

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL NO. 674

6 By: Jolley of the Senate

7 and

8 Peters of the House

9 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 Section 3. A. The Oklahoma Juvenile Justice Reform Committee
10 shall conduct 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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