

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend SB674  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the printed Bill  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Adopted: \_\_\_\_\_

Amendment submitted by: Ron Peters

\_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 PROPOSED COMMITTEE  
4 SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 674

By: Jolley of the Senate

and

Peters of the House

7  
8  
9 PROPOSED COMMITTEE SUBSTITUTE

10 An Act relating to children; amending 10 O.S. 2001,  
11 Sections 402, as amended by Section 2, Chapter 230,  
12 O.S.L. 2009, 404.1, as last amended by Section 5,  
13 Chapter 230, O.S.L. 2009, 405, as last amended by  
14 Section 1, Chapter 338, O.S.L. 2009, Section 8,  
15 Chapter 296, O.S.L. 2008, as amended by Section 7,  
16 Chapter 230, O.S.L. 2009, Section 9, Chapter 296,  
17 O.S.L. 2008 and 408 (10 O.S. Supp. 2010, Sections  
18 402, 404.1, 405, 405.2 and 405.3), which relate to  
19 the Oklahoma Child Care Facilities Licensing Act;  
20 modifying definitions; adding term; renaming certain  
21 registry; modifying language; providing for certain  
22 background investigations in specified circumstances;  
23 making certain exceptions; directing the Commission  
24 for Human Services to promulgate certain rules;  
updating statutory references; deleting language  
permitting the release of certain information;  
deleting language providing for certain  
confidentiality; modifying procedure for sanctioning  
certain entities on specified registry; modifying  
information required on online database; modifying  
procedures for certain appeal; amending Sections 2  
and 3, House Joint Resolution No. 1065, p. 2201,  
O.S.L. 2010, which relate to the Oklahoma Juvenile  
Justice Reform Committee; extending duration of  
Committee; delaying reporting requirement of the  
Committee; and providing an effective date.

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

2 SECTION 1. AMENDATORY 10 O.S. 2001, Section 402, as  
3 amended by Section 2, Chapter 230, O.S.L. 2009 (10 O.S. Supp. 2010,  
4 Section 402), is amended to read as follows:

5 Section 402. As used in the Oklahoma Child Care Facilities  
6 Licensing Act:

7 1. "Adult" means an individual eighteen (18) years of age or  
8 older;

9 2. "Child" or "minor" means any person who has not attained the  
10 age of eighteen (18) years;

11 ~~2.~~ 3. "Child care center" means a facility which provides care  
12 and supervision for children and which operates for more than thirty  
13 (30) hours per week;

14 ~~3.~~ 4. "Child care facility" means any public or private child  
15 care residential facility, child-placing agency, foster family home,  
16 child care center, part-day child care program, school-age program,  
17 summer day camp, family child care home, or large family child care  
18 home providing either full-time or part-time care for children away  
19 from their own homes;

20 ~~4.~~ 5. "Child-placing agency" means an agency that arranges for  
21 or places a child in a foster family home, adoptive home, or  
22 independent living program;

23 ~~5.~~ 6. "Foster family home" means the private residence of a  
24 family which provides foster care services to a child, and includes

1 a specialized foster home, a therapeutic foster family home, or a  
2 kinship care home;

3 ~~6.~~ 7. "Foster parent eligibility assessment" includes a  
4 criminal background investigation, including, but not limited to, a  
5 national criminal history records search based upon the submission  
6 of fingerprints, a home assessment, and any other assessment  
7 required by the Department of Human Services, the ~~Department~~ Office  
8 of Juvenile ~~Justice~~ Affairs, or any child-placing agency pursuant to  
9 the provisions of the Oklahoma Foster Care and Out-of-Home Placement  
10 Act. A foster parent eligibility assessment shall be similar to the  
11 procedures used by the Department of Public Safety for determining  
12 suitability of an individual for employment as a highway patrol  
13 officer;

14 ~~7.~~ 8. "Commission" means the Commission for Human Services, the  
15 policymaking and general supervisory body of the Department;

16 ~~8.~~ 9. "Department" means the Department of Human Services;

17 ~~9.~~ 10. "Division" means the section within the Department that  
18 is assigned responsibilities pursuant to the provisions of the  
19 Oklahoma Child Care Facilities Licensing Act;

20 ~~10.~~ 11. "Family child care home" means a family home which  
21 provides care and supervision for seven or fewer children for part  
22 of the twenty-four-hour day. The term "family child care home"  
23 shall not include informal arrangements which parents make  
24

