Statutes. In no event shall the child be placed in a jail,
14 lockup, or detention facility. In no event shall the child be
15 placed in a juvenile detention facility for more than twenty-four
16 (24) hours, excluding weekends and legal holidays, prior to an
17 initial court appearance and for an additional twenty-four (24)
18 hours, excluding weekends and legal holidays, immediately following
19 an initial court appearance; provided, however, this provision shall
20 not restrict or prohibit placing the child in a community
21 intervention center pursuant to Section 7302-3.5 of this title.

22 3. A child under eighteen (18) years of age who is taken into
23 custody for the alleged violation of a municipal ordinance relating

1 to curfews may be held temporarily under the custodial care of a
2 peace officer or other person employed by a police department only
3 until the child's parent, legal guardian, legal custodian, attorney
4 or other responsible adult assumes custody or, if such a person
5 cannot be located within a reasonable time of the taking of the
6 child into custody or if such a person refuses to assume custody,
7 until temporary shelter is found for the child. In no event shall
8 the child be placed in a jail, lockup, or adult detention facility.
9 In no event shall the child be placed in a juvenile detention
10 facility for more than twenty-four (24) hours, excluding weekends
11 and legal holidays, prior to an initial court appearance and for an
12 additional twenty-four (24) hours, excluding weekends and legal
13 holidays, immediately following an initial court appearance;
14 provided however, this provision shall not restrict or prohibit
15 placing the child in a community intervention center pursuant to
16 Section 7302-3.5 of this title. The temporary custody provided for
17 by this paragraph shall be utilized as a means of returning the
18 child to the child's home or other place of shelter.

19 4. Notwithstanding any other provision of this Code, a child
20 less than eighteen (18) years of age, who is taken into custody for
21 the alleged violation of a municipal ordinance, and who can be
22 prosecuted in municipal court for such offense pursuant to
23 jurisdiction assumed by the municipal court pursuant to the

1 provisions of paragraph 1 of this subsection, may be temporarily
2 detained by the municipality in a municipal juvenile facility, as
3 defined by this paragraph, but only pursuant to the following
4 conditions:

5 a. the municipality shall immediately take all reasonable
6 steps to attempt to locate the child's parent, legal
7 guardian, legal custodian, attorney or another
8 responsible adult and determine if said parent, legal
9 guardian, legal custodian, attorney or other
10 responsible adult is willing to appear at the
11 municipal juvenile facility and assume personal
12 custody of the child upon the child's release from
13 such facility,

14 b. the child shall be released to the personal custody of
15 the child's parent, legal guardian, legal custodian,
16 attorney or other responsible adult as soon as
17 practicable and upon the written promise of such
18 person to return the child to municipal court to
19 answer the municipal charges on the date and at the
20 time set by the municipal court and to assume
21 responsibility for costs for damages by the child if
22 the child causes damages while committing any acts in
23 violation of municipal ordinances listed in this

1 section after being released. Municipalities may
2 enact ordinances providing penalties for failure to
3 comply with the written promise and for refusal to
4 assume custody of a child in a timely manner,

5 c. the child shall be detained in the municipal juvenile
6 facility for no longer than twenty-four (24) hours;
7 provided, if the child's parent, legal guardian, legal
8 custodian, attorney or other responsible adult fails
9 to appear at the municipal juvenile facility and
10 assume personal custody of the child within said
11 twenty-four-hour period, then custody or release of
12 the child shall be determined pursuant to the
13 provisions of Section 7303-1.1 of this title,

14 d. the child shall be provided with adequate fresh
15 drinking water,

16 e. the child shall be provided with adequate food not
17 less than three times in a twenty-four-hour period,

18 f. the child shall be provided with adequate bathroom
19 facilities and bedding, and

20 g. the child shall be provided with any necessary medical
21 care and treatment.

