

EHB 2729

1 THE STATE SENATE  
2 Wednesday, March 31, 2010

3 ENGROSSED

4 House Bill No. 2729

5 ENGROSSED HOUSE BILL NO. 2729 - By: Rousselot, Cannaday and Pittman  
6 of the House and Garrison of the Senate.

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

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

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

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

- 23 1. For self-protection;  
24 2. To separate juveniles who are fighting; or  
25 3. To restrain juveniles in danger of inflicting harm to  
26 themselves or others; or

1           4. To restrain juveniles who have escaped or who are in the  
2 process of escaping.

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

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

10          D. Use of mechanical restraints in institutions and other  
11 facilities operated by or through contract with the Office of  
12 Juvenile Affairs or the Department of Mental Health and Substance  
13 Abuse Services wherein children are housed shall be minimal and  
14 shall be prohibited except as specifically provided for in the rules  
15 of the Office of Juvenile Affairs and Department of Mental Health  
16 and Substance Abuse Services.

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

1 SECTION 2. This act shall become effective November 1, 2010.  
2 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 3-30-10 - DO  
3 PASS, As Coauthored.