1 independently with neighbors, friends, and others, or with  
2 caretakers in the child's own home;

3 ~~11.~~ 12. "Full-time care" means continuous care given to a child  
4 beyond a minimum period of twenty-four (24) hours;

5 ~~12.~~ 13. "Large family child care home" means a residential  
6 family home which provides care and supervision for eight to twelve  
7 children for part of the twenty-four-hour day;

8 ~~13.~~ 14. "Part-day child care program" means a facility that  
9 provides care and supervision for children and that operates for  
10 more than fifteen (15) and up to thirty (30) hours per week; ~~and~~

11 ~~14.~~ 15. "Rap back" means the capability of the Oklahoma Bureau  
12 of Investigation to notify child care facilities of subsequent  
13 criminal activity of individuals whose criminal background checks  
14 have been completed pursuant to the requirements of the Oklahoma  
15 Child Care Facilities Licensing Act; and

16 16. "Residential child care facility" means a twenty-four-hour  
17 residential facility where children live together with or are  
18 supervised by adults who are not their parents or relatives.

19 SECTION 2. AMENDATORY 10 O.S. 2001, Section 404.1, as  
20 last amended by Section 5, Chapter 230, O.S.L. 2009 (10 O.S. Supp.  
21 2010, Section 404.1), is amended to read as follows:

22 Section 404.1

23 A. 1. a. Except as otherwise provided by subsection ~~B~~ C of this  
24 section, prior to the issuance of a license, the

1 Department of Human Services shall require a criminal  
2 history records search, conducted by the Oklahoma  
3 State Bureau of Investigation, and a records search of  
4 the Oklahoma ~~child care worker registry~~ Child Care  
5 Restricted Registry established in Section 405.3 of  
6 this title for any person making application to  
7 establish or operate a child care facility.

8 b. Prior to the issuance of a permit or license, the  
9 Department shall conduct a records search of the  
10 Oklahoma State Courts Network for any person making  
11 application to establish or operate a child care  
12 facility.

13 c. Prior to the issuance of a permit or license, the  
14 Department shall conduct a records search of the  
15 Oklahoma State Courts Network for all employees and  
16 persons eighteen (18) years of age or older residing  
17 in a child care center, family child care home, large  
18 family child care home, part-day program, school-age  
19 program, or summer day camp.

20 2. a. Prior to the employment of any person in a child care  
21 facility, the facility shall submit to the Department  
22 of Human Services division responsible for child care  
23 licensing:  
24

- 1 (1) a criminal history records search conducted by  
2 the Oklahoma State Bureau of Investigation,  
3 (2) documentation of a records search of the Oklahoma  
4 ~~child care worker registry~~ Child Care Restricted  
5 Registry, and  
6 (3) a request for the Department to conduct a records  
7 search of the records of the Oklahoma State  
8 Courts Network.

9 b. Hospitals contracting with the Oklahoma Health Care  
10 Authority and complying with the records searches  
11 required by this section shall be exempt from the  
12 requirement to submit such documentation to the  
13 Department. Documentation of records searches shall  
14 be maintained at the hospital and shall be available  
15 for review by the division of the Department  
16 responsible for child care licensing.

17 c. Prior to allowing any person eighteen (18) years of  
18 age or older to reside in a child care center, family  
19 child care home, large family child care home, part-  
20 day program, school-age program, or summer day camp  
21 program, the facility shall submit to the Department  
22 of Human Services division responsible for child care  
23 licensing the following:  
24

- 1 (1) a criminal history records search conducted by
- 2 the Oklahoma State Bureau of Investigation,
- 3 (2) documentation of a records search of the Oklahoma
- 4 ~~child care worker registry~~ Child Care Restricted
- 5 Registry, and
- 6 (3) a request for the Department to conduct a records
- 7 search of the Oklahoma State Courts Network.

8 3. Once a facility has submitted an original document from the  
9 Oklahoma State Bureau of Investigation to the Department, a copy of  
10 that exact document shall be sufficient to satisfy any further  
11 request for that document. The ~~Department~~ Commission for Human  
12 Services may promulgate rules regarding the electronic submission of  
13 required documents.