22 Prior to the temporary detention of any child pursuant to the
23 authority of this subsection, the municipal juvenile facility shall

1 be certified by the Office of Juvenile Affairs pursuant to the
2 applicable certification standards set by the Board of Juvenile
3 Affairs, and each member of the staff of the municipal juvenile
4 facility shall have satisfactorily completed a training program
5 provided or approved by the Department of Juvenile Justice. In
6 furtherance of this subsection, the Office of Juvenile Affairs is
7 directed to and shall establish standards for the certification of
8 municipal juvenile facilities, with said standards to include, but
9 not be limited to, the conditions set forth in subparagraphs a
10 through g, inclusive, of this paragraph, and the Department of
11 Juvenile Justice is directed to and shall provide or approve an
12 appropriate training program for staff members of such facilities.
13 In lieu of operating a municipal juvenile facility with trained
14 municipal employees, the municipality may contract with an
15 independent public or private facility properly certified by the
16 Office of Juvenile Affairs for performance of the detention services
17 authorized by the provisions of this paragraph. For the purposes of
18 this section, a "municipal juvenile facility" shall mean a secure
19 facility which is entirely separate from any jail, adult lockup, or
20 other adult facility, or is spatially separate if contained inside
21 any jail, adult lockup, or other adult facility which is certified
22 by the Office of Juvenile Affairs for use for the temporary
23 detention of juveniles as authorized by the provisions of this

1 paragraph. The provisions of this paragraph shall not restrict or
2 limit the use of municipal juvenile facilities for detention of
3 juveniles who are detained pursuant to other provisions of law. In
4 no event shall a juvenile be held in an adult facility that does not
5 meet the definition of a municipal juvenile facility.

6 5. Pursuant to an interlocal cooperation agreement between a
7 municipality and the district court, as authorized by the provisions
8 of paragraph 1 of this subsection, a child less than eighteen (18)
9 years of age may be charged, prosecuted and, if convicted, fined for
10 violating a municipal ordinance for which provision is made in
11 paragraph 1 of this subsection; provided, that the maximum fine
12 which may be imposed shall not exceed the maximum fine authorized by
13 law. When assessing punishment, the court also may require
14 appropriate community service work, not to exceed ninety (90) hours,
15 in lieu of or in addition to a fine if the product of multiplying
16 the number of hours of community service work by the prevailing
17 minimum wage plus any fine imposed does not result in a number which
18 exceeds the maximum fine authorized by law, or restitution, or both
19 community service work and restitution. If the child fails to
20 complete the community service, a parent or guardian of the child
21 who knew or should have known that the child failed to complete the
22 community service may be fined an amount that is equal to the number
23 of community service hours that are uncompleted by the child

1 multiplied by the hourly minimum wage amount. In addition, during
2 any calendar year that any child:

- 3 a. fails to appear for a court date on more than one
4 occasion,
- 5 b. is convicted of two or more of the municipal offenses
6 for which provision is made in paragraph 1 of this
7 subsection, which offenses occurred on different days,
8 or
- 9 c. fails to pay any fine or cost properly assessed by a
10 municipal court,

11 and after the expiration of ninety (90) days, the court clerk shall
12 mail notice of such occurrence to the Department of Public Safety,
13 which department shall thereafter suspend or deny driving privileges
14 for such child for six (6) months. The suspension may be modified
15 as provided in Section 6-107.2 of Title 47 of the Oklahoma Statutes.
16 In addition, the court may require the child to receive counseling
17 or other community-based services, as necessary.

18 If a child is prosecuted for an offense in a municipal court,
19 the child shall not be prosecuted for the offense in the district
20 court. The municipal court may also impose costs as authorized by
21 law.

22 6. Any fines and costs properly assessed against any child and
23 which remain unpaid after three (3) months may be assessed by the

1 municipal judge against the child's parent, parents, legal guardian
2 or legal custodian and collected and paid as provided for in
3 Articles XXVII and XXVIII of Title 11 of the Oklahoma Statutes.
4 Provided however, prior to such latter assessment, the court clerk
5 shall give such child's parent, parents, legal guardian or legal
6 custodian notice by certified mail to their place of residence or
7 personal service of such action proposed to be taken.

