

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 847

By: Johnson (Constance)

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6 AS INTRODUCED

7 An Act relating to criminal justice; creating the  
8 Office of Citizen Concerns for Criminal and Juvenile  
9 Justice; stating purpose; providing for  
10 administration; providing for director, employees and  
11 office space; directing funding by appropriation;  
12 directing certain reports to Governor's Cabinet  
13 Secretary for Safety and Security, President Pro  
14 Tempore of the Senate and Speaker of the House of  
15 Representatives; permitting access to certain  
16 facilities; providing certain statement for certain  
17 denial of access; creating certain advisory board;  
18 providing membership, terms of office, reappointment,  
19 selection of chair and subcommittees; stating duties  
20 of certain board; directing board to establish  
21 certain rules for certain purpose; prohibiting  
22 certain enforcement upon complaint; construing  
23 authority for civil relief; directing report of  
24 criminal conduct to certain authorities; requiring  
certain records be confidential; providing certain  
exception to confidentiality; exempting certain  
records from the Oklahoma Open Records Act;  
prohibiting removal of certain records; granting  
certain exception for certain purpose; exempting  
certain meetings from the Oklahoma Open Meetings Act;  
authorizing administration of oaths for certain  
purpose; directing promulgation of rules, procedures  
and forms; authorizing certain office to serve as  
liaison and respond to certain inquires; allowing  
public services education and training upon approval  
by certain board; stating duties and responsibilities  
of certain office; authorizing annual report;  
directing agency cooperation; granting certain  
immunity; prohibiting discriminatory or retaliatory  
actions to complaints; providing for codification;

1 providing an effective date; and declaring an  
2 emergency.

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

5 SECTION 1. NEW LAW A new section of law to be codified  
6 in the Oklahoma Statutes as Section 1550 of Title 22, unless there  
7 is created a duplication in numbering, reads as follows:

8 There is hereby created within the Legislative Service Bureau,  
9 the Office of Citizen Concerns for Criminal and Juvenile Justice,  
10 hereinafter call the OCC Office. The OCC Office shall act as a  
11 central point of contact for the public, elected officials, and  
12 governmental agencies, to direct concerns or make inquiries  
13 regarding the criminal justice systems in this state, which shall  
14 include and not be limited to, state and local correctional,  
15 juvenile, and law enforcement agencies, criminal and juvenile court,  
16 prosecution and defense inquiries, offender inquiries, staff issues,  
17 and inquiries or recommendations concerning any rule, policy,  
18 procedure or law. The OCC Office shall ensure information and  
19 investigations are coordinated through the appropriate state agency  
20 and officials and that every inquiry receives honest and pertinent  
21 information, to address the issue.

22 SECTION 2. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1550.1 of Title 22, unless there  
24 is created a duplication in numbering, reads as follows:

1           The Office of Citizen Concerns for Criminal and Juvenile Justice  
2 shall be administered by a director. The Executive Director of the  
3 Criminal Justice Resource Center and the Director of the Legislative  
4 Service Bureau shall hire the director. The initial salary of the  
5 director shall be the same as the Executive Director of the Criminal  
6 Justice Resource Center. Support personnel necessary to carry out  
7 the duties and responsibilities of the OCC Office may be hired by  
8 the OCC Director as either full-time, part-time or contract  
9 employees subject to available funds, or necessary personnel may be  
10 provided by either the Legislative Service Bureau or the Criminal  
11 Justice Resource Center as determined by the location of the OCC  
12 Office. The OCC Office may also contract support functions as  
13 necessary subject to available funds. Office space and equipment  
14 shall be provided for the OCC Office by either the Legislative  
15 Service Bureau or the Criminal Justice Resource Center as determined  
16 by the location of the Office. The OCC Office and all personnel  
17 shall be funded by Legislative appropriation to the Legislative  
18 Service Bureau.

19           SECTION 3.           NEW LAW           A new section of law to be codified  
20 in the Oklahoma Statutes as Section 1550.2 of Title 22, unless there  
21 is created a duplication in numbering, reads as follows:

22           In the event the Office of Citizen Concerns for Criminal and  
23 Juvenile Justice reasonably determines that any offender in the  
24 custody of any state or local correctional or juvenile facility, or

1 any offender housed by any entity under contract with any agency of  
2 this state, has been unreasonably treated or any misfeasance or  
3 discrepancy in administration by any public agency has occurred  
4 which is discovered by the OCC Office, or which is brought to the  
5 attention of the OCC Office by any person or as a result of any  
6 investigation on behalf of the OCC Office, such determination shall  
7 be reported to the Governor's Cabinet Secretary for Safety and  
8 Security and shall be made known in periodic reports, and in an  
9 annual report issued by the OCC Office to the Governor, President  
10 Pro Tempore of the Senate, and the Speaker of the House of  
11 Representatives. The OCC Office shall forward a copy of the  
12 determination to the Governor's Cabinet Secretary for Safety and  
13 Security for investigation as provided by the rules promulgated for  
14 this act.

