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THE STATE SENATE
Monday, February 23, 2009

Senate Bill No. 595
As Amended

SENATE BILL NO. 595 - By: Anderson of the Senate and Johnson of the House.

[children - Juvenile Justice Public Works Act -
codification - effective date]

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

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

A. This act shall be known and may be cited as the "Juvenile Justice Public Works Act".

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

1. "Director" means the Director of the Office of Juvenile Affairs;

2. "Public works project" means a project that has been determined by the Director of the Office of Juvenile Affairs to be necessary for the public wellbeing and conducive to rehabilitation and the reduction of recidivism among participating juveniles or youthful offenders; and

3. "Juvenile or youthful offender" means any person who is under the custody and control of the Office of Juvenile Affairs.

1 C. The Office of Juvenile Affairs shall establish and maintain
2 the Juvenile Justice Public Works Program. The purpose of the
3 Juvenile Justice Public Works Act shall be to:

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

6 2. Provide improvements and beatification to public lands and
7 buildings; and

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

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

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

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

17 E. The Board of Juvenile Affairs shall promulgate rules as
18 necessary to implement the provisions of this act. At a minimum,
19 the rules shall provide guidelines that establish criteria for
20 selection and assignment to the Juvenile Justice Public Works
21 Program and the duties to be performed by the participants in the
22 program.

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

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

18 SECTION 2. This act shall become effective November 1, 2009.

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-18-09 - DO
20 PASS, As Amended and Coauthored.