14 4. If the following ~~persons~~ individuals have lived in Oklahoma  
15 for less than three (3) years, a criminal history records search  
16 shall also be obtained from the authorized agency in the previous  
17 states of residence for:

- 18 a. applicants for a license to operate a child care
- 19 facility,
- 20 b. employees of a child care facility, and
- 21 c. ~~persons~~ individuals age eighteen (18) years or older
- 22 residing in a child care center, family child care
- 23 home, large family child care home, part-day program,
- 24 school-age program, or summer day-camp program.



1           5. ~~The Department of Juvenile Justice~~ Office of Juvenile  
2 Affairs may directly request national criminal history records  
3 searches as defined by Section 150.9 of Title 74 of the Oklahoma  
4 Statutes from the Oklahoma State Bureau of Investigation for the  
5 purpose of obtaining the national criminal history of any employee  
6 or applicant who has resided in Oklahoma for less than three (3)  
7 years for which a search is required.

8           B. On and after November 1, 2013:

9           1. Prior to the issuance of a permit or license, individuals  
10 making application to establish or operate a child care facility  
11 shall have:

12           a. an Oklahoma State Courts Network search conducted by  
13 the Department,

14           b. a Child Care Restricted Registry search conducted by  
15 the facility, and

16           c. a national criminal history records search pursuant to  
17 paragraph 10 of this subsection;

18           2. Prior to the employment of employees:

19           a. an Oklahoma State Court Network search, conducted by  
20 the Department, shall be requested by the facility,

21           b. a Child Care Restricted Registry search shall be  
22 conducted by the facility, and

1           c. a national criminal history records search pursuant to  
2           paragraph 10 of this subsection shall be submitted to  
3           the Department;

4           3. Prior to allowing unsupervised access to children by  
5           employees or individuals, including contract employees and  
6           volunteers:

7           a. Oklahoma State Courts Network search results,  
8           conducted by the Department, shall be received by the  
9           facility,

10          b. a Child Care Restricted Registry search shall be  
11          conducted by the facility, and

12          c. national criminal history records search results shall  
13          be received by the facility;

14          4. Prior to the issuance of a permit or license and prior to  
15          the residence of adults who subsequently move into a facility,  
16          adults living in the facility shall have:

17          a. an Oklahoma State Court Network search conducted by  
18          the Department and the facility shall be in receipt of  
19          the search results,

20          b. a Child Care Restricted Registry search conducted by  
21          the facility, and

22          c. a national criminal history records search pursuant to  
23          paragraph 10 of this subsection;

1       5. Children who reside in the facility and turn eighteen (18)  
2 years of age shall have:

3           a. an Oklahoma State Court Network search conducted by  
4           the Department,

5           b. a Child Care Restricted Registry search conducted by  
6           the facility, and

7           c. a national criminal history records search pursuant to  
8           paragraph 10 of this subsection;

9       6. Prior to review of and access to fingerprint results,  
10 owners, directors, and other employees who have review of and access  
11 to fingerprint results shall have a national criminal history  
12 records search pursuant to paragraph 10 of this subsection;

13       7. Provisions specified in paragraphs 4 and 5 of this  
14 subsection shall not apply to residents who are receiving services  
15 from a residential child care facility;

16       8. A national criminal history records search pursuant to  
17 paragraph 10 of this subsection shall not be required for parent  
18 volunteers who transport children on an irregular basis when a  
19 release for each event is signed by the parents noting their  
20 understanding that the parent volunteer does not have a completed  
21 national criminal history records search. This exemption shall not  
22 preclude the Department from requesting a national fingerprint or an  
23 Oklahoma State Bureau of Investigation name-based criminal history

1 records search or investigating criminal, abusive, or harmful  
2 behavior of such individuals, if warranted;

3 9. A national criminal history records search pursuant to  
4 paragraph 10 of this subsection shall be required on or before  
5 November 1, 2016, for existing employees, individuals with  
6 unsupervised access to children, and adults living in the facility;

7 10. The Department shall require a national criminal history  
8 records search based upon submission of fingerprints that shall:

9 a. be conducted by the Oklahoma State Bureau of  
10 Investigation and the Federal Bureau of Investigation  
11 pursuant to Section 150.9 of Title 74 of the Oklahoma  
12 Statutes and the federal National Child Protection Act  
13 and the federal Volunteers for Children Act with the  
14 Department as the authorized agency,

15 b. be submitted and have results received between the  
16 Department and the Oklahoma State Bureau of  
17 Investigation through secure electronic transmissions,

18 c. include Oklahoma State Bureau of Investigation rap  
19 back, requiring the Oklahoma State Bureau of  
20 Investigation to immediately notify the Department  
21 upon receipt of subsequent criminal history activity,  
22 and

23 d. be paid by the individual or the facility; and  
24

1        11. The Commission for Human Services shall promulgate rules  
2 that may authorize an exception to the fingerprinting requirements  
3 for individuals who have a severe physical condition which precludes  
4 such individuals from being fingerprinted.

