

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 929 By: David of the Senate
3 and
4 Nelson of the House
5
6

7 An Act relating to the Oklahoma Juvenile Code;
8 amending 10A O.S. 2011, Section 2-6-106, which
9 relates to inspection and disclosure of records
10 without court order; authorizing disclosure of
11 certain records to certain person; amending 10A O.S.
12 2011, Sections 2-1-103, 2-3-101, 2-5-212, 2-6-102,
13 and 2-7-503, which relate to the Oklahoma Juvenile
14 Code; modifying definitions; conforming language;
15 amending 57 O.S. 2011, Sections 563 and 563.4, which
16 relate to correctional and transitional living
17 facilities; conforming language; and declaring an
18 emergency.

19 AUTHOR: Add the following Senate Coauthor: Ivester
20 AMENDMENT NO. 1. Page 1, line 7 through line 12 1/2, strike the
21 title to read

22 “[Oklahoma Juvenile Code - inspection and disclosure
23 of records without court order - correctional and
24 transitional living facilities -
emergency]”

1 Passed the House of Representatives the 27th day of March, 2013.

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4 Presiding Officer of the House of
5 Representatives

6 Passed the Senate the ____ day of _____, 2013.

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9 Presiding Officer of the Senate

1 ENGROSSED SENATE
2 BILL NO. 929

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13 and 2-7-503, which relate to the Oklahoma Juvenile
14 Code; modifying definitions; conforming language;
15 amending 57 O.S. 2011, Sections 563 and 563.4, which
16 relate to correctional and transitional living
17 facilities; conforming language; and declaring an
18 emergency.

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

20 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-6-106, is
21 amended to read as follows:

22 Section 2-6-106. A. The Office of Juvenile Affairs agency
23 records pertaining to a child which are confidential may be
24 inspected and their contents disclosed without a court order to the
following persons upon showing of proper credentials:

1. The judge having the child currently before the court in any
proceeding pursuant to this title, any judge of the district court
or tribal court to which any proceedings may be transferred;

1 2. Employees and officers of the court in the performance of
2 their duties, including but not limited to guardians ad litem
3 appointed by the court, and members of review boards established
4 pursuant to the Oklahoma Children's Code;

5 3. A district attorney and the employees of an office of a
6 district attorney in the course of their official duties pursuant to
7 this title or the prosecution of crimes against children, including
8 providing summary dispositional and placement information to the
9 victim of the delinquent acts of the child;

10 4. The attorney representing a child who is the subject of a
11 juvenile proceeding pursuant to the provisions of this title. The
12 attorney representing a child or an attorney considering
13 representing a child in a juvenile proceeding may access other
14 confidential records listed in subsection A of Section 2-6-102 of
15 this title for use in the legal representation of the child;

16 5. Employees of juvenile bureaus in the course of their
17 official duties;

18 6. Employees of a law enforcement agency of this or another
19 state and employees of a child protective service of another state
20 or any federally recognized Indian tribe member in the course of
21 their official duties pertaining to investigations of a report of
22 known or suspected child abuse or neglect or crimes against children
23 or for the purpose of determining whether to place a child in
24 protective custody;

1 7. Employees of a law enforcement agency in the course of their
2 official duties pertaining to the investigation of a crime committed
3 or alleged to have been committed by a person under eighteen (18)
4 years of age. Records or information disclosed pursuant to this
5 paragraph may consist of summaries or may be limited to the
6 information or records necessary for the purpose of the
7 investigation;

8 8. The Oklahoma Commission on Children and Youth;

9 9. The Department of Human Services;

10 10. Any public or private agency or person authorized by the
11 Office of Juvenile Affairs to diagnose, or provide care, treatment,
12 supervision or other services to a child who is the subject of a
13 report or record of delinquency, child abuse or neglect, or other
14 adjudicatory category, provided the Office may limit the disclosure
15 to summaries or to information directly necessary for the purpose of
16 the disclosure;

17 11. Any federally recognized Indian tribe or state or county
18 child protective services or child welfare agency providing for or
19 supervising the diagnosis, care, treatment, supervision or other
20 services provided such child;

21 12. The parents of the child who is the subject of any records;

22 13. The child upon attaining eighteen (18) years of age or upon
23 the termination of court jurisdiction of the case, whichever occurs
24 later;

1 14. Any person or agency for research purposes, if all of the
2 following conditions are met:

3 a. the person or agency conducting the research is
4 employed by the State of Oklahoma or is under contract
5 with this state and is authorized by the Office of
6 Juvenile Affairs to conduct the research, and

7 b. the person or agency conducting the research ensures
8 that all documents containing identifying information
9 are maintained in secure locations and access to any
10 documents by unauthorized persons is prohibited; that
11 no identifying information is included in documents
12 generated from the research conducted; and that all
13 identifying information is deleted from documents used
14 in the research when the research is completed;

15 ~~14.~~ 15. The Governor or to any person the Governor designates,
16 in writing;

17 ~~15.~~ 16. Any federal official of the United States Department of
18 Health and Human Services, the United States Social Security
19 Administration, the United States Department of Justice, the United
20 States Department of Homeland Security, or any employee of the
21 United States Probation Office;

22 ~~16.~~ 17. Any member of the Legislature, upon the written
23 approval of the Speaker of the House of Representatives or the
24 President Pro Tempore of the Senate; and

1 ~~17.~~ 18. Employees of the Department of Corrections in the
2 course of their official duties.

3 B. Records and their contents disclosed without an order of the
4 court as provided by the provisions of this section shall remain
5 confidential. The use of any information shall be limited to the
6 purposes for which disclosure is authorized. It shall be unlawful
7 for any person to furnish any confidential record or disclose any
8 confidential information contained in any juvenile record for
9 commercial, political or any other unauthorized purpose. Any person
10 violating the provisions of this section shall, upon conviction, be
11 guilty of a misdemeanor.

