

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 502

By: Anderson and Johnson (Mike)
of the Senate

6 and

7 Winchester of the House

8
9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to children; amending 10 O.S. 2001,
11 Section 7302-2.1, as amended by Section 3, Chapter
12 320, O.S.L. 2006 (10 O.S. Supp. 2007, Section 7302-
13 2.1), which relates to the Executive Director of the
14 Office of Juvenile Affairs; authorizing the Executive
15 Director to commission certain employees as peace
16 officers; specifying authority and qualifications of
17 such employees; and providing an effective date.

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

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

22 Section 7302-2.1 A. The Board of Juvenile Affairs shall
23 appoint the Executive Director of the Office of Juvenile Affairs.
24 The Executive Director shall serve at the pleasure of the Board.

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

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

16 1. Be the executive officer and supervise the activities of the
17 Office of Juvenile Affairs;

18 2. Pursuant to legislative authorization employ, discharge,
19 appoint or contract with, and fix the duties and compensation of
20 such assistants, attorneys, law enforcement officers, probation
21 officers, psychologists, social workers, medical professionals,
22 administrative, clerical and technical, investigators, aides and
23 such other personnel, either on a full-time, part-time, fee or
24 contractual basis, as in the judgment and discretion of the

1 Executive Director shall be deemed necessary in the performance or
2 carrying out of any of the purposes, objectives, responsibilities,
3 or statutory provisions relating to the Office of Juvenile Affairs,
4 or to assist the Executive Director of the Office of Juvenile
5 Affairs in the performance of official duties and functions;

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

8 4. Exercise all incidental powers which are necessary and
9 proper to implement the purposes of the Office of Juvenile Affairs
10 pursuant to the Oklahoma Juvenile Code.

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

17 It shall continue to be the duty of the Attorney General to give
18 an official opinion to the Executive Director of the Office of
19 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute
20 and defend actions therefor, if requested to do so. The Attorney
21 General may levy and collect costs, expenses of litigation and a
22 reasonable attorney fee for such legal services from the Office.
23 The Office shall not contract for representation by private legal
24 counsel unless approved by the Attorney General. Such contract for

1 private legal counsel shall be in the best interests of the state.
2 The Attorney General shall be notified by the Office of Juvenile
3 Affairs or its counsel of all lawsuits against the Office of
4 Juvenile Affairs or officers or employees thereof, that seek
5 injunctive relief which would impose obligations requiring the
6 expenditure of funds in excess of unencumbered monies in the
7 agency's appropriations or beyond the current fiscal year. The
8 Attorney General shall review any such cases and may represent the
9 interests of the state, if the Attorney General considers it to be
10 in the best interest of the state to do so, in which case the
11 Attorney General shall be paid as provided in this subsection.
12 Representation of multiple defendants in such actions may, at the
13 discretion of the Attorney General, be divided with counsel for the
14 Office as necessary to avoid conflicts of interest.

15 E. The Executive Director of the Office of Juvenile Affairs
16 shall have the authority to commission certified employees within
17 the Office of Juvenile Affairs as peace officers. The authority of
18 employees so commissioned shall only include the authority to
19 investigate crimes committed against the Office or crimes committed
20 in the course of any program administered by the Office. Employees
21 so commissioned shall also have the authority to serve and execute
22 process, bench warrants, and other court orders in any judicial or
23 administrative proceeding in which the agency is a party or
24 participant. Use and possession of firearms for this purpose only

1 shall be permitted. To become qualified as peace officers for the
2 commission, employees shall first obtain a certificate as provided
3 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

12 SECTION 2. This act shall become effective November 1, 2008.

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