5        C. 1. a. On and after September 1, 1998:

6                    (1) any child-placing agency contracting with a  
7                    person for foster family home services or in any  
8                    manner for services for the care and supervision  
9                    of children shall also, prior to executing a  
10                   contract, complete:

11                    (a) a foster parent eligibility assessment for  
12                    the foster care provider except as otherwise  
13                    provided by divisions (2) and (4) of this  
14                    subparagraph, and

15                    (b) a national criminal history records search  
16                    based upon submission of fingerprints for  
17                    any adult residing in the foster family home  
18                    through the Department of Human Services  
19                    pursuant to the provisions of the Oklahoma  
20                    Foster Care and Out-of-Home Placement Act,  
21                    except as otherwise provided by divisions  
22                    (2) and (4) of this subparagraph,

23                    (2) the child-placing agency may place a child  
24                    pending completion of the national criminal

1 history records search if the foster care  
2 provider and every adult residing in the foster  
3 family home has resided in this state for at  
4 least five (5) years immediately preceding such  
5 placement,

6 (3) a national criminal history records search based  
7 upon submission of fingerprints to the Oklahoma  
8 State Bureau of Investigation shall also be  
9 completed for any adult who subsequently moves  
10 into the foster family home,

11 (4) provided, however, the Director of Human Services  
12 or the Director of the ~~Department of Juvenile~~  
13 ~~Justice~~ Office of Juvenile Affairs, or a  
14 designee, may authorize an exception to the  
15 fingerprinting requirement for a person residing  
16 in the home who has a severe physical condition  
17 which precludes such person's being  
18 fingerprinted, and

19 (5) any child care facility contracting with any  
20 person for foster family home services shall  
21 request the Office of Juvenile Affairs to conduct  
22 a juvenile justice information system review,  
23 pursuant to the provisions of Sections ~~7302-9.6~~  
24 2-7-905 and ~~7302-3.8~~ 2-7-308 of ~~this title~~ Title

1                   10A of the Oklahoma Statutes, for any child over  
2                   the age of thirteen (13) years residing in the  
3                   foster family home, other than a foster child, or  
4                   who subsequently moves into the foster family  
5                   home. As a condition of contract, the child care  
6                   facility shall obtain the consent of the parent  
7                   or legal guardian of the child for such review.

8           b.    The provisions of this paragraph shall not apply to  
9                foster care providers having a contract or contracting  
10               with a child-placing agency, the Department of Human  
11               Services or the ~~Department of Juvenile Justice~~ Office  
12               of Juvenile Affairs prior to September 1, 1998. Such  
13               existing foster care providers shall comply with the  
14               provisions of this section, until otherwise provided  
15               by rules of the Commission for Human Services or by  
16               law.

17           2.    a.    (1) On and after September 1, 1998, except as  
18                otherwise provided in divisions (2) and (4) of  
19                this subparagraph, prior to contracting with a  
20                foster family home for placement of any child who  
21                is in the custody of the Department of Human  
22                Services or the ~~Department of Juvenile Justice~~  
23                Office of Juvenile Affairs, each Department shall  
24                complete a foster parent eligibility assessment,

1 pursuant to the provisions of the Oklahoma Child  
2 Care Facilities Licensing Act, for such foster  
3 family applicant. In addition, except as  
4 otherwise provided by divisions (2) and (4) of  
5 this subparagraph, the Department shall complete  
6 a national criminal history records search based  
7 upon submission of fingerprints for any adult  
8 residing in such foster family home.

9 (2) The Department of Human Services and ~~Department~~  
10 ~~of Juvenile Justice~~ Office of Juvenile Affairs  
11 may place a child pending completion of the  
12 national criminal history records search if the  
13 foster care provider and every adult residing in  
14 the foster family home has resided in this state  
15 for at least (5) years immediately preceding such  
16 placement.