12 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-1-103, is
13 amended to read as follows:

14 Section 2-1-103. When used in the Oklahoma Juvenile Code,
15 unless the context otherwise requires:

16 1. "Adjudicatory hearing" means a hearing to determine whether
17 the allegations of a petition filed pursuant to the provisions of
18 Chapter 2 of the Oklahoma Juvenile Code are supported by the
19 evidence and whether a juvenile should be adjudged to be a ward of
20 the court;

21 2. "Alternatives to secure detention" means those services and
22 facilities which are included in the State Plan for the
23 Establishment of Juvenile Detention Services adopted by the Board of
24 Juvenile Affairs and which are used for the temporary detention of

1 juveniles in lieu of secure detention in a juvenile detention
2 facility;

3 3. "Behavioral health" means mental health, substance abuse or
4 co-occurring mental health and substance abuse diagnoses, and the
5 continuum of mental health, substance abuse, or co-occurring mental
6 health and substance abuse treatment;

7 4. "Behavioral health facility" means a mental health or
8 substance abuse facility as provided for by the Inpatient Mental
9 Health and Substance Abuse Treatment of Minors Act;

10 5. "Board" means the Board of Juvenile Affairs;

11 6. "Child" or "juvenile" means any person under eighteen (18)
12 years of age, except for any person charged and convicted for any
13 offense specified in the Youthful Offender Act or against whom
14 judgment and sentence has been deferred for such offense, or any
15 person who is certified as an adult pursuant to any certification
16 procedure authorized in the Oklahoma Juvenile Code for any offense
17 which results in a conviction or against whom judgment and sentence
18 has been deferred for such offense;

19 7. "Child or juvenile in need of mental health and substance
20 abuse treatment" means a juvenile in need of mental health and
21 substance abuse treatment as defined by the Inpatient Mental Health
22 and Substance Abuse Treatment of Minors Act;

23 8. "Child or juvenile in need of supervision" means a juvenile
24 who:

- 1 a. has repeatedly disobeyed reasonable and lawful
2 commands or directives of the parent, legal guardian,
3 or other custodian,
4 b. is willfully and voluntarily absent from his or her
5 home without the consent of the parent, legal
6 guardian, or other custodian for a substantial length
7 of time or without intent to return,
8 c. is willfully and voluntarily absent from school, as
9 specified in Section 10-106 of Title 70 of the
10 Oklahoma Statutes, if the juvenile is subject to
11 compulsory school attendance, or
12 d. has been served with an ex parte or final protective
13 order pursuant to the Protection from Domestic Abuse
14 Act;

15 9. "Community-based" means a facility, program or service
16 located near the home or family of the juvenile, and programs of
17 community prevention, diversion, supervision and service which
18 maintain community participation in their planning, operation, and
19 evaluation. These programs may include but are not limited to
20 medical, educational, vocational, social, and psychological
21 guidance, training, counseling, alcoholism treatment, drug
22 treatment, prevention and diversion programs, diversion programs for
23 first-time offenders, transitional living, independent living and
24 other rehabilitative services;

1 10. "Community intervention center" means a facility which
2 serves as a short-term reception facility to receive and hold
3 juveniles for an alleged violation of a municipal ordinance or state
4 law, as provided for in subsection D of Section 2-7-305 of this
5 title;

6 11. "Core community-based" means the following community-based
7 facilities, programs or services provided through contract with the
8 Office of Juvenile Affairs as provided in Section 2-7-306 of this
9 title:

- 10 a. screening, evaluation and assessment which includes a
11 face-to-face screening and evaluation to establish
12 problem identification and to determine the risk level
13 of a child or adolescent and may result in clinical
14 diagnosis or diagnostic impression,
- 15 b. treatment planning which includes preparation of an
16 individualized treatment plan which is usually done as
17 part of the screening, evaluation and assessment,
- 18 c. treatment plan reviewing which includes a
19 comprehensive review and evaluation of the
20 effectiveness of the treatment plan,
- 21 d. individual counseling which includes face-to-face,
22 one-on-one interaction between a counselor and a
23 juvenile to promote emotional or psychological change
24 to alleviate the issues, problems, and difficulties

- 1 that led to a referral, including ongoing assessment
2 of the status and response of the juvenile to
3 treatment as well as psychoeducational intervention,
4 e. group counseling which includes a method of treating a
5 group of individuals using the interaction between a
6 counselor and two or more juveniles and/or parents or
7 guardians to promote positive emotional or behavioral
8 change, not including social skills development or
9 daily living skills,
10 f. family counseling which includes a face-to-face
11 interaction between a counselor and the family of the
12 juvenile to facilitate emotional, psychological or
13 behavior changes and promote successful communication
14 and understanding,
15 g. crisis intervention counseling which includes
16 unanticipated, unscheduled face-to-face emergency
17 intervention provided by a licensed level or qualified
18 staff with immediate access to a licensed provider to
19 resolve immediate, overwhelming problems that severely
20 impair the ability of the juvenile to function or
21 maintain in the community,
22 h. crisis intervention telephone support which includes
23 supportive telephone assistance provided by a licensed
24 level provider or qualified staff with immediate

1 access to a licensed provider to resolve immediate,
2 overwhelming problems that severely impair the ability
3 of the juvenile to function or maintain in the
4 community,

5 i. case management which includes planned linkage,
6 advocacy and referral assistance provided in
7 partnership with a client to support that client in
8 self-sufficiency and community tenure,

9 j. case management and home-based services which includes
10 that part of case management services dedicated to
11 travel for the purpose of linkage, advocacy and
12 referral assistance and travel to provide counseling
13 and support services to families of children as needed
14 to support specific youth and families in self-
15 sufficiency and community tenure,

16 k. individual rehabilitative treatment which includes
17 face-to-face service provided one-on-one by qualified
18 staff to maintain or develop skills necessary to
19 perform activities of daily living and successful
20 integration into community life, including educational
21 and supportive services regarding independent living,
22 self-care, social skills regarding development,
23 lifestyle changes and recovery principles and
24 practices,

1 1. group rehabilitative treatment which includes face-to-
2 face group services provided by qualified staff to
3 maintain or develop skills necessary to perform
4 activities of daily living and successful integration
5 into community life, including educational and
6 supportive services regarding independent living,
7 self-care, social skills regarding development,
8 lifestyle changes and recovery principles and
9 practices,

10 m. community-based prevention services which include
11 services delivered in an individual or group setting
12 by a qualified provider designed to meet the services
13 needs of a child or youth and family of the child or
14 youth who has been referred because of identified
15 problems in the family or community. The group
16 prevention planned activities must be focused on
17 reducing the risk that individuals will experience
18 behavioral, substance abuse or delinquency-related
19 problems. Appropriate curriculum-based group
20 activities include, but are not limited to, First
21 Offender groups, prevention and relationship
22 enhancement groups, anger management groups, life
23 skills groups, substance abuse education groups,
24

