

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 502

By: Johnson (Mike) of the
Senate

3
4 and

5 Winchester of the House

6
7
8 (children - Division of Juvenile and Treatment
9 Services -

10 effective date)

11
12 AUTHOR: Remove Johnson (Mike) as principal Senate author and
13 substitute Anderson as principal Senate author and show
Johnson (Mike) as coauthor

14 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
15 entire bill and insert

16 "(children - Office of Juvenile Affairs - commission
17 certain employees as peace officers -

18 effective date)

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

22 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7302-2.1, as
23 amended by Section 3, Chapter 320, O.S.L. 2006 (10 O.S. Supp. 2007,
24 Section 7302-2.1), is amended to read as follows:

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

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

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

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

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

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

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

11 4. Exercise all incidental powers which are necessary and
12 proper to implement the purposes of the Office of Juvenile Affairs
13 pursuant to the Oklahoma Juvenile Code.

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

20 It shall continue to be the duty of the Attorney General to give
21 an official opinion to the Executive Director of the Office of
22 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute
23 and defend actions therefor, if requested to do so. The Attorney
24 General may levy and collect costs, expenses of litigation and a

1 reasonable attorney fee for such legal services from the Office.
2 The Office shall not contract for representation by private legal
3 counsel unless approved by the Attorney General. Such contract for
4 private legal counsel shall be in the best interests of the state.
5 The Attorney General shall be notified by the Office of Juvenile
6 Affairs or its counsel of all lawsuits against the Office of
7 Juvenile Affairs or officers or employees thereof, that seek
8 injunctive relief which would impose obligations requiring the
9 expenditure of funds in excess of unencumbered monies in the
10 agency's appropriations or beyond the current fiscal year. The
11 Attorney General shall review any such cases and may represent the
12 interests of the state, if the Attorney General considers it to be
13 in the best interest of the state to do so, in which case the
14 Attorney General shall be paid as provided in this subsection.
15 Representation of multiple defendants in such actions may, at the
16 discretion of the Attorney General, be divided with counsel for the
17 Office as necessary to avoid conflicts of interest.

18 E. The Executive Director of the Office of Juvenile Affairs
19 shall have the authority to commission certified employees within
20 the Office of Juvenile Affairs as peace officers. The authority of
21 employees so commissioned shall include the authority to investigate
22 crimes committed against the Office or crimes committed in the
23 course of any program administered by the Office. Employees so
24 commissioned shall also have the authority to serve and execute

1 process, bench warrants, and other court orders in any judicial or
2 administrative proceeding in which the agency is a party or
3 participant. Use and possession of firearms shall be at the
4 discretion of the Executive Director of the Office of Juvenile
5 Affairs. To become qualified as peace officers for the commission,
6 employees shall first obtain a certificate as provided for in
7 Section 3311 of Title 70 of the Oklahoma Statutes.

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

16 SECTION 2. This act shall become effective November 1, 2008.”
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1 Passed the House of Representatives the 17th day of April, 2008.

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4 Presiding Officer of the House of
Representatives

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6 Passed the Senate the ____ day of _____, 2008.

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9 Presiding Officer of the Senate