

1 ENGROSSED HOUSE AMENDMENT  
TO  
2 ENGROSSED SENATE BILL NO. 595

By: Anderson of the Senate  
and  
Johnson of the House

( children - Juvenile Justice Public Works Act -  
codification -  
effective date )

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AMENDMENT NO. 1. Strike the stricken title, enacting clause and entire bill and insert

"An Act relating to children; creating the Juvenile Justice Public Works Act; providing short title; defining terms; directing the Office of Juvenile Affairs to establish and maintain the Juvenile Justice Public Works Program; stating purpose of program; prohibiting the participation of certain individuals in the program; directing the Board of Juvenile Affairs to promulgate certain rules; clarifying scope and application of act; providing for certain immunity; defining certain term; requiring the Office of Juvenile Affairs to certify all secure facilities; specifying standards; prohibiting certain items from being taken into a secure facility; specifying punishments; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 7302-8.2 of Title 10, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. This act shall be known and may be cited as the "Juvenile  
5 Justice Public Works Act".

6 B. As used in the Juvenile Justice Public Works Act:

7 1. "Director" means the Director of the Office of Juvenile  
8 Affairs;

9 2. "Public works project" means a project that has been  
10 determined by the Director of the Office of Juvenile Affairs to be  
11 necessary for the public well-being and conducive to rehabilitation  
12 and the reduction of recidivism among participating juveniles or  
13 youthful offenders; and

14 3. "Juvenile or youthful offender" means any person who is  
15 under the custody and control of the Office of Juvenile Affairs.

16 C. The Office of Juvenile Affairs shall establish and maintain  
17 the Juvenile Justice Public Works Program. The purpose of the  
18 Juvenile Justice Public Works Program shall be to:

19 1. Provide labor for community service projects in order to  
20 develop lands pursuant to public works projects;

21 2. Provide improvements and beautification to public lands and  
22 buildings; and

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1           3. Reduce recidivism for juvenile or youthful offenders by  
2 aiding such individuals in transitioning between institutions and  
3 the community.

4           D. No juvenile or youthful offender shall be assigned to any  
5 public works project if the offender:

6           1. Is deemed by the Director to be a threat to public safety;

7 or

8           2. Has escaped or attempted to escape from an institution or  
9 other placement within the last year.

10          E. The Board of Juvenile Affairs shall promulgate rules as  
11 necessary to implement the provisions of the Juvenile Justice Public  
12 Works Act. At a minimum, the rules shall provide guidelines that  
13 establish criteria for selection and assignment to the Juvenile  
14 Justice Public Works Program and the duties to be performed by the  
15 participants in the program.

16          F. The Juvenile Justice Public Works Act shall not be construed  
17 to restore, in whole or in part, the civil rights of any juvenile or  
18 youthful offender. No juvenile or youthful offender participating  
19 in the Juvenile Justice Public Works Program shall be considered an  
20 employee of the state or the Office of Juvenile Affairs, nor shall  
21 any such participant be subject to the provisions of the labor laws  
22 of this state. Any eligible juvenile or youthful offender assigned  
23 to the Juvenile Justice Public Works Program shall be exempt from  
24 the provisions of the Workers' Compensation Act.

1 G. 1. All state and local government agencies, nonprofit  
2 organizations, community service agencies, educational programs and  
3 other treatment programs are immune from liability for torts  
4 committed by or against any eligible juvenile or youthful offender  
5 assigned to the Juvenile Justice Public Works Program, except that  
6 the Office of Juvenile Affairs shall provide basic or necessary  
7 medical and dental care to the juvenile or youthful offenders placed  
8 in the program in such instances.

9 2. Without waiving the immunity of the state, the Executive  
10 Director of the Office of Juvenile Affairs may authorize the repair  
11 or replacement of the personal property of a third party if the  
12 personal property is damaged or destroyed by a juvenile or youthful  
13 offender who is in the custody of the Office of Juvenile Affairs and  
14 while participating in the Juvenile Justice Public Works Program.  
15 Any personal property repaired or replaced shall be comparable in  
16 kind, quality and cost to the original property. Reimbursement  
17 shall not duplicate insurance coverage carried by the third party.

18 SECTION 2. NEW LAW A new section of law to be codified  
19 in the Oklahoma Statutes as Section 7302-6.11 of Title 10, unless  
20 there is created a duplication in numbering, reads as follows:

21 A. For purposes of this section, "electronic communication"  
22 means any transfer of signs, signals, writings, images, sounds,  
23 data, or intelligence of any nature transmitted in whole or part by  
24 a wire, radio, electromagnetic, photo-electronic, or photo-optical

1 system, and includes, but is not limited to, the transfer of that  
2 communication through the Internet.

3 B. 1. The Office of Juvenile Affairs shall certify all secure  
4 facilities. To be certified, a secure facility shall be required to  
5 meet standards for certification promulgated by the Board of  
6 Juvenile Affairs.

7 2. Any person, including a resident of the facility, who  
8 knowingly, willfully and without authority brings into or has in his  
9 or her possession in any certified secure facility or certified  
10 juvenile detention facility any gun, knife, bomb or other dangerous  
11 instrument, any controlled dangerous substance as defined by Section  
12 2-101 et seq. of Title 63 of the Oklahoma Statutes, any intoxicating  
13 beverage or low-point beer as defined by Sections 163.1 and 163.2 of  
14 Title 37 of the Oklahoma Statutes, any cellular phone or electronic  
15 device capable of sending or receiving any electronic communication,  
16 money, or financial documents for a person other than the juvenile  
17 or youthful offender or relative of the juvenile or youthful  
18 offender, shall be guilty of a felony and is subject to imprisonment  
19 in the custody of the Department of Corrections for not less than  
20 one (1) year or more than five (5) years, or a fine of not less than  
21 One Hundred Dollars (\$100.00) or more than One Thousand Dollars  
22 (\$1,000.00), or both such fine and imprisonment.

23 C. Any person, including a resident of the facility, who  
24 knowingly, willfully and without authority brings into or has in his

1 or her possession in any certified secure facility or certified  
2 juvenile detention facility any cigarettes, cigars, snuff, chewing  
3 tobacco, or any other form of tobacco product shall, upon  
4 conviction, be guilty of a misdemeanor punishable by imprisonment in  
5 the county jail not to exceed one (1) year, or by a fine not  
6 exceeding Five Hundred Dollars (\$500.00), or by both such fine and  
7 imprisonment.

8 SECTION 3. This act shall become effective November 1, 2009."

9 Passed the House of Representatives the 22nd day of April, 2009.

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Presiding Officer of the House of  
Representatives

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Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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Presiding Officer of the Senate

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