1 smoking cessation groups, STD/HIV groups and parenting
2 groups,

3 n. individual paraprofessional services which include
4 services delineated in the treatment plan of the
5 juvenile which are necessary for full integration of
6 the juvenile into the home and community, but do not
7 require a professional level of education and
8 experience. Activities include assisting families
9 with Medicaid applications, assisting with school and
10 General Educational Development (GED) enrollment,
11 assisting youth with independent living arrangements,
12 providing assistance with educational problems and
13 deficiencies, acting as a role model for youth while
14 engaging them in community activities, assisting youth
15 in seeking and obtaining employment, providing
16 transportation for required appointments and
17 activities, participating in recreational activities
18 and accessing other required community support
19 services necessary for full community integration and
20 successful treatment,

21 o. tutoring which includes a tutor and student working
22 together as a learning team to bring about overall
23 academic success, improved self-esteem and increased
24 independence as a learner for the student,

- 1 p. community relations which include public or community
2 relations activities directed toward the community or
3 public at large or any segment of the public to
4 encourage understanding, accessibility and use of
5 community-based facilities, programs or services,
- 6 q. emergency shelter beds and shelter host homes which
7 include emergency shelter care for juveniles referred
8 to the program needing shelter care within the State
9 of Oklahoma,
- 10 r. transitional living programs which include a
11 structured program to help older homeless youth
12 achieve self-sufficiency and avoid long-term
13 dependence on social services,
- 14 s. community-at-risk services (C.A.R.S.) which include a
15 program provided to juveniles in custody or under the
16 supervision of the Office of Juvenile Affairs or a
17 juvenile bureau to prevent out-of-home placement and
18 to reintegrate juveniles returning from placements.
19 The program shall include, but not be limited to,
20 treatment plan development, counseling, diagnostic and
21 evaluation services, mentoring, tutoring, and
22 supervision of youth in independent living,
- 23
24

1 t. first offender programs which include alternative
2 diversion programs, as defined by Section 2-2-404 of
3 this title, and

4 u. other community-based facilities, programs or services
5 designated by the Board as core community-based
6 facilities, programs or services;

7 12. "Day treatment" means a program which provides intensive
8 services to juveniles who reside in their own home, the home of a
9 relative, or a foster home. Day treatment programs include
10 educational services and may be operated as a part of a residential
11 facility;

12 13. "Delinquent child or juvenile" means a juvenile who:

13 a. has violated any federal or state law or municipal
14 ordinance except a traffic statute or traffic
15 ordinance or any provision of the Oklahoma Wildlife
16 Conservation Code, the Oklahoma Vessel and Motor
17 Regulation Act or the Oklahoma Boating Safety
18 Regulation Act, or has violated any lawful order of
19 the court made pursuant to the provisions of the
20 Oklahoma Juvenile Code, or

21 b. has habitually violated traffic laws, traffic
22 ordinances or boating safety laws or rules;

1 14. "Dispositional hearing" means a hearing to determine the
2 order of disposition which should be made with respect to a juvenile
3 adjudged to be a ward of the court;

4 15. "Executive Director" means the Executive Director of the
5 Office of Juvenile Affairs;

6 16. "Facility" means a place, an institution, a building or
7 part thereof, a set of buildings, or an area whether or not
8 enclosing a building or set of buildings which is used for the
9 lawful custody and treatment of juveniles. A facility shall not be
10 considered a correctional facility subject to the provisions of
11 Title 57 of the Oklahoma Statutes;

12 17. "Graduated sanctions" means a calibrated system of
13 sanctions designed to ensure that juvenile offenders face uniform,
14 immediate, and consistent consequences that correspond to the
15 seriousness of each offender's current offense, prior delinquent
16 history, and compliance with prior interventions;

17 18. "Group home" means a residential facility with a program
18 which emphasizes family-style living in a homelike environment.
19 Said group home may also offer a program within the community to
20 meet the specialized treatment needs of its residents. A group home
21 shall not be considered a correctional facility subject to the
22 provisions of Title 57 of the Oklahoma Statutes;

23 19. "Independent living program" means a program designed to
24 assist a juvenile to enhance skills and abilities necessary for

1 successful adult living and may include but shall not be limited to
2 minimal direct staff supervision and supportive services in making
3 the arrangements necessary for an appropriate place of residence,
4 completing an education, vocational training, obtaining employment
5 or other similar services;

6 20. "Institution" means a residential facility offering care
7 and treatment for more than twenty residents. An institution shall
8 not be considered a correctional facility subject to the provisions
9 of Title 57 of the Oklahoma Statutes. Said institution may:

- 10 a. have a program which includes community participation
11 and community-based services, or
12 b. be a secure facility with a program exclusively
13 designed for a particular category of resident;

14 21. "Juvenile detention facility" means a ~~secure~~ facility which
15 is secured by locked rooms, buildings and fences, and meets the
16 certification standards of the Office and which is entirely separate
17 from any prison, jail, adult lockup, or other adult facility, for
18 the temporary care of children. A juvenile detention facility shall
19 not be considered a correctional facility subject to the provisions
20 of Title 57 of the Oklahoma Statutes;

21 22. "Municipal juvenile facility" means a facility other than a
22 community intervention center that accepts a child under eighteen
23 (18) years of age charged with violating a municipal ordinance and
24 meets the requirements of Section 2-2-102 of this title;

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

2 24. "Peer Review" means an initial or annual review and report
3 to the Office of Juvenile Affairs of the organization, programs,
4 records and financial condition of a Youth Services Agency by the
5 Oklahoma Association of Youth Services, or another Oklahoma
6 nonprofit corporation whose membership consists solely of Youth
7 Services Agencies and of whom at least a majority of Youth Services
8 Agencies are members. An annual review may consist of a review of
9 one or more major areas of the operation of the Youth Services
10 Agency being reviewed;

11 25. "Person responsible for a juvenile's health or welfare"
12 includes a parent, a legal guardian, custodian, a foster parent, a
13 person eighteen (18) years of age or older with whom the juvenile's
14 parent cohabitates or any other adult residing in the home of the
15 child, an agent or employee of a public or private residential home,
16 institution or facility, or an owner, operator, or employee of a
17 child care facility as defined by Section 402 of Title 10 of the
18 Oklahoma Statutes;

19 26. "Preliminary inquiry" or "intake" means a mandatory,
20 preadjudicatory interview of the juvenile and, if available, the
21 parents, legal guardian, or other custodian of the juvenile, which
22 is performed by a duly authorized individual to determine whether a
23 juvenile comes within the purview of the Oklahoma Juvenile Code,
24

1 whether nonadjudicatory alternatives are available and appropriate,
2 and if the filing of a petition is necessary;

3 27. "Probation" means a legal status created by court order
4 whereby a delinquent juvenile is permitted to remain outside an
5 Office of Juvenile Affairs facility directly or by contract under
6 prescribed conditions and under supervision by the Office, subject
7 to return to the court for violation of any of the conditions
8 prescribed;

