STATE OF OKLAHOMA

1st Session of the 51st Legislature (2007)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 489 By: Johnson (Constance) of the Senate

and

Shannon of the House

COMMITTEE SUBSTITUTE

(children - Delinquency and Youth Gang Intervention and Prevention Act - emergency)

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7302-7.3, as last amended by Section 10, Chapter 421, O.S.L. 2004 (10 O.S. Supp. 2006, 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 or enter into agreements pursuant to the Interlocal Cooperation Act and contract ~~with eligible entities~~ for delinquency 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 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 such agencies in making application for federal, state and private grants for delinquency and 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 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 Prevention Act; and

2. Determining eligibility of individuals and other organizations seeking other ~~grants~~ contracts pursuant to the Delinquency and Youth Gang Intervention and 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 2. AMENDATORY 10 O.S. 2001, Section 7302-7.4, as amended by Section 11, Chapter 421, O.S.L. 2004 (10 O.S. Supp. 2006, Section 7302-7.4), is amended to read as follows:

Section 7302-7.4 A. The Office of Juvenile Affairs shall establish procedures and criteria for selecting and implementing program models and issuing and submitting grant proposals. The Board of Juvenile Affairs shall ~~promulgate~~ utilize new funding

appropriated for the Delinquency and Youth Gang Intervention and Prevention Act for the expansion of the current contracts that utilize the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP) Comprehensive Gang Model and for the creation of new programs utilizing the OJJDP model in at-risk neighborhoods and communities, as defined in Section 7302-7.2 of this title. The contracts shall become part of a pilot program under the review and supervision of the Oklahoma Statewide Gang Intervention Steering Committee. The Board of Juvenile Affairs shall select a contractor who has experience implementing the OJJDP Comprehensive Gang Model in Oklahoma and will provide technical assistance to the pilot programs. The Board of Juvenile Affairs shall update rules as necessary for the implementation of the Delinquency and Youth Gang Intervention and Prevention Act.

B. In order to be eligible for a grant or 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 Prevention Act the proposal shall, at minimum:

1. Be a joint proposal made by an 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 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 or local law enforcement agency in the program and activities for which the proposal is submitted;

2. Be a program or activity for children 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 Prevention Act;

4. Specifically identify 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 community.

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

1. Describe the respective roles and responsibilities for the administration and operation of the 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 Prevention Act; and

2. Describe how the 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 receiving a grant or contract pursuant to the Delinquency and Youth Gang Intervention and Prevention Act shall work with local community leaders, neighborhood associations, direct service providers, local school officials, law enforcement and other stakeholders to create a local Oklahoma Statewide Gang Intervention Steering Committee to help facilitate the implementation of the

program. The entity shall also 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 were met and any other information required by the Department.

SECTION 3. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

A. There is hereby created until February 1, 2012, the "Oklahoma Statewide Gang Intervention Steering Committee."

B. The Oklahoma Statewide Gang Intervention Steering Committee shall be composed of twenty-one (21) members as follows:

1. The Executive Director of the Office of Juvenile Affairs, or designee;

2. The Commissioner of Public Safety, or designee;

3. One sheriff representing a county having a population of more than five hundred thousand (500,000) inhabitants, as determined by the latest Federal Decennial Census, appointed by the executive board of the Oklahoma Sheriffs' Association;

4. One sheriff representing a county having a population between one hundred thousand (100,000) inhabitants and four hundred ninety-nine thousand (499,000) inhabitants, as determined by the latest Federal Decennial Census, appointed by the executive board of the Oklahoma Sheriffs' Association;

5. One sheriff representing a county having a population of less than one hundred thousand (100,000) inhabitants, as determined by the latest Federal Decennial Census, appointed by the executive board of the Oklahoma Sheriffs' Association;

6. Two chiefs of police representing communities impacted by gangs, to be selected by the Oklahoma Chiefs of Police Association;

