

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 CONFERENCE COMMITTEE SUBSTITUTE  
4 FOR ENGROSSED

5 SENATE BILL 1771

By: Anderson of the Senate

and

Johnson of the House

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to children and juveniles; amending  
11 Section 2, Chapter 239, O.S.L. 2006, as amended by  
12 Section 85, Chapter 234, O.S.L. 2009, and as  
13 renumbered by Section 188, Chapter 234, O.S.L. 2009  
(10A O.S. Supp. 2009, Section 2-5-207), which relates  
14 to the Youthful Offender Act; modifying scope of  
15 legislative intent; amending 10 O.S. 2001, Section  
16 7302-6.5, as amended by Section 22, Chapter 234,  
17 O.S.L. 2009, and as renumbered by Section 174,  
18 Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2009,  
19 Section 2-7-605), which relates to escaping and  
20 running away from institutional placement; making  
21 certain provisions apply to juveniles and youthful  
22 offenders; deleting language referring to escapes;  
23 providing for a juvenile or youthful offender's  
24 absence without leave; modifying language relating to  
placement; deleting language requiring certain  
notification; modifying provisions providing  
punishment for the running away or absence without  
leave by juveniles; providing punishment for the  
running away or absence without leave by youthful  
offenders; amending Section 4, Chapter 384, O.S.L.  
2009 (59 O.S. Supp. 2009, Section 540.3), which  
relates to the Therapeutic Recreation Practice Act;  
expanding list of exempted entities; and declaring an  
emergency.

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

2 SECTION 1. AMENDATORY Section 2, Chapter 239, O.S.L.  
3 2006, as amended by Section 85, Chapter 234, O.S.L. 2009, and as  
4 renumbered by Section 188, Chapter 234, O.S.L. 2009 (10A O.S. Supp.  
5 2009, Section 2-5-207), is amended to read as follows:

6 Section 2-5-207. It is the intent of the Legislature to fully  
7 utilize the Youthful Offender Act as a means to protect the public  
8 while rehabilitating and holding youth accountable for serious  
9 crimes. The Legislature finds that eligible seventeen-year-olds  
10 should have the opportunity to be processed as youthful offenders as  
11 provided by law and held accountable through the various provisions  
12 of the Youthful Offender Act for custody, institutional placement,  
13 supervision, extended jurisdiction within the Office of Juvenile  
14 Affairs, and the ability to transfer youthful offenders to the  
15 Department of Corrections when incarceration or additional  
16 supervision is required beyond the maximum age allowed in the Office  
17 of Juvenile Affairs. No older youth should be deemed ineligible or  
18 denied consideration as a youthful offender who is otherwise  
19 lawfully eligible based upon the age of the youth being seventeen  
20 (17) years, but it is the intent of the Legislature that such  
21 youthful offender shall not remain in the custody or under the  
22 supervision of the Office of Juvenile Affairs beyond the youthful  
23 offender's maximum age of eighteen (18) years and five (5) months.  
24 To deny access to an otherwise eligible older youth without cause is

1 to circumvent the original intent of the Legislature in creating the  
2 Youthful Offender Act.

3 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7302-6.5, as  
4 amended by Section 22, Chapter 234, O.S.L. 2009, and as renumbered  
5 by Section 174, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2009,  
6 Section 2-7-605), is amended to read as follows:

7 Section 2-7-605. A. Upon discovery that a ~~child~~ juvenile or  
8 youthful offender has ~~escaped or~~ run away or is absent without leave  
9 (AWOL) from ~~an institutional~~ a staff-secure or nonsecure placement,  
10 the Office of Juvenile Affairs may notify any law enforcement  
11 officer or agency in this state who shall use any reasonable method  
12 to notify law enforcement agencies and personnel. ~~Upon receiving~~  
13 ~~notification that a child has escaped or run away from an~~  
14 ~~institutional placement, all~~ All law enforcement agencies and  
15 personnel shall be authorized to apprehend and detain ~~said child~~  
16 such juvenile or youthful offender.

17 B. 1. Escaping or running Running away or being absent without  
18 leave (AWOL) by ~~an adjudicated delinquent child~~ a juvenile from  
19 ~~institutional~~ a staff-secure or nonsecure placement shall be  
20 considered by the court of juvenile jurisdiction as a delinquent  
21 act.

22 2. Running away or being absent without leave (AWOL) by a  
23 youthful offender from a staff-secure or nonsecure placement may be  
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1 considered by the court of juvenile jurisdiction as grounds for  
2 bridging the youthful offender to the adult system.

3 SECTION 3. AMENDATORY Section 4, Chapter 384, O.S.L.  
4 2009 (59 O.S. Supp. 2009, Section 540.3), is amended to read as  
5 follows:

6 Section 540.3 A. No person shall practice or hold himself or  
7 herself out as being able to practice therapeutic recreation or  
8 provide therapeutic recreation services in this state unless the  
9 person is licensed in accordance with the provisions of the  
10 Therapeutic Recreation Practice Act.

11 B. Nothing in this act shall be construed to prevent or  
12 restrict the practice, services, or activities of:

13 1. Any person of other licensed professions or personnel  
14 supervised by licensed professions in this state from performing  
15 work incidental to the practice of his or her profession or  
16 occupation, if that person does not represent himself or herself as  
17 a therapeutic recreation specialist;

18 2. Any person enrolled in a course of study leading to a degree  
19 or certificate in therapeutic recreation from performing therapeutic  
20 recreation services incidental to the person's course work when  
21 supervised by a licensed professional, if the person is designated  
22 by a title which clearly indicates his or her status as a student;

23 3. Any person whose training and national certification attests  
24 to the individual's preparation and ability to practice his or her

1 profession, if that person does not represent himself or herself as  
2 a therapeutic recreation specialist;

3 4. Any therapeutic recreation assistant providing therapeutic  
4 recreation services under the direct supervision of a licensed  
5 therapeutic recreation specialist. Such an individual would not be  
6 permitted to conduct assessments and/or develop treatment plans;

7 5. Any individual providing recreational programs to a person  
8 with disabilities as a normal part of the leisure lifestyle of the  
9 person with disabilities;

10 6. Any person employed by an agency, bureau or division of the  
11 federal government while in the discharge of official duties;  
12 provided, however, if such individual engages in the practice of  
13 therapeutic recreation outside the line of official duty, the  
14 individual must be licensed as herein provided; ~~and~~

15 7. Any occupational therapist or occupational therapy  
16 assistants in the area of play and leisure; and

17 8. Any individual providing services in a state facility or to  
18 children in state custody.

19 SECTION 4. It being immediately necessary for the preservation  
20 of the public peace, health and safety, an emergency is hereby  
21 declared to exist, by reason whereof this act shall take effect and  
22 be in full force from and after its passage and approval.

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