

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                                       2nd Session of the 55th Legislature (2016)

4   ENGROSSED SENATE

5   BILL NO. 1371

By: David of the Senate

and

Ownbey of the House

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10       An Act relating to the Office of Juvenile Affairs;  
11       amending 10A O.S. 2011, Section 2-3-103, which  
12       relates to temporary detention; specifying statutory  
13       reference; amending 10A O.S. 2011, Section 2-7-401,  
14       as amended by Section 43, Chapter 304, O.S.L. 2012  
15       (10A O.S. Supp. 2015, Section 2-7-401), which relates  
16       to the Juvenile Detention Improvement Revolving Fund;  
17       deleting certain reimbursement rate; amending 10A  
18       O.S. 2011, Section 2-7-608, which relates to secure  
19       detention beds; deleting certain requirements  
20       relating to quantity and locations of detention beds;  
21       modifying language; directing promulgation of rules;  
22       and providing an effective date.

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

24       SECTION 1.       AMENDATORY       10A O.S. 2011, Section 2-3-103, is  
25       amended to read as follows:

26       Section 2-3-103.   A.   Provision shall be made for the temporary  
27       detention of children in a juvenile detention facility or the court  
28       may arrange for the care and custody of such children temporarily in

1 private homes, subject to the supervision of the court, or the court  
2 may provide shelter or may enter into a contract with any  
3 institution or agency to receive, for temporary care and custody,  
4 children within the jurisdiction of the court. The Office of  
5 Juvenile Affairs shall not be ordered to provide detention unless  
6 said Office has designated and is operating detention services or  
7 facilities.

8 B. County sheriffs, their designee, private contractors under  
9 contract with the Office of Juvenile Affairs for transportation  
10 services, or juvenile court officers shall provide for the  
11 transportation of juveniles to and from secure detention for  
12 purposes of admission, interfacility transfer, discharge, medical or  
13 dental attention, court appearance, or placement designated by the  
14 Office. No private contract for transportation services shall be  
15 entered into by the Office unless the private contractor  
16 demonstrates to the satisfaction of the Office that such contractor  
17 is able to obtain insurance or provide self-insurance to indemnify  
18 the Office against possible lawsuits and meets the requirements of  
19 subparagraphs a, b and d of paragraph 4 of subsection C of this  
20 section. The Office of Juvenile Affairs shall not be ordered to  
21 provide transportation for a juvenile who is detained in or is  
22 destined for secure detention. The Office of Juvenile Affairs shall  
23 provide reimbursement to the entity transporting juveniles for  
24

1 necessary and actual expenses for transporting juveniles who are  
2 detained in or destined for a secure detention center as follows:

3 1. A fee for the cost of personal services at the rate of  
4 Twelve Dollars (\$12.00) per hour;

5 2. Mileage reimbursement for each mile actually traveled at the  
6 rate established in the State Travel Reimbursement Act;

7 3. Meals for transporting personnel, not to exceed Six Dollars  
8 (\$6.00) per meal; and

9 4. Meals for juveniles being transported, not to exceed Six  
10 Dollars (\$6.00) per meal.

11 The Office of Juvenile Affairs shall process and mail  
12 reimbursement claims within sixty (60) days of receipt. Payments  
13 for services provided by a county sheriff's office shall be paid to  
14 the county and deposited in the service fee account of the sheriff.

15 C. 1. All juvenile detention facilities shall be certified by  
16 the Office of Juvenile Affairs. To be certified, a juvenile  
17 detention facility shall be required to meet standards for  
18 certification promulgated by the Board of Juvenile Affairs.

19 2. The board of county commissioners of every county shall  
20 provide for the temporary detention of a child who is or who may be  
21 subject to secure detention and may construct a building or rent  
22 space for such purpose. The boards of county commissioners shall  
23 provide for temporary detention services and facilities in  
24 accordance with the provisions of the State Plan for the

1 Establishment of Juvenile Detention Services adopted pursuant to  
2 subsection D of this section and in accordance with subsections A  
3 and C of Section 2-7-608 of this title. The boards of county  
4 commissioners are hereby authorized to create multicounty trust  
5 authorities for the purpose of operating juvenile detention  
6 facilities.

7 3. In order to operate the juvenile detention facilities  
8 designated in the State Plan for the Establishment of Juvenile  
9 Detention Services and in subsections A and C of Section 2-7-608 of  
10 this title, the boards of county commissioners in the designated  
11 host counties shall:

- 12 a. operate the juvenile detention facility through a  
13 statutorily constituted juvenile bureau subject to the  
14 supervision of the district court, or
- 15 b. operate the juvenile detention facility by employing a  
16 manager who may employ personnel and incur other  
17 expenses as may be necessary for its operation and  
18 maintenance, or
- 19 c. contract with a public agency, private agency,  
20 federally recognized tribe, or single or multi-county  
21 trust authority for the operation of the juvenile  
22 detention facility. In the event any board of county  
23 commissioners contracts with a public or private  
24 agency or a federally recognized tribe, pursuant to

1 the provisions of this section, the Office is  
2 authorized to directly contract with and pay such  
3 public or private agency or federally recognized tribe  
4 for provision of detention services. Any contract  
5 with a federally recognized tribe shall become  
6 effective upon approval by the board of county  
7 commissioners.