17 (3) A national criminal history records search based  
18 upon submission of fingerprints conducted by the  
19 Oklahoma State Bureau of Investigation shall also  
20 be completed for any adult who subsequently moves  
21 into the foster family home.

22 (4) The Director of Human Services or the Director of  
23 the ~~Department of Juvenile Justice~~ Office of  
24 Juvenile Affairs or designee may authorize an



1           exception to the fingerprinting requirement for  
2           any person residing in the home who has a severe  
3           physical condition which precludes such person's  
4           being fingerprinted.

5           b.    The provisions of this paragraph shall not apply to  
6           foster care providers having a contract or contracting  
7           with a child-placing agency, the Department of Human  
8           Services or the ~~Department of Juvenile Justice~~ Office  
9           of Juvenile Affairs prior to September 1, 1998.  Such  
10          existing foster care providers shall comply with the  
11          provisions of this section, until otherwise provided  
12          by rules of the Commission for Human Services or by  
13          law.

14          3.    Each Department shall provide for a juvenile justice  
15          information system review pursuant to Section ~~7302-3-8~~ 2-7-308 of  
16          ~~this title~~ Title 10A of the Oklahoma Statutes for any child over the  
17          age of thirteen (13) years residing in a foster family home, other  
18          than the foster child, or who subsequently moves into the foster  
19          family home.

20          ~~C.~~ D.   The Commission for Human Services or the Board of  
21          Juvenile Affairs shall promulgate rules to identify circumstances  
22          when a criminal history records search or foster parent eligibility  
23          assessment for an applicant or contractor, or any person over the  
24          age of thirteen (13) years residing in a private residence in which

1 a child care facility is located, shall be expanded beyond the  
2 records search conducted by the Oklahoma State Bureau of  
3 Investigation or as otherwise provided pursuant to this section.

4 ~~D.~~ E. 1. The following ~~persons~~ individuals shall not be  
5 required to obtain a criminal history records search or a national  
6 criminal history records search based upon submission of  
7 fingerprints pursuant to this section:

8 a. a parent volunteer who transports children on an  
9 irregular basis, and

10 b. a child residing in a child care center, family child  
11 care home, or large family child care home who became  
12 an adult during continuous residence at the licensed  
13 or approved facility.

14 2. These exemptions shall not preclude the Department from  
15 requesting a criminal history records search or requesting a  
16 national criminal history records search based upon submission of  
17 fingerprints or investigating criminal, abusive or harmful behavior  
18 of such ~~persons~~ individuals, if warranted.

19 ~~E.~~ F. Except as otherwise provided by the Oklahoma Children's  
20 Code and subsection ~~G~~ H of this section, a conviction for a crime  
21 shall not be an absolute bar to employment, but shall be considered  
22 in relation to specific employment duties and responsibilities.

23 ~~F.~~ ~~1.~~ G. Information received pursuant to this section by an  
24 owner or administrator of a child care facility shall be maintained

1 in a confidential manner pursuant to applicable state ~~or~~ and federal  
2 law laws.

3 ~~2. The information, along with any other information relevant~~  
4 ~~to the ability of the individual to perform tasks that require~~  
5 ~~direct contact with children, may be released to another child care~~  
6 ~~facility in response to a request from the child care facility that~~  
7 ~~is considering employing or contracting with the individual unless~~  
8 ~~deemed confidential by state or federal law.~~

9 ~~3. Requirements for confidentiality and record keeping with~~  
10 ~~regard to the information shall be the same for the child care~~  
11 ~~facility receiving the information in response to a request as those~~  
12 ~~provided for in paragraph 1 of this subsection for the child care~~  
13 ~~facility releasing such information.~~

14 G. H. 1. A criminal history records search conducted by the  
15 Oklahoma State Bureau of Investigation and a national criminal  
16 history records search based upon submission of fingerprints shall  
17 include a search of Department of Corrections' files maintained  
18 pursuant to the Sex Offenders Registration Act.

19 2. a. It shall be unlawful for ~~any person~~ individuals who ~~is~~  
20 are required to register pursuant to the Sex Offenders  
21 Registration Act to work with or provide services to  
22 children or to reside in a child care facility and for  
23 any employer who offers or provides services to  
24 children to knowingly and willfully employ or contract

1 with, or allow continued employment of or contracting  
2 with ~~any person~~ individuals who ~~is~~ are required to  
3 register pursuant to the Sex Offenders Registration  
4 Act. ~~Any person~~ Individuals required to register  
5 pursuant to the Sex Offenders Registration Act who  
6 ~~violates~~ violate any provision of ~~this act~~ Section 401  
7 et seq. of this title shall, upon conviction, be  
8 guilty of a felony punishable by incarceration in a  
9 correctional facility for a period of not more than  
10 five (5) years and a fine of not more than Five  
11 Thousand Dollars (\$5,000.00) or both such fine and  
12 imprisonment.