8 7. All municipal arrest records, prosecution records, court
9 records, and court proceedings for cases involving children less
10 than eighteen (18) years of age charged with violating municipal
11 ordinances shall be kept confidential and shall not be open to
12 public inspection except by order of the municipal court or as
13 otherwise provided by Article VII of this Code and Section 620.6 of
14 this title. Municipal conviction records involving children less
15 than eighteen (18) years of age convicted of violating municipal
16 ordinances shall be open to public inspection.

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

22 1. To fund local programs which address problems of juvenile
23 crime;

1 2. To fund the costs of prosecutions authorized pursuant to the
2 provisions of subsection E of this section;

3 3. To fund the costs of detention authorized pursuant to the
4 provisions of subsection E of this section;

5 4. To fund administrative costs related to local programs that
6 address problems of juvenile crime or related to the prosecution,
7 detention, or punishment authorized pursuant to the provisions of
8 subsection E of this section; and

9 5. To fund the costs of community intervention centers
10 authorized pursuant to Section 7302-3.5 of this title.

11 Such earmarked funds shall not be used by the municipality for
12 any purpose other than the purposes set forth in paragraphs 1
13 through 5 of this subsection.

14 SECTION 8. AMENDATORY 10 O.S. 2001, Section 7303-4.6, as
15 last amended by Section 1, Chapter 226, O.S.L. 2005 (10 O.S. Supp.
16 2005, Section 7303-4.6), is amended to read as follows:

17 Section 7303-4.6 A. If the court finds that the allegations of
18 a petition alleging a child to be delinquent or in need of
19 supervision are supported by the evidence, the court shall sustain
20 the petition, and shall make an order of adjudication setting forth
21 whether the child is delinquent or in need of supervision and shall
22 adjudge the child as a ward of the court.

1 B. A court may defer delinquency adjudication proceedings or
2 proceedings to determine if a child is in need of supervision for
3 one hundred eighty (180) days if the child:

4 1. Is alleged to have committed or attempted to commit a
5 delinquent offense that if committed by an adult would be a
6 misdemeanor or that if committed by an adult would be grand larceny
7 of property valued at One Hundred Dollars (\$100.00) or less;

8 2. Waives the privilege against self-incrimination and
9 testifies, under oath, that the allegations are true;

10 3. Has not been previously adjudicated a delinquent; and

11 4. Presents to the court an oral or written request to attend a
12 Teen Court program or graduated sanctions program.

13 C. A court may defer delinquency adjudication proceedings for
14 the duration of the juvenile drug court program if the child is
15 participating in such a program.

16 D. The Teen Court program, graduated sanctions program, or
17 juvenile drug court must be approved by the court.

18 E. The court shall dismiss the case with prejudice at the
19 conclusion of the deferral period if the child presents satisfactory
20 evidence that the Teen Court program, graduated sanctions program or
21 a juvenile drug court has been successfully completed.

22 F. The court may require a child who requests a Teen Court
23 program to pay a fee, as determined by the court, not to exceed

1 Twenty Dollars (\$20.00) to cover the costs of administration. The
2 fee shall be deposited in the court clerk's official depository
3 account. Eighty percent (80%) of the costs so paid shall be
4 distributed to the organization sponsoring the Teen Court to be used
5 for Teen Court operating expenses. The remaining twenty percent
6 (20%) of the cost shall be paid by the court clerk to the court
7 fund.

8 G. A court may defer delinquency proceedings or proceedings to
9 determine if a child is in need of supervision for one hundred
10 eighty (180) days for any child that has not been previously
11 adjudicated delinquent, if the child and, if required by the court,
12 the parent or legal guardian of the child agree to participate in an
13 alternative diversion program for first-time offenders that has been
14 approved by the court. The court shall dismiss the case with
15 prejudice at the conclusion of the deferral period if the child
16 presents satisfactory evidence that the alternative diversion
17 program for first-time offenders has been successfully completed.
18 The records of a case dismissed pursuant to this subsection shall be
19 subject to the provisions of Article VII of the Oklahoma Juvenile
20 Code.