9 28. "Rehabilitative facility" means a facility maintained by
10 the state exclusively for the care, education, training, treatment,
11 and rehabilitation of juveniles in need of supervision;

12 29. "Responsible adult" means a stepparent, foster parent,
13 person related to the juvenile in any manner who is eighteen (18)
14 years of age or older, or any person having an obligation and
15 authority to care for or safeguard the juvenile in the absence of
16 another person who is eighteen (18) years of age or older;

17 30. "Secure detention" means the temporary care of juveniles
18 who require secure custody in physically restricting facilities:

19 a. while under the continuing jurisdiction of the court
20 pending court disposition, or

21 b. pending placement by the Office of Juvenile Affairs
22 after adjudication;

23 31. ~~"Training school" or "secure~~ "Secure facility" means a
24 facility, maintained by the state exclusively for the care,

1 education, training, treatment, and rehabilitation of delinquent
2 juveniles or youthful offenders which relies on locked rooms and
3 buildings, and fences for physical restraint in order to control
4 behavior of its residents. A ~~training school or~~ secure facility
5 shall not be considered a correctional facility subject to the
6 provisions of Title 57 of the Oklahoma Statutes;

7 32. "Transitional living program" means a residential program
8 that may be attached to an existing facility or operated solely for
9 the purpose of assisting juveniles to develop the skills and
10 abilities necessary for successful adult living. Said program may
11 include but shall not be limited to reduced staff supervision,
12 vocational training, educational services, employment and employment
13 training, and other appropriate independent living skills training
14 as a part of the transitional living program; and

15 33. "Youth Services Agency" means a nonprofit corporation with
16 a local board of directors, officers and staff that has been
17 designated by the Board as a Youth Services Agency, that is peer
18 reviewed annually, and that provides community-based facilities,
19 programs or services to juveniles and their families in the youth
20 services service area in which it is located.

21 SECTION 3. AMENDATORY 10A O.S. 2011, Section 2-3-101, is
22 amended to read as follows:

23 Section 2-3-101. A. When a child is taken into custody
24 pursuant to the provisions of the Oklahoma Juvenile Code, the child

1 shall be detained only if it is necessary to assure the appearance
2 of the child in court or for the protection of the child or the
3 public.

4 1. a. No preadjudicatory or predisposition detention or
5 custody order shall remain in force and effect for
6 more than thirty (30) days. The court, for good and
7 sufficient cause shown, may extend the effective
8 period of such an order for an additional period not
9 to exceed sixty (60) days. If the child is being
10 detained for the commission of a murder, the court
11 may, if it is in the best interests of justice, extend
12 the effective period of such an order an additional
13 sixty (60) days.

14 b. Whenever the court orders a child to be held in a
15 juvenile detention facility, an order for secure
16 detention shall remain in force and effect for not
17 more than fifteen (15) days after such order. Upon an
18 application of the district attorney and after a
19 hearing on such application, the court, for good and
20 sufficient cause shown, may extend the effective
21 period of such an order for an additional period not
22 to exceed fifteen (15) days after such hearing. The
23 total period of preadjudicatory or predisposition
24 shall not exceed the ninety-day limitation as

1 specified in subparagraph a of this paragraph. The
2 child shall be present at the hearing on the
3 application for extension unless, as authorized and
4 approved by the court, the attorney for the child is
5 present at the hearing and the child is available to
6 participate in the hearing via telephone conference
7 communication. For the purpose of this paragraph,
8 "telephone conference communication" means use of a
9 telephone device that allows all parties, including
10 the child, to hear and be heard by the other parties
11 at the hearing. After the hearing, the court may
12 order continued detention in a juvenile detention
13 center, may order the child detained in an alternative
14 to secure detention or may order the release of the
15 child from detention.

16 2. No child alleged or adjudicated to be deprived or in need of
17 supervision or who is or appears to be a minor in need of treatment
18 as defined by the Inpatient Mental Health and Substance Abuse
19 Treatment of Minors Act, shall be confined in any jail, adult
20 lockup, or adult detention facility. No child shall be transported
21 or detained in association with criminal, vicious, or dissolute
22 persons.

23 3. Except as otherwise authorized by this section a child who
24 has been taken into custody as a deprived child, a child in need of

1 supervision, or who appears to be a minor in need of treatment, may
2 not be placed in any detention facility pending court proceedings,
3 but must be placed in shelter care or foster care or, with regard to
4 a child who appears to be a minor in need of treatment, a behavioral
5 health treatment facility in accordance with the provisions of the
6 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,
7 or released to the custody of the parents of the child or some other
8 responsible party. When a child is taken into custody as a child in
9 need of supervision as a result of being a runaway, the court may
10 order the child placed in a juvenile detention facility pending
11 court proceedings if it finds the detention to be essential for the
12 safety of the child.

13 B. No child shall be placed in secure detention unless:

14 1. The child is an escapee from any delinquent placement;

15 2. The child is a fugitive from another jurisdiction with a
16 warrant on a delinquency charge or confirmation of delinquency
17 charges by the home jurisdiction;

18 3. The child is seriously assaultive or destructive towards
19 others or self;

20 4. The child is currently charged with any criminal offense
21 that would constitute a felony if committed by an adult or a
22 misdemeanor and:

23 a. is on probation or parole on a prior delinquent
24 offense,

- b. is on preadjudicatory community supervision,
- c. is currently on release status on a prior delinquent offense, or
- d. has willfully failed or there is reason to believe that the child will willfully fail to appear for juvenile court proceedings.

C. A child who has violated a court order and has had the order revoked or modified pursuant to Section 2-2-503 of this title may be placed into an Office-of-Juvenile-Affairs-designated sanction detention bed or an Office-of-Juvenile-Affairs-approved sanction program.

D. Priority shall be given to the use of juvenile detention facilities for the detention of juvenile offenders through provisions requiring the removal from detention of a juvenile with a lower priority status if an empty detention bed is not available at the time of referral of a juvenile with a higher priority status and if the juvenile with a higher priority status would be more of a danger to the public than the juvenile with the lower priority status.

