

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL NO. 595

By: Anderson of the Senate

and

Johnson of the House

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9 COMMITTEE SUBSTITUTE

10 An Act relating to children; creating the Juvenile
11 Justice Public Works Act; providing short title;
12 defining terms; directing the Office of Juvenile
13 Affairs to establish and maintain the Juvenile
14 Justice Public Works Program; stating purpose of
15 program; prohibiting the participation of certain
16 individuals in the program; directing the Board of
17 Juvenile Affairs to promulgate certain rules;
18 clarifying scope and application of act; providing
19 for certain immunity; defining certain term;
20 requiring the Office of Juvenile Affairs to certify
21 all secure facilities; specifying standards;
22 prohibiting certain items from being taken into a
23 secure facility; specifying punishments; providing
24 for codification; and providing an effective date.

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

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

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

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

4 1. "Director" means the Director of the Office of Juvenile
5 Affairs;

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

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

13 C. The Office of Juvenile Affairs shall establish and maintain
14 the Juvenile Justice Public Works Program. The purpose of the
15 Juvenile Justice Public Works Program shall be to:

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

18 2. Provide improvements and beautification to public lands and
19 buildings; and

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

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

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

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

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

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

20 G. 1. All state and local government agencies, nonprofit
21 organizations, community service agencies, educational programs and
22 other treatment programs are immune from liability for torts
23 committed by or against any eligible juvenile or youthful offender
24 assigned to the Juvenile Justice Public Works Program, except that

1 the Office of Juvenile Affairs shall provide basic or necessary
2 medical and dental care to the juvenile or youthful offenders placed
3 in the program in such instances.

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

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

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

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

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

19 C. Any person, including a resident of the facility, who
20 knowingly, willfully and without authority brings into or has in his
21 or her possession in any certified secure facility or certified
22 juvenile detention facility any cigarettes, cigars, snuff, chewing
23 tobacco, or any other form of tobacco product shall, upon
24 conviction, be guilty of a misdemeanor punishable by imprisonment in

1 the county jail not to exceed one (1) year, or by a fine not
2 exceeding Five Hundred Dollars (\$500.00), or by both such fine and
3 imprisonment.

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

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6 52-1-7693 CJB 04/07/09
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