21 H. A court may defer delinquency proceedings for one hundred
22 eighty (180) days for any child that has not been previously
23 adjudicated delinquent, if the child agrees to participate in a

1 ~~military mentor~~ counseling program that has been approved by the
2 court. The court shall dismiss the case with prejudice at the
3 conclusion of the deferral period if the child presents satisfactory
4 evidence that the ~~military mentor~~ counseling program has been
5 successfully completed. The records of a case dismissed pursuant to
6 this subsection shall be subject to the provisions of Article VII of
7 the Oklahoma Juvenile Code.

8 I. As used in this section:

9 1. "Alternative diversion programs for first-time offenders"
10 means programs for juveniles who have been identified by law
11 enforcement personnel, the district attorney, or the court as having
12 committed acts which are not serious enough to warrant adjudication
13 through the juvenile court process, but which do indicate a need for
14 intervention to prevent further development toward juvenile
15 delinquency. The program shall be administered, pursuant to contact
16 with the Department of Juvenile Justice, by organizations designated
17 as youth services agencies by law;

18 2. "Graduated sanctions program" means a program administered
19 by the Office of Juvenile Affairs as defined in Section 7301-1.3 of
20 this title or as otherwise approved by the court;

21 3. "Juvenile drug court", "juvenile drug court program" or
22 "program" means a highly structured judicial intervention process

1 for substance abuse treatment of eligible juveniles as set forth in
2 Section 7303-5.5 of this title;

3 4. ~~“Military mentor program” means a program administered by~~
4 ~~the Oklahoma Military Department as provided in Section 7303-5.3 of~~
5 ~~this title;~~

6 5. “Supervising staff” means a community provider assigned to
7 monitor juveniles in the program, a state or local agency
8 representative or a certified treatment provider participating in
9 the program, or a person designated by the judge to perform drug
10 court investigations; and

11 6. 5. “Teen Court program” means a program which provides an
12 alternative judicial forum for cases involving juvenile offenders,
13 in which teenage participants, under the supervision of an adult
14 coordinator, may serve in various capacities within the courtroom,
15 including jurors, lawyers, bailiffs and judges. Such program also
16 may include participation by volunteer adult attorneys. The Teen
17 Court hears cases involving juvenile offenders who are referred to
18 the Teen Court by the district attorney or the district court and
19 assesses sentences such as participation in community work projects,
20 counseling or rehabilitation programs.

21 SECTION 9. AMENDATORY 10 O.S. 2001, Section 7303-5.3, as
22 amended by Section 5, Chapter 473, O.S.L. 2002 (10 O.S. Supp. 2005,
23 Section 7303-5.3), is amended to read as follows:

1 Section 7303-5.3 A. The following kinds of orders of
2 disposition may be made in respect to children adjudicated in need
3 of supervision or delinquent:

4 1. The court may place the child on probation or under
5 supervision in the home of the child, or in the custody of a
6 suitable person, upon such conditions as the court shall determine.
7 The court may require the parent or other person to give security by
8 bond, with surety or sureties approved by the court, for compliance
9 with such order. If the child is placed on probation, the court may
10 impose a probation supervision fee of not more than Twenty-five
11 Dollars (\$25.00) per month, if the court finds that the child or
12 parent or legal guardian of the child has the ability to pay the
13 fee. In counties having a juvenile bureau, the fee shall be paid to
14 the juvenile bureau; in all other counties, the fee shall be paid to
15 the Office of Juvenile Affairs.

16 2. If it is consistent with the welfare of the child, the child
17 shall be placed with the parent or legal guardian of the child, but
18 if it appears to the court that the conduct of such parent,
19 guardian, legal guardian, stepparent or other adult person living in
20 the home has contributed to the child becoming delinquent or in need
21 of supervision, the court may issue a written order specifying
22 conduct to be followed by such parent, guardian, legal custodian,
23 stepparent or other adult person living in the home with respect to

1 such child. The conduct specified shall be such as would reasonably
2 prevent the child from continuing to be delinquent or in need of
3 supervision. Such order shall remain in effect for a period of not
4 more than one (1) year to be specified by the court, and the order
5 may be extended or renewed by the court.

