

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2729

By: Roussetot

4  
5  
6 AS INTRODUCED

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

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

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

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

- 22 1. For self-protection;  
23 2. To separate juveniles who are fighting; or  
24

1 3. To restrain juveniles in danger of inflicting harm to  
2 themselves or others; or

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

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

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

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

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

24

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24

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

52-2-8188            GRS            12/02/09