7. Two members of the Oklahoma House of Representatives appointed by the Speaker of the House of Representatives;

8. Two members of the State Senate appointed by the President Pro Tempore of the Senate;

9. One member appointed by the Governor who is the director of an entity that contracts with the Office of Juvenile Affairs to implement the federal Office of Juvenile Justice and Delinquency Prevention Comprehension Gang Model in Oklahoma;

10. One member selected by the United States Attorney for the Western District of Oklahoma;

11. The Director of the Oklahoma State Bureau of Investigation, or designee;

12. The Director of the Department of Corrections, or designee;

13. The State Superintendent of Public Instruction, or designee;

14. The Executive Coordinator of the District Attorneys Council, or designee;

15. The Director of the Department of Human Services, or designee;

16. The Commissioner of the Department of Mental Health and Substance Abuse Services, or designee;

17. The Commissioner of the State Department of Health, or designee; and

18. The Director of the Commission on Children and Youth, or designee.

C. The chair shall be appointed by the Speaker of the Oklahoma House of Representatives on or before August 1, 2007. The vice-chair shall be appointed by the President Pro Tempore of the State Senate on or before August 1, 2007. The chair shall convene the first meeting of the Steering Committee on or before September 1, 2007. The Steering Committee shall meet as often as necessary. Steering Committee members employed by the state shall be reimbursed for travel expenses related to their service on the Steering Committee by their respective agencies pursuant to the provisions of the State Travel Reimbursement Act. Legislative members of the Steering Committee shall be reimbursed for their necessary travel expenses incurred in the performance of their duties in accordance with Section 456 of Title 74 of the Oklahoma Statutes. Remaining Steering Committee members shall be reimbursed travel expenses related to their service on the Steering Committee by their

appointing authorities pursuant to the provisions of the State Travel Reimbursement Act.

D. Administrative support for the Steering Committee, including, but not limited to, personnel necessary to ensure the proper performance of the duties and responsibilities of the Steering Committee, shall be provided by the Oklahoma Criminal Justice Resource Center and the Office of Juvenile Affairs to be supplemented, if necessary, by the staff of the Oklahoma House of Representatives and the Oklahoma State Senate. All participating state agencies shall provide for any administrative support requested by the Steering Committee.

E. The Steering Committee shall coordinate Oklahoma's response to gang activity and violence by reviewing and assessing the current suppression, intervention and prevention efforts to reduce gang activity and violence in Oklahoma. The Steering Committee shall make recommendations to improve and make more effective the implementation and funding of current efforts. The Steering Committee shall continue to monitor and renew on a yearly basis, through benchmarks and other identified assessment tools, the success of these programs. Other duties shall include:

1. Cataloging and reporting the total amount of federal funds devoted to gang-intervention programs by type and activity;

2. Work with the Office of Juvenile Affairs to develop concrete, measurable performance outcomes to assess the effectiveness of these programs; and

3. Evaluate successful local gang initiatives across the state and the nation to determine if their methods and strategies can be duplicated and applied to other Oklahoma communities.

F. The Steering Committee shall also study and make recommendations as to the feasibility of requiring any juvenile arrested for any activity that is associated with or considered gang-related activity to be immediately referred for services with the Office of Juvenile Affairs. Components of the services provided by the Office of Juvenile Affairs should include, but not be limited to:

1. The processing of the juvenile into a statewide database for gang-involved youth;

2. An evaluation of the youth within forty-eight (48) hours of arrest to determine appropriate gang intervention programs; and

3. A meeting and assessment with the family of the juvenile to determine an interim program as to the legal status of the juvenile.

G. The Steering Committee shall make an annual report to the Governor, the Speaker of the Oklahoma House of Representatives, the President Pro Tempore of the State Senate, and the appropriate committee of the Oklahoma State Senate and the Oklahoma House of

Representatives by February 1 of each year. The report shall be prepared by the administrative staff of the affected agencies.

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

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