

ENROLLED SENATE  
BILL NO. 1771

By: Anderson of the Senate

and

Johnson of the House

An Act relating to children and juveniles; amending Section 2, Chapter 239, O.S.L. 2006, as amended by Section 85, Chapter 234, O.S.L. 2009, and as renumbered by Section 188, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2009, Section 2-5-207), which relates to the Youthful Offender Act; modifying scope of legislative intent; amending 10 O.S. 2001, Section 7302-6.5, as amended by Section 22, Chapter 234, O.S.L. 2009, and as renumbered by Section 174, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2009, Section 2-7-605), which relates to escaping and running away from institutional placement; making certain provisions apply to juveniles and youthful offenders; deleting language referring to escapes; providing for a juvenile or youthful offender's 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.

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

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

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

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

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

personnel shall be authorized to apprehend and detain ~~said child~~  
such juvenile or youthful offender.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Passed the Senate the 27th day of May, 2010.

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Presiding Officer of the Senate

Passed the House of Representatives the 27th day of May, 2010.

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Presiding Officer of the House  
of Representatives