6 a. If it is consistent with the welfare of the child, in
7 cases where the child has been adjudicated to be in
8 need of supervision due to repeated absence from
9 school, the court may order counseling and treatment
10 for the child and the parents of the child to be
11 provided by the local school district, the county, the
12 Department or a private individual or entity. Prior
13 to final disposition, the court shall require that it
14 be shown by the appropriate school district that a
15 child found to be truant has been evaluated for
16 learning disabilities, hearing and visual impairments
17 and other impediments which could constitute an
18 educational handicap or has been evaluated to
19 determine whether the child has a disability if it is
20 suspected that the child may require special education
21 services in accordance with the Individuals with
22 Disabilities Education Act (IDEA). The results of
23 such tests shall be made available to the court for

1 use by the court in determining the disposition of the
2 case.

3 b. In issuing orders to a parent, guardian, legal
4 guardian, stepparent or other adult person living in
5 the home of a child adjudicated to be a delinquent
6 child or in making other disposition of said
7 delinquent child, the court may consider the testimony
8 of said parent, guardian, legal guardian, stepparent
9 or other adult person concerning the behavior of the
10 juvenile and the ability of such person to exercise
11 parental control over the behavior of the juvenile.

12 c. In any dispositional order involving a child age
13 sixteen (16) or older, the court shall make a
14 determination, where appropriate, of the services
15 needed to assist the child to make the transition to
16 independent living.

17 No child who has been adjudicated in need of supervision only
18 upon the basis of truancy or noncompliance with the mandatory school
19 attendance law shall be placed in a public or private institutional
20 facility or be removed from the custody of the lawful parent,
21 guardian or custodian of the child.

22 3. The court may commit the child to the custody of a private
23 institution or agency, including any institution established and

1 operated by the county, authorized to care for children or to place
2 them in family homes. In committing a child to a private
3 institution or agency, the court shall select one that is licensed
4 by any state department supervising or licensing private
5 institutions and agencies; or, if such institution or agency is in
6 another state, by the analogous department of that state. Whenever
7 the court shall commit a child to any institution or agency, it
8 shall transmit with the order of commitment a summary of its
9 information concerning the child, and such institution or agency
10 shall give to the court such information concerning the child as the
11 court may at any time require.

12 4. The court may order the child to receive counseling or other
13 community-based services as necessary.

14 ~~5. The court may order the child to participate in a military~~
15 ~~mentor program administered by the Oklahoma Military Department, if~~
16 ~~such program:~~

17 a. ~~is staffed by National Guard or qualified civilian~~
18 ~~personnel who are trained by the Oklahoma Military~~
19 ~~Department pursuant to training standards established~~
20 ~~by the Department of Juvenile Justice and meets~~
21 ~~screening requirements established by the Department~~
22 ~~of Juvenile Justice,~~

23 b. ~~provides for adequate supervision of the child, and~~

1 e. ~~is designed to develop useful skills and abilities of~~
2 ~~the child and/or integrate the child into community~~
3 ~~service activities or public works projects.~~

4 ~~The Office of Juvenile Affairs through its Department of Juvenile~~
5 ~~Justice and the Oklahoma Military Department are hereby authorized~~
6 ~~to enter into an agreement to provide for the effective development~~
7 ~~and implementation of this paragraph.~~

8 ~~6.~~ The court may commit the child to the custody of the Office
9 of Juvenile Affairs under the supervision of the Department of
10 Juvenile Justice. Any order adjudicating the child to be delinquent
11 and committing the child to the Department of Juvenile Justice shall
12 be for an indeterminate period of time. ~~If the adjudication is for~~
13 ~~distribution of a controlled dangerous substance or possession with~~
14 ~~intent to distribute a controlled dangerous substance, the court may~~
15 ~~require that the offender be placed in a regimented juvenile~~
16 ~~training program as described in Section 7302-6.9 of this title, or~~
17 ~~a secure facility operated or contracted for by the Office of~~
18 ~~Juvenile Affairs. The placement must occur within sixty (60) days~~
19 ~~of disposition unless extended by the court for an additional sixty~~
20 ~~(60) days.~~