13 b. Upon a determination by the Department of any  
14 violation of the provisions of this section, the  
15 violator shall be subject to and the Department may  
16 pursue:

- 17 (1) an emergency order,
- 18 (2) license revocation or denial,
- 19 (3) injunctive proceedings,
- 20 (4) an administrative penalty not to exceed Ten  
21 Thousand Dollars (\$10,000.00), and
- 22 (5) referral for criminal proceedings.

23 c. In addition to the penalties specified by this  
24 section, the violator may be liable for civil damages.

1 SECTION 3. AMENDATORY 10 O.S. 2001, Section 405, as last  
2 amended by Section 1, Chapter 338, O.S.L. 2009 (10 O.S. Supp. 2010,  
3 Section 405), is amended to read as follows:

4 Section 405. A. No child care facility may be operated or  
5 maintained in this state, unless licensed or temporarily authorized  
6 by the Department of Human Services, except for the shelters  
7 certified by the Oklahoma Commission on Children and Youth pursuant  
8 to Section 601.3 of this title; provided, that the Department shall  
9 not be required to be licensed, but shall be bound by the standards  
10 it prescribes. No new child care facility may be established  
11 without the prior approval of the Department, which shall be granted  
12 only after the Department is satisfied that the facility will meet  
13 minimum standards for a license to operate.

14 B. The Department shall not grant approval for a permit, or a  
15 license for a new child care facility to receive and care for  
16 children until:

17 1. All background investigation requirements ~~for searches of~~  
18 ~~criminal history records and the child care worker registry~~ are met  
19 pursuant to ~~subsection A of~~ Section 404.1 of this title; and

20 2. All required training including, but not limited to,  
21 cardiopulmonary resuscitation (CPR), first aid, health and safety  
22 training, and minimum education requirements pursuant to licensing  
23 requirements have been completed for any person left alone with  
24 children.

1 C. The incorporation or domestication of a corporation  
2 organized for the purpose of operating a child care facility shall  
3 not exempt such corporation from compliance with the provisions of  
4 ~~this act~~ Sections 401 through 418 of this title.

5 D. An application for a license shall be made on forms provided  
6 by the Department and in the manner prescribed. Temporary  
7 authorization may be granted to allow the Department to investigate  
8 the activities and standards of care of the applicant. The  
9 Department may issue a license once it is satisfied that the  
10 applicant meets the requirements as provided in ~~this act~~ Sections  
11 401 through 418 of this title. All licenses shall be in force  
12 unless revoked as authorized by Section 407 of this title.

13 SECTION 4. AMENDATORY Section 8, Chapter 296, O.S.L.  
14 2008, as amended by Section 7, Chapter 230, O.S.L. 2009 (10 O.S.  
15 Supp. 2010, Section 405.2), is amended to read as follows:

16 Section 405.2 A. The Commission for Human Services shall  
17 promulgate rules to establish and maintain an online database  
18 accessible to the public that contains information including, but  
19 not limited to:

20 1. The name, address, and phone number of all ~~licensed~~ child  
21 care centers licensed by the Department of Human Services, and the  
22 name, ~~city, state and zip code~~ address, and phone number of all  
23 child care homes licensed by the Department; and

24

1 2. A summary of substantiated complaint records and inspection  
2 reports generated by the Department ~~of Human Services~~.

3 B. Child care licensing records and inspection reports shall be  
4 maintained by the facility and be posted or made available to ~~the~~  
5 ~~past, current, and prospective consumers~~ individuals pursuant to the  
6 licensing requirements promulgated by the Commission.

