

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB595 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Dennis Johnson _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 PROPOSED SUBCOMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 595

By: Anderson of the Senate

and

Johnson of the House

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8
9 PROPOSED SUBCOMMITTEE SUBSTITUTE

10 (children - Juvenile Justice Public Works Act -

11 codification -

12 effective date)

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

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

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

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

23 1. "Director" means the Director of the Office of Juvenile
24 Affairs;

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

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

8 C. The Office of Juvenile Affairs shall establish and maintain
9 the Juvenile Justice Public Works Program. The purpose of the
10 Juvenile Justice Public Works Program shall be to:

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

13 2. Provide improvements and beautification to public lands and
14 buildings; and

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

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

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

21 or

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

1 E. The Board of Juvenile Affairs shall promulgate rules as
2 necessary to implement the provisions of the Juvenile Justice Public
3 Works Act. At a minimum, the rules shall provide guidelines that
4 establish criteria for selection and assignment to the Juvenile
5 Justice Public Works Program and the duties to be performed by the
6 participants in the program.

7 F. The Juvenile Justice Public Works Act shall not be construed
8 to restore, in whole or in part, the civil rights of any juvenile or
9 youthful offender. No juvenile or youthful offender participating
10 in the Juvenile Justice Public Works Program shall be considered an
11 employee of the state or the Office of Juvenile Affairs, nor shall
12 any such participant be subject to the provisions of the labor laws
13 of this state. Any eligible juvenile or youthful offender assigned
14 to the Juvenile Justice Public Works Program shall be exempt from
15 the provisions of the Workers' Compensation Act.

16 G. 1. All state and local government agencies, nonprofit
17 organizations, community service agencies, educational programs and
18 other treatment programs are immune from liability for torts
19 committed by or against any eligible juvenile or youthful offender
20 assigned to the Juvenile Justice Public Works Program, except that
21 the Office of Juvenile Affairs shall provide basic or necessary
22 medical and dental care to the juvenile or youthful offenders placed
23 in the program in such instances.

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

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

13 A. For purposes of this section, "electronic communication"
14 means any transfer of signs, signals, writings, images, sounds,
15 data, or intelligence of any nature transmitted in whole or part by
16 a wire, radio, electromagnetic, photo-electronic, or photo-optical
17 system, and includes, but is not limited to, the transfer of that
18 communication through the Internet.

19 B. 1. The Office of Juvenile Affairs shall certify all secure
20 facilities. To be certified, a secure facility shall be required to
21 meet standards for certification promulgated by the Board of
22 Juvenile Affairs.

23 2. 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 gun, knife, bomb or other dangerous
3 instrument, any controlled dangerous substance as defined by Section
4 2-101 et seq. of Title 63 of the Oklahoma Statutes, any intoxicating
5 beverage or low-point beer as defined by Sections 163.1 and 163.2 of
6 Title 37 of the Oklahoma Statutes, any cellular phone or electronic
7 device capable of sending or receiving any electronic communication,
8 money, or financial documents for a person other than the juvenile
9 or youthful offender or relative of the juvenile or youthful
10 offender, shall be guilty of a felony and is subject to imprisonment
11 in the custody of the Department of Corrections for not less than
12 one (1) year or more than five (5) years, or a fine of not less than
13 One Hundred Dollars (\$100.00) or more than One Thousand Dollars
14 (\$1,000.00), or both such fine and imprisonment.

15 C. Any person, including a resident of the facility, who
16 knowingly, willfully and without authority brings into or has in his
17 or her possession in any certified secure facility or certified
18 juvenile detention facility any cigarettes, cigars, snuff, chewing
19 tobacco, or any other form of tobacco product shall, upon
20 conviction, be guilty of a misdemeanor punishable by imprisonment in
21 the county jail not to exceed one (1) year, or by a fine not
22 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
23 imprisonment.

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

52-1-7461 SAB 03/26/09