E. 1. Except as otherwise provided in this section, no child shall be placed in secure detention in a jail, adult lockup, or other adult detention facility unless:

- 1 a. the child is detained for the commission of a crime
2 that would constitute a felony if committed by an
3 adult, and
- 4 b. the child is awaiting an initial court appearance, and
- 5 c. the initial court appearance of the child is scheduled
6 within twenty-four (24) hours after being taken into
7 custody, excluding weekends and holidays, and
- 8 d. the court of jurisdiction is outside of the Standard
9 Metropolitan Statistical Area as defined by the Bureau
10 of Census, and
- 11 e. there is no existing acceptable alternative placement
12 for the child, and
- 13 f. the jail, adult lockup or adult detention facility
14 provides sight and sound separation for juveniles,
15 pursuant to standards required by subsection E of
16 Section 2-3-103 of this title, or
- 17 g. the jail, adult lockup or adult detention facility
18 meets the requirements for licensure of juvenile
19 detention facilities, as adopted by the Office of
20 Juvenile Affairs, is appropriately licensed, and
21 provides sight and sound separation for juveniles,
22 which includes:
- 23 (1) total separation between juveniles and adult
24 facility spatial areas such that there could be

1 no haphazard or accidental contact between
2 juvenile and adult residents in the respective
3 facilities,

4 (2) total separation in all juvenile and adult
5 program activities within the facilities,
6 including recreation, education, counseling,
7 health care, dining, sleeping and general living
8 activities, and

9 (3) separate juvenile and adult staff, specifically
10 direct care staff such as recreation, education
11 and counseling.

12 Specialized services staff, such as cooks,
13 bookkeepers, and medical professionals who are not
14 normally in contact with detainees or whose infrequent
15 contacts occur under conditions of separation of
16 juvenile and adults can serve both.

17 2. Nothing in this section shall preclude a child who is
18 detained for the commission of a crime that would constitute a
19 felony if committed by an adult, or a child who is an escapee from a
20 juvenile ~~training school~~ secure facility or from an Office of
21 Juvenile Affairs group home from being held in any jail certified by
22 the State Department of Health, police station or similar law
23 enforcement offices for up to six (6) hours for purposes of
24 identification, processing or arranging for transfer to a secure

1 detention or alternative to secure detention. Such holding shall be
2 limited to the absolute minimum time necessary to complete these
3 actions.

4 a. The time limitations for holding a child in a jail for
5 the purposes of identification, processing or
6 arranging transfer established by this section shall
7 not include the actual travel time required for
8 transporting a child from a jail to a juvenile
9 detention facility or alternative to secure detention.

10 b. Whenever the time limitations established by this
11 subsection are exceeded, this circumstance shall not
12 constitute a defense in a subsequent delinquency or
13 criminal proceeding.

14 3. Nothing in this section shall preclude detaining in a county
15 jail or other adult detention facility an eighteen-year old charged
16 in a juvenile petition for whom certification to stand trial as an
17 adult is prayed.

18 4. Nothing in this section shall preclude detaining in a county
19 jail or other adult detention facility a person provided for in
20 Section 2-3-102 of this title if written or electronically
21 transmitted confirmation is received from the state seeking return
22 of the individual that the person is a person provided for in
23 Section 2-3-102 of this title and if, during the time of detention,
24

1 the person is detained in a facility meeting the requirements of
2 Section 2-3-103 of this title.

3 5. Nothing in this section shall preclude detaining a person,
4 whose age is not immediately ascertainable and who is being detained
5 for the commission of a felony, in a jail certified by the State
6 Department of Health, a police station or similar law enforcement
7 office for up to twenty-four (24) hours for the purpose of
8 determining whether or not the person is a child, if:

9 a. there is a reasonable belief that the person is
10 eighteen (18) years of age or older,

11 b. there is a reasonable belief that a felony has been
12 committed by the person,

13 c. a court order for such detention is obtained from a
14 judge of the district court within six (6) hours of
15 initially detaining the person,

16 d. there is no juvenile detention facility that has space
17 available for the person and that is within thirty
18 (30) miles of the jail, police station, or law
19 enforcement office in which the person is to be
20 detained, and

21 e. during the time of detention the person is detained in
22 a facility meeting the requirements of subparagraph g
23 of paragraph 1 of this subsection.

24

1 The time limitation provided for in this paragraph shall include the
2 time the person is detained prior to the issuance of the court
3 order.

4 The time limitation provided for in this paragraph shall not include
5 the actual travel time required for transporting the person to the
6 jail, police station, or similar law enforcement office. If the
7 time limitation established by this paragraph is exceeded, this
8 circumstance shall not constitute a defense in any subsequent
9 delinquency or criminal proceeding.

10 F. Nothing contained in this section shall in any way reduce or
11 eliminate the liability of a county as otherwise provided by law for
12 injury or damages resulting from the placement of a child in a jail,
13 adult lockup, or other adult detention facility.

14 G. Any juvenile detention facility shall be available for use
15 by any eligible Indian child as that term is defined by the Oklahoma
16 Indian Child Welfare Act, providing that the use of the juvenile
17 detention facility meets the requirements of the Oklahoma Juvenile
18 Code. The Indian tribe may contract with any juvenile detention
19 facility for the providing of detention services.

20 H. Each member of the staff of a juvenile detention facility
21 shall satisfactorily complete a training program provided or
22 approved by the Office of Juvenile Affairs.

23 SECTION 4. AMENDATORY 10A O.S. 2011, Section 2-5-212, is
24 amended to read as follows:

1 Section 2-5-212. A. Whenever a youthful offender is committed
2 to the custody of the Office of Juvenile Affairs, the Office of
3 Juvenile Affairs may:

4 1. Place the youthful offender in a ~~state training school~~
5 secure facility or other institution or facility maintained by the
6 state for delinquents or youthful offenders;

7 2. Place the youthful offender in a group home or community
8 residential facility for delinquents or youthful offenders;

9 3. Place the youthful offender under community supervision
10 prior to or after a period of placement in one or more of the
11 facilities referred to in paragraphs 1 and 2 of this subsection.

12 The Office of Juvenile Affairs may place a youthful offender in his
13 or her own home, or an independent living or other similar living
14 arrangement within the community of the residence of the youthful
15 offender only upon the approval of the court; provided, the court
16 shall not prohibit the reintegration of the youthful offender into
17 the community except upon finding that the youthful offender has not
18 reasonably completed the rehabilitation plan objectives established
19 as preconditions for reintegration into the community or that the
20 public would not be adequately protected if the youthful offender is
21 reintegrated into the community; or

22 4. Place the youthful offender in a sanction program if the
23 youthful offender fails to comply with a written plan of
24

1 rehabilitation or fails substantially to achieve reasonable
2 treatment objectives while in community or other nonsecure programs.