21 ~~7.~~ 6. If the child has been placed outside the home, and it
22 appears to the court that the parent, guardian, legal custodian, or
23 stepparent, or other adult person living in the home has contributed

1 to the child becoming delinquent or in need of supervision, the
2 court may order that the parent, guardian, legal custodian,
3 stepparent, or other adult living in the home be made subject to any
4 treatment or placement plan prescribed by the Department or other
5 person or agency receiving custody of the child.

6 ~~§~~ 7. With respect to a child adjudicated a delinquent child,
7 the court may:

- 8 a. for acts involving criminally injurious conduct as
9 defined in Section 142.3 of Title 21 of the Oklahoma
10 Statutes, order the child to pay a victim compensation
11 assessment in an amount not to exceed that amount
12 specified in Section 142.18 of Title 21 of the
13 Oklahoma Statutes. The court shall forward a copy of
14 the adjudication order to the Crime Victims
15 Compensation Board for purposes of Section 142.11 of
16 Title 21 of the Oklahoma Statutes. Except as
17 otherwise provided by law, such adjudication order
18 shall be kept confidential by the Board,
- 19 b. order the child to engage in a term of community
20 service without compensation. The state or any
21 political subdivision shall not be liable if a loss or
22 claim results from any acts or omission of a child

1 ordered to engage in a term of community service
2 pursuant to the provisions of this paragraph,
3 c. if it is consistent with the welfare of the child,
4 require community service or restitution or both
5 community service and restitution for acts of
6 delinquency. The immunities provided by Sections 227
7 and 228 of Title 57 of the Oklahoma Statutes shall
8 apply to community services directed pursuant to this
9 section. The court may order the parents or custodial
10 parent of any child living with the parents or
11 custodial parent to supervise the performance of
12 community service by the child. The court may order
13 the parents or custodial parent of any child living
14 with the parents or custodial parent at the time of
15 the criminal or delinquent act of the child to remit
16 the amount of restitution ordered by the court. The
17 court may consider any hardship of such order on the
18 parents or custodial parent of the child. The parents
19 or custodial parent may be represented by an attorney
20 in the matter of the order for remittance of the
21 restitution by the parents or custodial parent.
22 Provided however, if the court orders the parents or
23 custodial parent to remit the amount of restitution as

1 provided for in this paragraph, in addition to any
2 other dispositional orders of the court, the court
3 shall order the child to perform community service for
4 the number of hours commensurate with the number of
5 hours it would require under federal or state minimum
6 wage to earn the amount paid by such child's parents
7 or custodial parent under the order to remit
8 restitution,

9 d. order the child to pay the fine which would have been
10 imposed had such child been convicted of such crime as
11 an adult. Any such fine collected pursuant to this
12 paragraph shall be deposited in a special Work
13 Restitution Fund to be established by the court to
14 allow children otherwise unable to pay restitution to
15 work in community service projects in the private or
16 public sector to earn money to compensate their
17 victims,

18 e. order the cancellation or denial of driving privileges
19 as provided by Sections 6-107.1 and 6-107.2 of Title
20 47 of the Oklahoma Statutes,

21 f. in accordance with the guidelines approved and adopted
22 by the Oklahoma Supreme Court for the implementation
23 of the Serious and Habitual Juvenile Offender Program,

1 make the following orders: sanction detention in the
2 residence of the child or facility designated by the
3 Department of Juvenile Justice or the juvenile bureau
4 for such purpose for up to five (5) days; weekend
5 detention in a place other than a juvenile detention
6 facility or shelter; tracking; or house arrest with
7 electronic monitoring. On and after the adoption of
8 guidelines by the Oklahoma Supreme Court for the
9 implementation of the Serious and Habitual Juvenile
10 Offender Program, the provisions of subparagraphs a
11 through e of this paragraph shall be subject to said
12 guidelines,

13 g. in accordance with the guidelines approved and adopted
14 by the Oklahoma Supreme Court for the implementation
15 of the Serious and Habitual Juvenile Offender Program,
16 impose sanctions for the violation of preadjudicatory
17 or postadjudicatory violations of probation.