7 SECTION 5. AMENDATORY Section 9, Chapter 296, O.S.L.  
8 2008 (10 O.S. Supp. 2010, Section 405.3), is amended to read as  
9 follows:

10 Section 405.3 A. On or before July 1, 2010, the Commission for  
11 Human Services shall promulgate rules to establish and maintain a  
12 ~~child care worker registry~~ the Child Care Restricted Registry,  
13 accessible to the public through an ~~on-line~~ online database, to  
14 address:

15 1. A procedure for recording ~~persons in~~ individuals on the  
16 restricted registry resulting from:

17 a. a finding of abuse or neglect, as defined in Section  
18 ~~7102 1-1-105~~ of Title ~~10~~ 10A of the Oklahoma Statutes,  
19 by ~~a person~~ an individual when the abuse or neglect  
20 occurred to children while in the care of a child care  
21 facility licensed by the Department,

22 b. a revocation or denial of a child care facility  
23 license, and  
24

1 c. a specified criminal history of an individual, as  
2 defined by rules promulgated by the Oklahoma  
3 Commission for Human Services;

4 2. A procedure to provide notice and an opportunity for review  
5 prior to recording ~~a person in~~ an individual on the restricted  
6 registry;

7 3. Disclosure requirements for information ~~in~~ on the restricted  
8 registry; and

9 4. A procedure to ~~restrict~~ prohibit licensure, ownership, or  
10 employment, or residence in a child care facility licensed by the  
11 Department of any person individuals recorded ~~in~~ on the child care  
12 worker restricted registry.

13 B. The ~~child care worker registry~~ Child Care Restricted  
14 Registry shall include, but not be limited to:

15 1. The full name of the individual;

16 2. Information necessary to identify the individual; and

17 3. The date the individual was recorded ~~in~~ on the restricted  
18 registry.

19 SECTION 6. AMENDATORY 10 O.S. 2001, Section 408, is  
20 amended to read as follows:

21 Section 408. A. Any licensee or applicant aggrieved by the  
22 decision of the Department of Human Services under ~~Sections 405 or~~  
23 Section 407 of this title may, within ten (10) days after the  
24 revocation or denial of the license, appeal to the district court of



1 the county in which the child care facility is maintained and  
2 operated by filing with the clerk of the court a verified petition.  
3 Notice of such appeal shall be served on the Director of the  
4 Department within five (5) days of the date of its filing.

5 B. The ~~Department~~ licensee or applicant shall, within ~~ten (10)~~  
6 twenty (20) days of the ~~service of such notice~~ filing of the appeal,  
7 file with the clerk of such court a transcript of the proceedings  
8 ~~had before it~~ held pursuant to Section 407 of this title. The  
9 district court shall thereupon be vested with jurisdiction to review  
10 the proceedings of the Department; provided that, if the Department  
11 prevails, the judgment of the district court shall be that the  
12 decision of the Department be affirmed, and if the licensee or  
13 applicant prevails, the judgment of the court shall be that the  
14 revocation be set aside or the license issued or renewed, as the  
15 case may be. Pending the hearing of the appeal, the action of the  
16 Department revoking or denying the license or the granting thereof  
17 shall be stayed; provided, after the filing of an appeal, the  
18 district court, upon application by the Department and after an  
19 appropriate hearing, may grant a restraining order to enforce the  
20 decision of the Department.

21 SECTION 7. AMENDATORY Section 2, House Joint Resolution  
22 No. 1065, p. 2201, O.S.L. 2010, is amended to read as follows:

23 Section 2. A. The Committee shall consist of twenty (20)  
24 members appointed as follows:

- 1        1. Two members who are presiding judges of a court having  
2 juvenile law jurisdiction to be appointed by the President of the  
3 Oklahoma Judicial Conference. One of the judges shall be in a  
4 county having a juvenile bureau and one judge shall be from a county  
5 without a juvenile bureau;
- 6        2. Two members who are district attorneys or assistant district  
7 attorneys having experience in cases involving juveniles to be  
8 appointed by the President of the District Attorneys Council;
- 9        3. One member who is an attorney appointed by the Oklahoma  
10 Indigent Defense System to represent juveniles charged with crimes  
11 or delinquent acts to be appointed by the Director of the Oklahoma  
12 Indigent Defense System;
- 13       4. One member who is a practicing attorney who regularly  
14 represents juveniles charged with crimes or delinquent acts to be  
15 appointed by the President of the Oklahoma Bar Association;
- 16       5. Two members who are employees of the Office of Juvenile  
17 Affairs to be appointed by the Executive Director of the Office of  
18 Juvenile Affairs;
- 19       6. One member to be appointed by the Director of the Oklahoma  
20 Commission on Children and Youth;
- 21       7. Three members to be appointed by the Speaker of the House of  
22 Representatives;
- 23       8. Three members to be appointed by the President Pro Tempore  
24 of the Senate;

