

THE HOUSE OF REPRESENTATIVES  
Tuesday, April 8, 2008

Committee Substitute for  
ENGROSSED  
Senate Bill No. 502

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 502 - By:  
ANDERSON AND JOHNSON (MIKE) of the Senate and WINCHESTER of the House.

( Children - Office of Juvenile Affairs - commission certain employees as peace  
officers -  
effective date )

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

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

4 Section 7302-2.1 A. The Board of Juvenile Affairs shall appoint the Executive  
5 Director of the Office of Juvenile Affairs. The Executive Director shall serve at the  
6 pleasure of the Board.

7 B. The Executive Director of the Office of Juvenile Affairs shall be qualified for  
8 such position by character, ability, education, training, and successful administrative  
9 experience in the corrections or juvenile justice field; shall have earned a master's degree  
10 or other advanced degree from an accredited college or university with a major field of  
11 study in at least one of the following: Corrections, juvenile justice, juvenile delinquency,

1 criminal justice, law, police science, criminology, psychology, sociology, administration,  
2 education, or a related social science, and three (3) years' work experience in corrections  
3 or juvenile justice, or a bachelor's degree in the degree areas specified in this subsection  
4 and four (4) years' progressively responsible work experience in corrections or juvenile  
5 justice.

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

8 1. Be the executive officer and supervise the activities of the Office of Juvenile  
9 Affairs;

10 2. Pursuant to legislative authorization employ, discharge, appoint or contract  
11 with, and fix the duties and compensation of such assistants, attorneys, law enforcement  
12 officers, probation officers, psychologists, social workers, medical professionals,  
13 administrative, clerical and technical, investigators, aides and such other personnel,  
14 either on a full-time, part-time, fee or contractual basis, as in the judgment and  
15 discretion of the Executive Director shall be deemed necessary in the performance or  
16 carrying out of any of the purposes, objectives, responsibilities, or statutory provisions  
17 relating to the Office of Juvenile Affairs, or to assist the Executive Director of the Office  
18 of Juvenile Affairs in the performance of official duties and functions;

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

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

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

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

6 It shall continue to be the duty of the Attorney General to give an official opinion to  
7 the Executive Director of the Office of Juvenile Affairs and the Office of Juvenile Affairs  
8 and to prosecute and defend actions therefor, if requested to do so. The Attorney General  
9 may levy and collect costs, expenses of litigation and a reasonable attorney fee for such  
10 legal services from the Office. The Office shall not contract for representation by private  
11 legal counsel unless approved by the Attorney General. Such contract for private legal  
12 counsel shall be in the best interests of the state. The Attorney General shall be notified  
13 by the Office of Juvenile Affairs or its counsel of all lawsuits against the Office of  
14 Juvenile Affairs or officers or employees thereof, that seek injunctive relief which would  
15 impose obligations requiring the expenditure of funds in excess of unencumbered monies  
16 in the agency's appropriations or beyond the current fiscal year. The Attorney General  
17 shall review any such cases and may represent the interests of the state, if the Attorney  
18 General considers it to be in the best interest of the state to do so, in which case the  
19 Attorney General shall be paid as provided in this subsection. Representation of  
20 multiple defendants in such actions may, at the discretion of the Attorney General, be  
21 divided with counsel for the Office as necessary to avoid conflicts of interest.

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1        E. The Executive Director of the Office of Juvenile Affairs shall have the authority  
2 to commission certified employees within the Office of Juvenile Affairs as peace officers.  
3 The authority of employees so commissioned shall include the authority to investigate  
4 crimes committed against the Office or crimes committed in the course of any program  
5 administered by the Office. Employees so commissioned shall also have the authority to  
6 serve and execute process, bench warrants, and other court orders in any judicial or  
7 administrative proceeding in which the agency is a party or participant. Use and  
8 possession of firearms shall be at the discretion of the Executive Director of the Office of  
9 Juvenile Affairs. To become qualified as peace officers for the commission, employees  
10 shall first obtain a certificate as provided for in Section 3311 of Title 70 of the Oklahoma  
11 Statutes.

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

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

19        COMMITTEE REPORT BY: COMMITTEE ON HUMAN SERVICES, dated 04-07-08 -  
20        DO PASS, As Amended and Coauthored.