3 B. Placement of the youthful offender pursuant to this section
4 or any other provision of law shall be the responsibility of the
5 Office of Juvenile Affairs and shall occur as soon as reasonably
6 possible but not more than forty-five (45) days following the filing
7 and adoption of the written rehabilitation plan as provided in
8 Section 2-5-210 of this title. This placement time period may be
9 extended upon the declaration of an emergency by the Board of
10 Juvenile Affairs. For the purposes of this section, "emergency"
11 means any situation that places the health, safety and well-being of
12 the residents or staff in imminent peril. The court shall not have
13 authority to require specific placement of a youthful offender in a
14 time frame which would require the removal of any other juvenile or
15 youthful offender from such placement.

16 C. The Office of Juvenile Affairs shall be responsible for the
17 care and control of a youthful offender placed in the custody of the
18 Office of Juvenile Affairs, and shall have the duty and the
19 authority to provide food, clothing, shelter, ordinary medical care,
20 education, discipline and in an emergency to authorize surgery or
21 other extraordinary care. The medical care, surgery and
22 extraordinary care shall be charged to the appropriate agency where
23 the youthful offender qualifies for the care under law, rule,
24 regulation or administrative order or decision. Nothing in this

1 section shall abrogate the right of a youthful offender to any
2 benefits provided through public funds nor the parent's statutory
3 duty or responsibility to provide said necessities; further, no
4 person, agency or institution shall be liable in a civil suit for
5 damages for authorizing or not authorizing surgery or extraordinary
6 care in an emergency, as determined by competent medical authority.
7 A youthful offender placed in the custody of the Office of Juvenile
8 Affairs who has attained eighteen (18) years of age or older may
9 authorize and consent to the medical care sought on behalf of the
10 youthful offender by the Office of Juvenile Affairs and to be
11 provided to the youthful offender by a qualified health care
12 professional. No state employee shall be liable for the costs of
13 any medical care or behavioral health services provided to any child
14 in the custody of the Office of Juvenile Affairs.

15 D. A youthful offender in the custody of the Office of Juvenile
16 Affairs shall:

17 1. Be entitled to the rights afforded juvenile delinquents
18 pertaining to any due process afforded delinquents in regard to
19 movement from a nonsecure to a secure placement; and

20 2. As appropriate to the age and circumstances of the youthful
21 offender, be provided education, employment, and employment skills
22 and vocational and technical or higher education services,
23 apprenticeship programs and similar opportunities.

24

1 SECTION 5. AMENDATORY 10A O.S. 2011, Section 2-6-102, is
2 amended to read as follows:

3 Section 2-6-102. A. Except as provided by this section or as
4 otherwise specifically provided by state or federal laws, the
5 following juvenile records are confidential and shall not be open to
6 the general public, inspected, or their contents disclosed:

- 7 1. Juvenile court records;
- 8 2. Agency records;
- 9 3. District attorney's records;
- 10 4. Law enforcement records;
- 11 5. Nondirectory education records; and
- 12 6. Social records.

13 B. The confidentiality limitation of subsection A of this
14 section shall not apply to statistical information or information of
15 a general nature obtained pursuant to the provisions of the Oklahoma
16 Juvenile Code.

17 C. The confidentiality requirements of subsection A of this
18 section for juvenile court records and law enforcement records shall
19 not apply:

- 20 1. Upon the charging or certification of a juvenile as an adult
21 or youthful offender;
- 22 2. Upon the charging of an individual pursuant to Section 2-5-
23 101 of this title;

24

1 3. To a violation of any traffic regulation or motor vehicle
2 regulation of Title 47 of the Oklahoma Statutes, or to a violation
3 of any city ordinance or county resolution which relates to the
4 regulation of traffic on the roads, highways or streets, or to the
5 operation of self-propelled or nonself-propelled vehicles of any
6 kind in this state;

7 4. To a juvenile who is fourteen (14) years of age or older and
8 who has been adjudicated delinquent and who subsequently comes
9 before the juvenile court on a new delinquency matter after July 1,
10 1995;

11 5. To a juvenile adjudicated a delinquent for committing a
12 delinquent act which, if committed by an adult, would be a felony
13 offense that is a crime against the person or a felony offense
14 involving a dangerous weapon;

15 6. To arrest records of a juvenile arrested for committing an
16 act, which if committed by an adult, would be a felony offense;

17 7. To a violation of the Prevention of Youth Access to Tobacco
18 Act; or

19 8. Whenever a juvenile is accepted for placement or treatment
20 in a facility or private treatment facility within this state as a
21 result of or following a conviction or adjudication for an out-of-
22 state offense that would qualify the juvenile as a youthful
23 offender, as defined in Section 2-5-202 of this title, had the crime
24 occurred within this state. The facility shall provide any law

1 enforcement agency or peace officer all prior criminal offense,
2 conviction, and adjudication information. If a juvenile flees or is
3 otherwise absent from the facility without permission, the facility
4 shall provide any law enforcement agency or peace officer all prior
5 criminal offense, conviction, and adjudication information. Any law
6 enforcement agency or peace officer shall have the authority to
7 review or copy any records concerning the juvenile, including prior
8 criminal offense, conviction, or adjudication information.

9 D. Following the first adjudication as a delinquent, the court
10 having jurisdiction shall note on the juvenile court record of the
11 person that any subsequent juvenile court records shall not be
12 confidential; provided, the child is at least fourteen (14) years of
13 age or older. Any juvenile court record which becomes an open
14 juvenile record as provided in this subsection may be expunged as
15 provided in Section 7307-1.8 of this title.

16 The provisions of this subsection shall only apply to the
17 juvenile court records and law enforcement records of juvenile
18 offenders certified, charged or adjudicated on and after July 1,
19 1995.

20 E. When a delinquent child has escaped or run away from a
21 ~~training school~~ secure facility or other institutional placement for
22 delinquents, the name and description of the child may be released
23 to the public by the agency having custody of the child as necessary
24 and appropriate for the protection of the public and the

1 apprehension of the delinquent child whether or not the juvenile
2 record is confidential or open.

3 F. Except as otherwise required by state or federal law, the
4 confidential records listed in subsection A of this section may only
5 be inspected, released, disclosed, corrected or expunged pursuant to
6 an order of the court. Except as otherwise provided in Section
7 601.6 of Title 10 of the Oklahoma Statutes or any provision of this
8 chapter, no subpoena or subpoena duces tecum purporting to compel
9 disclosure of confidential information or any confidential juvenile
10 record shall be valid.