1 9. One member who is an executive director of a Youth Services  
2 Agency to be appointed by the Speaker of the House of  
3 Representatives;

4 10. One member representing an Oklahoma nonprofit organization  
5 whose membership consists solely of youth services agencies and of  
6 whom at least a majority of youth services agencies are members to  
7 be appointed by the President Pro Tempore of the Senate;

8 11. One member from a publicly operated local workforce  
9 investment area to be appointed by the President Pro Tempore of the  
10 Senate;

11 12. One member who is an executive director of an alcohol and  
12 drug abuse treatment facility that serves juveniles to be appointed  
13 by the Speaker of the House of Representatives; and

14 13. One member appointed by the State Superintendent of Public  
15 Instruction with experience in alternative education.

16 B. Each member of the Oklahoma Juvenile Justice Reform  
17 Committee initially appointed shall make the appointment known to  
18 the Speaker of the House of Representatives and the President Pro  
19 Tempore of the Senate by June 30, 2010. Appointed members shall  
20 serve until December 31, ~~2011~~ 2012. The Oklahoma Juvenile Justice  
21 Reform Committee may divide into subcommittees in furtherance of its  
22 purposes.

1 C. The Oklahoma Juvenile Justice Reform Committee may contract  
2 with such consultant or consultants as it deems necessary to  
3 accomplish its purposes as funds are available.

4 D. Any vacancies in the appointive membership of the Oklahoma  
5 Juvenile Justice Reform Committee shall be filled for the unexpired  
6 term in the same manner as the original appointment.

7 SECTION 8. AMENDATORY Section 3, House Joint Resolution  
8 No. 1065, p. 2201, O.S.L. 2010, is amended to read as follows:

9 A. The Oklahoma Juvenile Justice Reform Committee shall conduct  
10 a systematic review and study of:

11 1. Oklahoma's juvenile justice system, including its efficiency  
12 and effectiveness in protecting the public and habilitating and  
13 rehabilitating juveniles; and

14 2. All laws and procedures in Title 10A of the Oklahoma  
15 Statutes or other laws affecting the juvenile justice system,  
16 including the laws relating to youthful offenders, certification and  
17 reverse certification of juveniles.

18 B. The Oklahoma Juvenile Justice Reform Committee shall prepare  
19 a report of its recommendations and a recommended draft to  
20 reclassify, update, reform and recodify the statutes pertaining to  
21 juveniles. The duties of the Committee in preparing recommendations  
22 shall be as follows:

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1           1. To study, report and recommend the most efficient  
2 organization and effective programs to accomplish the public safety,  
3 treatment and prevention goals of the juvenile justice system;

4           2. To study, report and recommend the most effective system for  
5 transitioning persons aging out of the juvenile justice system;

6           3. To organize the Oklahoma Juvenile Code to effectively  
7 implement the goals of the juvenile justice system including persons  
8 aging out of the juvenile justice system;

9           4. To incorporate into the Oklahoma Juvenile Code as many  
10 existing statutes relating to juvenile law and procedure found  
11 throughout the Oklahoma Statutes as is practicable;

12           5. To clarify and update existing statutory language; and

13           6. To perform any other act necessary to complete the purposes  
14 of the Committee.

15           C. The Oklahoma Juvenile Justice Reform Committee shall be  
16 responsible for drafting recommended legislation in accordance with  
17 the current legislative drafting procedures.

18           D. 1. The Oklahoma Juvenile Justice Reform Committee shall  
19 prepare a final draft of its report and recommendations together  
20 with its recommended changes in the Oklahoma Juvenile Code, and  
21 shall submit them to the Speaker of the House of Representatives and  
22 the President Pro Tempore of the Senate by December 1, ~~2011~~ 2012.

23           2. The Oklahoma Juvenile Justice Reform Committee shall submit  
24 a summary of every recommended change and addition to existing laws

1 at the time any amendments are presented to the Speaker of the House  
2 of Representatives and the President Pro Tempore of the Senate.

3 E. The Oklahoma Juvenile Justice Reform Committee shall cease  
4 to function December 31, ~~2011~~ 2012.

5 SECTION 9. This act shall become effective November 1, 2011.

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