15 SECTION 4. NEW LAW A new section of law to be codified  
16 in the Oklahoma Statutes as Section 1550.3 of Title 22, unless there  
17 is created a duplication in numbering, reads as follows:

18 The Director of the Office of Citizen Concerns for Criminal and  
19 Juvenile Justice, and any designated personnel, shall have access to  
20 all correctional institutions, jails, juvenile facilities, and  
21 facilities contracting with any state correctional or juvenile  
22 agency. The OCC Director, or the Director's designee, may enter and  
23 inspect at any reasonable time the premises under the control of the  
24 Department of Corrections or the Office of Juvenile Affairs, or

1 under the control of any entity housing offenders under contract  
2 with such agencies, or any county jail or holding facility.

3 If the OCC Director, or the Director's designee, is denied  
4 access to any premises under the control of any jail, prison  
5 facility, or private prison facility, within twenty-four (24) hours  
6 after the denial the administrative or executive officer of such  
7 premises shall give the OCC Director a written statement of the  
8 reason for denial of access. Failure to provide the written  
9 statement or to allow access shall be immediately reported to the  
10 Governor's Cabinet Secretary for Safety and Security for  
11 investigation.

12 SECTION 5. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1550.4 of Title 22, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. There is hereby created the Office of Citizen Concerns for  
16 Criminal and Juvenile Justice Advisory and Complaint Board to  
17 consist of seven (7) members as follows:

18 1. The Director of the OCC Office shall serve as a member;

19 2. The Governor's Cabinet Secretary for Safety and Security  
20 shall serve as a member;

21 3. One member who shall be an attorney and who is not a member  
22 of the Senate shall be appointed by the President Pro Tempore of the  
23 Senate;

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1 4. One member who shall be an attorney and who is not a member  
2 of the House of Representatives shall be appointed by the Speaker of  
3 the House of Representatives;

4 5. One member who shall not be a current or previous employee  
5 of the Department of Corrections shall be appointed by the Director  
6 of Corrections;

7 6. One member who shall not be a current or previous employee  
8 shall be appointed by the Director of the Office of Juvenile  
9 Affairs; and

10 7. One member who shall represent the public at large shall be  
11 appointed by the Governor.

12 B. The OCC Director and the Governor's Cabinet Secretary for  
13 Safety and Security shall serve as members coterminous with their  
14 positions. Of the initial members appointed, the members appointed  
15 by the President Pro Tempore of the Senate and the Speaker of the  
16 House of Representatives shall serve three-year terms; the members  
17 appointed by the Department of Corrections and the Office of  
18 Juvenile Affairs shall serve two-year terms; and the member  
19 appointed by the Governor shall serve a one-year term. Thereafter,  
20 all appointed members shall serve four-year terms. A vacancy in any  
21 term shall be filled by the appointing authority. All members may  
22 be reappointed. Members shall serve without compensation, but may  
23 be reimbursed for necessary travel expenses as provided by the State  
24 Travel and Reimbursement Act. A chair shall be selected by the

1 membership to serve a two-year term. The membership may appoint  
2 other officers as deemed necessary, and the chair may establish  
3 subcommittees for purposes of studies, investigations, or as  
4 otherwise needed to accomplish the duties and responsibilities of  
5 the OCC Board and Office.

6 C. The Board shall advise the OCC Director and hear complaints  
7 concerning unresolved issues within the criminal or juvenile justice  
8 systems of this state. A complaint may be filed against any agency  
9 or office, or its contractors or employees, or any official of this  
10 state after the OCC Office and Board have determined that the issue  
11 cannot be resolved through other mediated efforts. The Board shall  
12 be authorized to hear and determine complaints within the provisions  
13 of law after notice to all parties. The Board shall establish rules  
14 for conducting complaint hearings. Any noncompliance of any agency  
15 and any omission or conflict in provisions of law shall be reported  
16 to the appropriate authority for further consideration. The Board  
17 shall not enforce its own determinations or finding on any  
18 complaint. Nothing in this act shall prohibit the complaining party  
19 from seeking civil or other relief. Any criminal conduct discovered  
20 during any investigation or hearing shall be promptly reported to  
21 the district attorney of the jurisdiction where the alleged crime  
22 occurred, or the Attorney General, for investigation and prosecution  
23 as provided by law.

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1           SECTION 6.           NEW LAW           A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1550.5 of Title 22, unless there  
3 is created a duplication in numbering, reads as follows:

4           All records of the Office of Citizen Concerns for Criminal and  
5 Juvenile Justice and the OCC Board which relate to complaints or  
6 investigations shall be confidential and shall not be disclosed,  
7 directly or indirectly, to any person, except as otherwise  
8 specifically required by law or authorized by a majority vote of the  
9 OCC Board together with written permission from the complaining or  
10 investigated party. All records of the OCC Office shall be exempt  
11 from the Oklahoma Open Records Act.

