

THE HOUSE OF REPRESENTATIVES
Monday, February 15, 2010

House Bill No. 2729

HOUSE BILL NO. 2729 - By: ROUSSELOT of the House and GARRISON of the Senate.

An Act relating to juvenile justice; amending 10 O.S. 2001, Section 7302-6.4, as amended by Section 21, Chapter 234, O.S.L. 2009, and as renumbered by Section 174, Chapter 234, O.S.L. 2009 (10A O.S. Supp. 2009, Section 2-7-604), which relates to use of physical force; authorizing use of chemical agents and electroshock weapons under certain circumstances; and providing an effective date.

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

1 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7302-6.4, as amended by
2 Section 21, Chapter 234, O.S.L. 2009, and as renumbered by Section 174, Chapter 234,
3 O.S.L. 2009 (10A O.S. Supp. 2009, Section 2-7-604), is amended to read as follows:

4 Section 2-7-604. A. Use of physical force in institutions and other facilities
5 operated by or through contract with the Office of Juvenile Affairs wherein children are
6 housed shall be permitted only under the following circumstances:

- 7 1. For self-protection;
- 8 2. To separate juveniles who are fighting; or
- 9 3. To restrain juveniles in danger of inflicting harm to themselves or others; or
- 10 4. To restrain juveniles who have escaped or who are in the process of escaping.

11 B. When use of physical force is authorized, the least force necessary under the
12 circumstances shall be employed.

1 C. Staff members of residential and nonresidential programs who are assigned to
2 work with juveniles shall receive written guidelines on the use of physical force, and
3 that, in accordance with staff disciplinary procedures, loss of employment may result if
4 unauthorized use of physical force is proven.

5 D. Use of mechanical restraints in institutions and other facilities operated by or
6 through contract with the Office of Juvenile Affairs or the Department of Mental Health
7 and Substance Abuse Services wherein children are housed shall be minimal and shall be
8 prohibited except as specifically provided for in the rules of the Office of Juvenile Affairs
9 and Department of Mental Health and Substance Abuse Services.

10 E. Use of chemical agents and electroshock weapons in secure facilities operated by
11 or through contract with the Office of Juvenile Affairs shall be minimal and shall be
12 prohibited except as specifically provided for in the rules of the Office of Juvenile Affairs.

13 SECTION 2. This act shall become effective November 1, 2010.

14 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY, dated 02-11-10 - DO
15 PASS, As Coauthored.