

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1889

By: Coffee

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5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,
8 Section 7306-2.11, as amended by Section 9, Chapter
9 286, O.S.L. 2006 (10 O.S. Supp. 2007, Section 7306-
10 2.11), which relates to placement of youthful
11 offenders; permitting the placement of youthful
12 offenders in county jails in certain circumstance;
13 and providing an effective date.

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

15 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7306-2.11,
16 as amended by Section 9, Chapter 286, O.S.L. 2006 (10 O.S. Supp.
17 2007, Section 7306-2.11), is amended to read as follows:

18 Section 7306-2.11 A. Whenever a youthful offender is committed
19 to the custody of the Office of Juvenile Affairs, the Department of
20 Juvenile Justice may:

21 1. Place the youthful offender in a state training school or
22 other institution or facility maintained by the state for youthful
23 offenders;

24 2. Place the youthful offender in a group home or community
residential facility for youthful offenders;

1 3. Place the youthful offender under community supervision
2 prior to or after a period of placement in one or more of the
3 facilities referred to in paragraphs 1 and 2 of this subsection.
4 The Department of Juvenile Justice may place a youthful offender in
5 his or her own home, or an independent living or other similar
6 living arrangement within the community of the residence of the
7 youthful offender only upon the approval of the court; provided the
8 court shall not prohibit the reintegration of the youthful offender
9 into the community except upon finding that the youthful offender
10 has not reasonably completed the rehabilitation plan objectives
11 established as preconditions for reintegration into the community or
12 that the public would not be adequately protected if the youthful
13 offender is reintegrated into the community; ~~or~~

14 4. Place the youthful offender in a sanction program if the
15 youthful offender fails to comply with a written plan of
16 rehabilitation or fails substantially to achieve reasonable
17 treatment objectives while in community or other nonsecure programs;
18 or

19 5. Place the youthful offender in a county jail if there is no
20 existing acceptable alternative placement available.

21 B. The Department of Juvenile Justice shall be responsible for
22 the care and control of a youthful offender placed in the custody of
23 the Office of Juvenile Affairs, and shall have the duty and the
24 authority to provide food, clothing, shelter, ordinary medical care,

1 education, discipline and in an emergency to authorize surgery or
2 other extraordinary care. Said medical care, surgery and
3 extraordinary care shall be charged to the appropriate agency where
4 the youthful offender qualifies for said care under law, rule,
5 regulation or administrative order or decision. Nothing in this
6 section shall abrogate the right of a youthful offender to any
7 benefits provided through public funds nor the parent's statutory
8 duty or responsibility to provide said necessities; further, no
9 person, agency or institution shall be liable in a civil suit for
10 damages for authorizing or not authorizing surgery or extraordinary
11 care in an emergency, as determined by competent medical authority.
12 A youthful offender placed in the custody of the Office of Juvenile
13 Affairs who has attained the age of eighteen (18) years of age or
14 older may authorize and consent to the medical care sought on behalf
15 of the youthful offender by the Office of Juvenile Affairs and to be
16 provided to the youthful offender by a qualified health care
17 professional. No state employee shall be liable for the costs of
18 any medical care or mental health services provided to any child in
19 the custody of the Office of Juvenile Affairs.

20 C. A youthful offender in the custody of the Office of Juvenile
21 Affairs shall:

22 1. Be entitled to all the rights afforded juvenile delinquents
23 pertaining to the conditions and restrictions in facilities where
24 delinquents may be placed, including any due process afforded

1 delinquents in regard to movement from a nonsecure to a secure
2 placement;

3 2. Have access to the same or comparable programs and services
4 available to a delinquent in the custody of or under the supervision
5 of the Office of Juvenile Affairs; and

6 3. As appropriate to the age and circumstances of the youthful
7 offender, be provided education, employment, and employment skills
8 and vocational and technical or higher education services,
9 apprenticeship programs and similar opportunities.

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

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