12           No documents relating to complaints, investigations or studies  
13 in the possession of the OCC Office, its contractors or employees,  
14 shall be read, copied, photographed, transmitted, taken or removed  
15 by any elected official, agency officer or personnel, or any other  
16 person, except as specifically authorized by law, or authorized by  
17 the OCC Director for purposes of information or investigation, or by  
18 a majority vote of the OCC Board together with written permission  
19 from the complaining or investigated party.

20           All meetings of the OCC Board and OCC office shall be exempt  
21 from the Oklahoma Open Meeting Act.

22           SECTION 7.           NEW LAW           A new section of law to be codified  
23 in the Oklahoma Statutes as Section 1550.6 of Title 22, unless there  
24 is created a duplication in numbering, reads as follows:

1 The Director of the Office of Citizen Concerns for Criminal and  
2 Juvenile Justice and the Chair of the OCC Board, and their  
3 designees, are hereby authorized to administer oaths as specified by  
4 the rules of the OCC Board, for purposes of investigations,  
5 hearings, or obtaining any information.

6 SECTION 8. NEW LAW A new section of law to be codified  
7 in the Oklahoma Statutes as Section 1550.7 of Title 22, unless there  
8 is created a duplication in numbering, reads as follows:

9 A. The Board of the Office of Citizen Concerns for Criminal and  
10 Juvenile Justice shall promulgate rules, procedures and forms  
11 necessary to implement the provisions of this act and for the  
12 administration of the OCC Office and Board, its duties and  
13 responsibilities.

14 B. The OCC Office may serve as the liaison between the public  
15 and any state criminal or juvenile justice agency or official in an  
16 effort to provide general information or education, but primarily  
17 the OCC Office will respond to specific private concerns and  
18 inquiries directed to the OCC Office by elected officials, state and  
19 local agencies, families and friends of offenders, and the general  
20 public. The OCC Office may develop public service education and  
21 training segments in any area or on any specific issue relating to  
22 the criminal or juvenile justice systems of this state when there  
23 are multiple inquiries to the OCC Office on the same or similar  
24 issues indicating the public's need for clarification or education.

1 Public service segments shall be approved by the OCC Board prior to  
2 public presentation.

3 C. In addition to any other duty or responsibility specified in  
4 this act, the OCC Office shall:

5 1. Be objective and responsive to concerns and inquiries from  
6 the public, state and local agencies, employees of such agencies,  
7 and elected officials;

8 2. Respond to informational inquiries regarding agency  
9 policies, procedures or actions;

10 3. Make appropriate referrals to state and local agencies and  
11 agency staff;

12 4. Act as a contact and information resource for special  
13 interest groups;

14 5. Gather information from several sources to provide a concise  
15 answer to an inquiry and eliminate duplication of efforts between  
16 agencies;

17 6. Identify conflicting laws, rules, policies or procedures;

18 7. Respond to offender inquiries or correspondence, and  
19 inquiries by family and friends of offenders; and

20 8. Make recommendations to agencies, elected officials, and the  
21 legislature.

22 The OCC Director may prepare a report annually and submit such  
23 report to the Governor, the President Pro Tempore of the Senate and  
24 the Speaker of the House of Representatives. The OCC Board shall

1 review and approve any annual report prior to submitting the report,  
2 and may promulgate rules describing the type of information to be  
3 reported.

4 SECTION 9. NEW LAW A new section of law to be codified  
5 in the Oklahoma Statutes as Section 1550.8 of Title 22, unless there  
6 is created a duplication in numbering, reads as follows:

7 The Office of Citizen Concerns for Criminal and Juvenile Justice  
8 shall work cooperative with all state and local criminal and  
9 juvenile justice agencies and officials. All state and local  
10 criminal and juvenile agencies, and any entities contracting with  
11 such agencies, are hereby directed to promptly respond to any  
12 inquiry or investigation by the OCC Office, or any other agency or  
13 person acting on behalf in writing for the OCC Office.

14 SECTION 10. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 1550.9 of Title 22, unless there  
16 is created a duplication in numbering, reads as follows:

17 All employees and contractors of the Office of Citizen Concerns  
18 for Criminal and Juvenile Justice are hereby granted immunity from  
19 civil liability for any omission that does not constitute gross  
20 neglect of duty and for all acts performed in good faith within the  
21 scope of the duties and responsibilities provided in this act and by  
22 the rules promulgated by the OCC Board.

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1 SECTION 11. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1550.10 of Title 22, unless  
3 there is created a duplication in numbering, reads as follows:

4 No agency, office or person shall take discriminatory,  
5 disciplinary or retaliatory actions against any person for filing a  
6 complaint in good faith with the Office of Citizen Concerns for  
7 Criminal and Juvenile Justice or providing any information in good  
8 faith to such Office based upon an investigation, inquiry or for  
9 purpose of any complaint.

10 SECTION 12. This act shall become effective July 1, 2007.

11 SECTION 13. It being immediately necessary for the preservation  
12 of the public peace, health and safety, an emergency is hereby  
13 declared to exist, by reason whereof this act shall take effect and  
14 be in full force from and after its passage and approval.

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