18 ~~9.~~ 8. The court may dismiss the petition or otherwise terminate
19 its jurisdiction at any time for good cause shown.

20 ~~10.~~ 9. In any dispositional order removing a child from the
21 home of the child, the court shall, in addition to the findings
22 required by subsection B of Section 7303-1.4 of this title, make a
23 determination that, in accordance with the best interests of the

1 child and the protection of the public, reasonable efforts have been
2 made to provide for the return of the child to the child's own home,
3 or that efforts to reunite the family are not required as provided
4 in subsection B of Section 7303-1.4 of this title, and reasonable
5 efforts are being made to finalize an alternate permanent placement
6 for the child.

7 B. Prior to adjudication or as directed by a law enforcement
8 subpoena or court order, a school district may disclose educational
9 records to the court or juvenile justice system for purposes of
10 determining the ability of the juvenile justice system to
11 effectively serve a child. Any disclosure of educational records
12 shall be in accordance with the requirements of the Family
13 Educational Rights and Privacy Act of 1974 (FERPA). If the parent,
14 guardian, or custodian of a child adjudicated a delinquent child
15 asserts that the child has approval not to attend school pursuant to
16 Section 10-105 of Title 70 of the Oklahoma Statutes, the court or
17 the Office of Juvenile Affairs may require the parent to provide a
18 copy of the written, joint agreement to that effect between the
19 school administrator of the school district where the child attends
20 school and the parent, guardian, or custodian of the child.

21 C. With respect to a child adjudicated a delinquent child for a
22 violent offense, within thirty (30) days of the date of the
23 adjudication either the juvenile bureau in counties which have a

1 juvenile bureau or the Office of Juvenile Affairs in all other
2 counties shall notify the superintendent of the school district in
3 which the child is enrolled or intends to enroll of the delinquency
4 adjudication and the offense for which the child was adjudicated.

5 D. No child who has been adjudicated in need of supervision may
6 be placed in a state training school.

7 E. No child charged in a state or municipal court with a
8 violation of state or municipal traffic laws or ordinances, or
9 convicted therefor, may be incarcerated in jail for the violation
10 unless the charge for which the arrest was made would constitute a
11 felony if the child were an adult. Nothing contained in this
12 subsection shall prohibit the detention of a juvenile for traffic-
13 related offenses prior to the filing of a petition in the district
14 court alleging delinquency as a result of the acts and nothing
15 contained in this section shall prohibit detaining a juvenile
16 pursuant to Section 7303-1.2 of this title.

17 F. The court may revoke or modify a disposition order and may
18 order redistribution. The child whose disposition is being
19 considered for revocation or modification at said hearing shall have
20 the right to be represented by counsel, to present evidence in the
21 child's behalf and to be confronted by witnesses against the child.
22 Any revocation, modification or redistribution of the court in whole

1 or in part shall be subject to review on appeal, as in other appeals
2 of criminal cases. Bail may be allowed pending appeal.

3 SECTION 10. AMENDATORY 10 O.S. 2001, Section 7303-8.6,
4 is amended to read as follows:

5 Section 7303-8.6 When a child is committed to the custody of
6 the Department of Juvenile Justice under the provisions of this
7 article, the court shall order the child to be delivered by the
8 sheriff or by a private contractor pursuant to the provisions of
9 Section 7304-1.3 of this title to an institution, or other place,
10 designated by the Department, and the cost of transportation shall
11 be paid from the county's general fund. The Department of Juvenile
12 Justice shall not be ordered to provide transportation as provided
13 for in this section for a juvenile who has been committed to the
14 custody of the Department and is destined for a secure institution.

15 SECTION 11. This act shall become effective November 1, 2006.

16 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-5-06 - DO
17 PASS, As Amended.