11 G. An order of the court authorizing the inspection, release,
12 disclosure, correction or expungement of confidential records shall
13 be entered by the court only after a review of the records by the
14 court and a determination by the court, with due regard for the
15 confidentiality of the records and the privacy of persons identified
16 in the records, that a compelling reason exists and such inspection,
17 release or disclosure is necessary for the protection of a
18 legitimate public or private interest.

19 Except for district attorney records, any court order
20 authorizing the disclosure, release or inspection of a confidential
21 juvenile record may be conditioned on such terms and restrictions as
22 the court deems necessary and appropriate.

23 H. Upon receiving a written request for inspection, release,
24 disclosure, or correction of a juvenile record, the court shall

1 determine whether the record of a juvenile falls under one of the
2 exceptions listed in subsection C of this section. If the record
3 falls under one of the exceptions in subsection C of this section,
4 the court shall issue an order authorizing inspection, release,
5 disclosure or correction of the juvenile record. If the release of
6 a juvenile record is authorized by the court, the Office of Juvenile
7 Affairs shall provide information to the requestor regarding the
8 location of the juvenile record to be released.

9 I. Any agency or person may seek an order from the juvenile
10 court prohibiting the release of confidential information subject to
11 disclosure without an order of the court pursuant to Section 620.6
12 of Title 10 of the Oklahoma Statutes or any provision of this
13 chapter. The court may, for good cause shown, prohibit the release
14 of such information or authorize release of the information upon
15 such conditions as the court deems necessary and appropriate.

16 J. In accordance with the provisions of the Juvenile Offender
17 Tracking Program and Section 620.6 of Title 10 of the Oklahoma
18 Statutes:

19 1. Information included in the records listed in subsection A
20 of this section may be entered in and maintained in the Juvenile
21 Justice Information System and other automated information systems
22 related to services to children and youth whether or not the record
23 is confidential or open; and

24

1 2. The information systems may be accessed by participating
2 agencies as defined by this chapter or as otherwise provided by law.

3 K. The court may authorize a designated person to review
4 juvenile court confidential reports and records and collect
5 statistical information and other abstract information for research
6 purposes. Such authorization shall be in writing and shall state
7 specifically the type of information which may be reviewed and
8 reported.

9 Each person granted permission to inspect confidential reports
10 and records for research purposes shall present a notarized
11 statement to the court stating that the names of juveniles, parents
12 and other persons as may be required by the court to be confidential
13 will remain confidential.

14 L. Nothing contained in the provisions of Section 620.6 of
15 Title 10 of the Oklahoma Statutes or any provision of this chapter
16 shall be construed as:

17 1. Authorizing the inspection of records or the disclosure of
18 information contained in records relating to the provision of
19 benefits or services funded, in whole or in part, with federal
20 funds, except in accord with federal statutes and regulations
21 governing the receipt or use of such funds;

22 2. Authorizing the disclosure of information required to be
23 kept confidential by Section 7505-1.1, 7506-1.1 or 7510-1.5 of this
24

1 title, the Oklahoma Adoption Code or disclosure of any other
2 confidential record pursuant to the provisions of this chapter;

3 3. Abrogating any privilege, including the attorney-client
4 privilege, or affecting any limitation on such privilege found in
5 any other statutes;

6 4. Limiting or otherwise affecting access of parties to a
7 juvenile proceeding to any records filed with or submitted to the
8 court;

9 5. Limiting or otherwise affecting access of agencies to
10 information subject to disclosure, review or inspection by contract
11 or as a condition for the receipt of public funds or participation
12 in any program administered by the agency;

13 6. Prohibiting the Office of Juvenile Affairs from summarizing
14 the outcome of an investigation to the person who reported a known
15 or suspected instance of child abuse or neglect; or

16 7. Prohibiting the person or agency conducting a preliminary
17 inquiry relating to an alleged delinquent act from providing
18 information, as to the disposition of the matter by the district
19 attorney, to the person or agency which referred the matter,
20 including but not limited to whether a petition was filed or an
21 alternative action taken, and the basis for such action and the
22 terms of any agreement entered into by the child for payment of
23 restitution, and including but not limited to provisions for
24 community services.

1 M. The confidential records listed in subsection A of this
2 section may be inspected and their contents disclosed without a
3 court order to a school district in which the child who is the
4 subject of the record is currently enrolled or has been presented
5 for enrollment. The inspection of records and disclosure authorized
6 by this subsection may be limited to summaries or to information
7 directly necessary for the purpose of such inspection or disclosure.
8 Upon request by the school district, the agency in possession of the
9 records shall provide in writing, digitally, or by delivery to a
10 secure facsimile line, the requested information to the school
11 district within five (5) business days upon receipt of the request.
12 Any records disclosed as provided by this subsection shall remain
13 confidential. The use of any information shall be limited to the
14 purposes for which disclosure is authorized.

15 N. The records of a case for which a petition is not filed
16 shall be subject to the provisions of Chapter 6 of the Oklahoma
17 Juvenile Code.

18 SECTION 6. AMENDATORY 10A O.S. 2011, Section 2-7-503, is
19 amended to read as follows:

20 Section 2-7-503. A. It is the intent of the Legislature of
21 this state to provide for the creation of all reasonable means and
22 methods that can be established by a state for:

- 23 1. The prevention of delinquency;
- 24 2. The care and rehabilitation of delinquent children; and

1 3. The protection of the public.

2 It is further the intent of the Legislature that this state, through
3 the Office of Juvenile Affairs, establish, maintain and continuously
4 refine and develop a balanced and comprehensive state program for
5 children who are potentially delinquent or are delinquent.

6 B. Except as provided in subsection C of this section, whenever
7 a child who has been adjudicated by the court as a delinquent child
8 has been committed to the Office of Juvenile Affairs, the Office
9 shall provide for placement pursuant to any option authorized by
10 paragraphs 1 through 7 of this subsection; provided, nothing in this
11 subsection shall be construed to establish a priority in regard to
12 the selection of an option or to mandate the exclusive use of one
13 particular option:

14 1. Place the child in a ~~state training school or~~ secure
15 facility, including a collocated secure facility, or other
16 institution or facility maintained, operated or contracted by the
17 state for delinquent children if the child has:

- 18 a. exhibited seriously violent, aggressive or assaultive
19 behavior,
- 20 b. committed a serious felony constituting violent,
21 aggressive and assaultive behavior,
- 22 c. habitually committed delinquent acts if such acts
23 would constitute felonies if committed by an adult,
- 24 d. committed multiple serious delinquent acts, or

1 e. violated any condition of probation or parole,
2 to the extent that it is necessary for the protection of the public.
3 For purposes of placement, all deferred prosecutions for serious,
4 habitual, violent, aggressive or assaultive crimes shall count
5 toward placement decisions;

6 2. Place the child in a facility maintained, operated or
7 contracted by the state for children, or in a foster home, group
8 home, transitional living program or community residential center;

9 3. Allow the child his or her liberty, under supervision, in an
10 independent living program;

11 4. Allow the child his or her liberty, under supervision,
12 either immediately or after a period in one of the facilities
13 referred to in paragraphs 1 and 2 of this subsection;

14 5. Place the child in a state school for mentally retarded, if
15 the child is eligible for admission thereto;

16 6. Place the child in any licensed private facility deemed by
17 the Office of Juvenile Affairs to be in the best interest of the
18 child; or

19 7. Place the child as provided by Section 2-2-804 of this title
20 and the Inpatient Mental Health and Substance Abuse Treatment of
21 Minors Act, if the delinquent child has been found by a court to be
22 in need of mental health or substance abuse treatment.

