

THE HOUSE OF REPRESENTATIVES
Wednesday, April 8, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 595

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 595 - By:
ANDERSON of the Senate and JOHNSON of the House.

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

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

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

4 A. This act shall be known and may be cited as the “Juvenile Justice Public Works
5 Act”.

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

7 1. “Director” means the Director of the Office of Juvenile Affairs;

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

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

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

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

12 2. Provide improvements and beautification to public lands and buildings; and

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

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

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

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

20 E. The Board of Juvenile Affairs shall promulgate rules as necessary to implement
21 the provisions of the Juvenile Justice Public Works Act. At a minimum, the rules shall
22 provide guidelines that establish criteria for selection and assignment to the Juvenile

1 Justice Public Works Program and the duties to be performed by the participants in the
2 program.

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

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

16 2. Without waiving the immunity of the state, the Executive Director of the Office
17 of Juvenile Affairs may authorize the repair or replacement of the personal property of a
18 third party if the personal property is damaged or destroyed by a juvenile or youthful
19 offender who is in the custody of the Office of Juvenile Affairs and while participating in
20 the Juvenile Justice Public Works Program. Any personal property repaired or replaced
21 shall be comparable in kind, quality and cost to the original property. Reimbursement
22 shall not duplicate insurance coverage carried by the third party.

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

4 A. For purposes of this section, “electronic communication” means any transfer of
5 signs, signals, writings, images, sounds, data, or intelligence of any nature transmitted
6 in whole or part by a wire, radio, electromagnetic, photo-electronic, or photo-optical
7 system, and includes, but is not limited to, the transfer of that communication through
8 the Internet.

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

12 2. Any person, including a resident of the facility, who knowingly, willfully and
13 without authority brings into or has in his or her possession in any certified secure
14 facility or certified juvenile detention facility any gun, knife, bomb or other dangerous
15 instrument, any controlled dangerous substance as defined by Section 2-101 et seq. of
16 Title 63 of the Oklahoma Statutes, any intoxicating beverage or low-point beer as defined
17 by Sections 163.1 and 163.2 of Title 37 of the Oklahoma Statutes, any cellular phone or
18 electronic device capable of sending or receiving any electronic communication, money, or
19 financial documents for a person other than the juvenile or youthful offender or relative
20 of the juvenile or youthful offender, shall be guilty of a felony and is subject to
21 imprisonment in the custody of the Department of Corrections for not less than one (1)

1 year or more than five (5) years, or a fine of not less than One Hundred Dollars (\$100.00)
2 or more than One Thousand Dollars (\$1,000.00), or both such fine and imprisonment.

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

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

11 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET,
12 dated 04-07-09 - DO PASS, As Amended.