23 C. The Office shall place priority on the placement of
24 delinquent youth held in secure juvenile detention facilities.

1 D. Placement of a juvenile pursuant to this section or any
2 other provision of law shall be the responsibility of the Office of
3 Juvenile Affairs and shall occur as soon as reasonably possible
4 after adjudication and after the selected placement option becomes
5 available.

6 The court shall not have authority to require specific placement
7 of a juvenile in a time frame which would require the removal of any
8 other juvenile from such placement.

9 SECTION 7. AMENDATORY 57 O.S. 2011, Section 563, is
10 amended to read as follows:

11 Section 563. A. Except as otherwise authorized by Section 183
12 of Title 73 of the Oklahoma Statutes, before any correctional
13 facility other than an inmate work center as authorized in
14 subsection B of this section or an inmate drug offender work camp,
15 whether within the Department of Corrections or within any other
16 state agency, may be created or any construction performed which may
17 significantly increase, extend or expand the present facility, such
18 creation or construction shall be approved by the Legislature.
19 Correctional facilities owned or operated by private prison
20 contractors shall not be deemed to be within the Department of
21 Corrections or other state agency.

22 B. The Department of Corrections is hereby authorized to
23 establish inmate work centers in locations where a need for labor to
24 conduct public work projects is determined. The Department shall

1 select the inmate work center locations based on objective
2 comparisons of interested communities in accordance with procedures
3 and criteria established by the Department of Corrections. The
4 procedures, selection criteria and decision case analysis shall be
5 made available to the public upon request.

6 C. No state, county or municipal correctional facility
7 including any inmate work center, inmate drug offender work camp,
8 inmate halfway house, inmate transitional living center and any
9 other place where state, county or municipal inmates are housed
10 shall be located within one thousand (1,000) feet of any public or
11 private elementary or secondary school nor within two thousand five
12 hundred (2,500) feet of any ~~state training school~~ secure facility
13 for juveniles. The provisions of this subsection shall not apply to
14 any inmate work center, inmate drug offender work camp, inmate
15 halfway house, inmate transitional living center and any other place
16 where state, county or municipal inmates are housed established
17 prior to May 20, 1994. Provided, that the provisions of this
18 subsection shall not apply to state, county, or municipal
19 correctional facilities that are granted permission to operate
20 within the areas restricted by this subsection by a majority vote of
21 the following entities:

22 1. The district board of education of each school district with
23 an affected school; and

24 2. The governing body of each affected private school.

1 D. In any county with a population of two hundred fifty
2 thousand (250,000) or more, as determined by the latest Federal
3 Decennial Census, the Department of Corrections shall not cause,
4 permit or require any inmate in the custody of the Department or
5 cause, permit or require any offender under the supervision of the
6 Department to enter, remain or be present in any Department of
7 Corrections facility located within one thousand (1,000) feet of a
8 private or public elementary or secondary school, or on the grounds
9 of such a facility, for any activities involving or relating to
10 processing, training, instructing, interviewing, counseling,
11 reporting, conferring, imposing discipline, reviewing or
12 adjudicating or any correctional function requiring or permitting
13 the presence of the offender, except offenders may be employed in
14 construction, maintenance or janitorial activities in or on the
15 structures or grounds while under supervision of a correctional
16 employee. The provisions of this subsection shall not apply to any
17 facility established or acquired by the Department of Corrections
18 prior to May 20, 1994.

19 SECTION 8. AMENDATORY 57 O.S. 2011, Section 563.4, is
20 amended to read as follows:

21 Section 563.4. A. No transitional living facility that houses
22 sex offenders or persons convicted of a capital offense shall be
23 located within two thousand five hundred (2,500) feet of any public
24 or private elementary or secondary school, ~~state training school,~~

1 secure facility for juveniles or residential neighborhood. Prior to
2 the establishment of any transitional living facility, the proposed
3 operator shall be required to notify and obtain written
4 authorization to establish and operate the facility from the
5 governing body of the municipality in which the center is to be
6 located or, if the facility is not to be located within the
7 incorporated limits of a municipality, from the board of county
8 commissioners of the county in which the facility is to be located.
9 Notification shall consist of the operator mailing a certified
10 letter to every elected city council member, every elected state
11 legislative member, and every county commissioner within the
12 jurisdiction in which the facility shall be located. The written
13 notice shall be mailed not less than thirty (30) days prior to the
14 date of any meeting or public hearing before a city planning
15 commission, city council or board of county commissioners where the
16 proposed transitional living facility may be considered. The
17 written notice shall clearly state that the operator seeks to obtain
18 written authorization from the governing body of the jurisdiction to
19 establish and operate a transitional living facility and whether the
20 facility intends to house any sex offender or person convicted of a
21 capital offense. The provisions of this section shall not apply to
22 any transitional living facility established prior to May 3, 2005.

23 B. For purposes of this section, "transitional living facility"
24 means those facilities that do not have a contract with the

1 Department of Corrections or another agency of this state, or any
2 political subdivision of this state, to provide living space for
3 persons who are under the custody of the Department of Corrections
4 and whose primary function is to provide housing assistance and
5 related social services for individuals who are transitioning from
6 previous incarceration in a county jail, state, or federal facility
7 to the community or are otherwise in need of temporary housing
8 assistance.

9 SECTION 9. It being immediately necessary for the preservation
10 of the public peace, health and safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

13 Passed the Senate the 6th day of March, 2013.

14
15 _____
16 Presiding Officer of the Senate

17 Passed the House of Representatives the ____ day of _____,
18 2013.

19
20 _____
21 Presiding Officer of the House
22 of Representatives
23
24