8 4. Management contracts for privately operated detention  
9 facilities shall be negotiated with the firm found most qualified by  
10 the board of county commissioners. However, no private management  
11 contract shall be entered into by the board unless the private  
12 contractor demonstrates to the satisfaction of the board:

- 13 a. that the contractor has the qualifications,  
14 experience, and personnel necessary to implement the  
15 terms of the contract,
- 16 b. that the financial condition of the contractor is such  
17 that the term of the contract can be fulfilled,
- 18 c. that the ability of the contractor to obtain insurance  
19 or provide self-insurance to indemnify the county  
20 against possible lawsuits and to compensate the county  
21 for any property damage or expenses incurred due to  
22 the private operation of the juvenile detention  
23 facility, and  
24

1           d.     that the contractor has the ability to comply with  
2                   applicable court orders and rules of the Office of  
3                   Juvenile Affairs.

4           5.   All counties to be served by a secure juvenile detention  
5   facility may, upon the opening of such facility, contract with the  
6   operators for the use of the facility for the temporary detention of  
7   children who are subject to secure detention; provided, however, a  
8   jail, adult lockup, or other adult detention facility may be used  
9   for the secure detention of a child as provided for in Section 2-3-  
10   101 of this title.

11          6.   Expenses incurred in carrying out the provisions of this  
12   section shall be paid from the general fund of the county or from  
13   other public funds lawfully appropriated for such purposes or from  
14   private funds that are available for such purposes. A county may  
15   also issue bonds for the construction of detention facilities.

16          7.   The operation of a juvenile detention facility by a county  
17   shall constitute a quasi-judicial function and is also hereby  
18   declared to be a function of the State of Oklahoma for purposes of  
19   the Eleventh Amendment to the United States Constitution. In  
20   addition, no contract authorized by the provisions of this section  
21   for the providing of transportation services or for the operation of  
22   a juvenile detention facility shall be awarded until the contractor  
23   demonstrates to the satisfaction of the county that the contractor  
24   has obtained liability insurance with the limits specified by The

1 Governmental Tort Claims Act against lawsuits arising from the  
2 operation of the juvenile detention facility by the contractor, or  
3 if the contract is for the providing of transportation services, the  
4 contractor has obtained liability insurance with the limits  
5 specified by The Governmental Tort Claims Act against lawsuits  
6 arising from the transportation of juveniles as authorized by  
7 subsection A of this section.

8 D. The Board of Juvenile Affairs, from monies appropriated for  
9 that purpose, shall develop, adopt, and implement a plan for secure  
10 juvenile detention services and alternatives to secure detention, to  
11 be known as the State Plan for the Establishment of Juvenile  
12 Detention Services, which shall provide for the establishment of  
13 juvenile detention facilities and services with due regard for  
14 appropriate geographical distribution and existing juvenile  
15 detention programs operated by statutorily constituted juvenile  
16 bureaus. Said plan may be amended or modified by the Board as  
17 necessary and appropriate. Until said plan is adopted by the Board,  
18 the plan adopted by the Commission for Human Services shall remain  
19 in effect.

20 1. The Board of Juvenile Affairs shall establish procedures for  
21 the letting of contracts or grants, including grants to existing  
22 juvenile detention programs operated by statutorily constituted  
23 juvenile bureaus, and the conditions and requirements for the  
24 receipt of said grants or contracts for juvenile detention services

1 and facilities as provided in this section and Section 2-7-401 of  
2 this title. A copy of such procedures shall be made available to  
3 any member of the general public upon request. All such grants or  
4 contracts shall require the participation of local resources in the  
5 funding of juvenile detention facilities. A contract for services  
6 shall be based upon a formula approved by the Board which shall set  
7 the contract amount in accordance with the services offered and the  
8 degree of compliance with standards for certification.

9 2. The Board of Juvenile Affairs shall establish standards for  
10 the certification of detention services and juvenile detention  
11 facilities. Such standards may include, but not be limited to:  
12 screening for detention; education and recreation opportunities for  
13 juveniles in secure detention; and accreditation by the American  
14 Correctional Association. As a condition of continuing eligibility  
15 for grants or contracts, secure juvenile detention services and  
16 facilities shall be certified by the Board within two (2) years of  
17 the date of the initial grant or contract.

18 E. The State Department of Health, with the assistance of the  
19 Office of Juvenile Affairs, shall establish standards for the  
20 certification of jails, adult lockups, and adult detention  
21 facilities used to detain juveniles. Such standards shall include  
22 but not be limited to: separation of juveniles from adults;  
23 supervision of juveniles; and health and safety measures for  
24 juveniles. The Department of Health is authorized to inspect any



1 jail, adult lockup, or adult detention facility for the purpose of  
2 determining compliance with such standards. No jail, adult lockup,  
3 or other adult detention facility shall be used to detain juveniles  
4 unless such jail, adult lockup, or other adult detention facility  
5 complies with the standards established by the Department of Health  
6 and is designated as a place for the detention of juveniles by the  
7 judge having juvenile docket responsibility in the county from a  
8 list of eligible facilities supplied by the Department of Health.

9 The development and approval of the standards provided for in  
10 this paragraph shall comply with the provisions of the  
11 Administrative Procedures Act.

12 F. The State Board of Health shall promulgate rules providing  
13 for the routine recording and reporting of the use of any adult  
14 jail, lockup or other adult facility for the detention of any person  
15 under the age of eighteen (18).

16 1. For the purpose of ensuring the uniformity and compatibility  
17 of information related to the detention of persons under age  
18 eighteen (18), said rules shall be reviewed and approved by the  
19 Oklahoma Commission on Children and Youth prior to their adoption by  
20 the Board; and

21 2. ~~Said records~~ Records of detention shall be reviewed during  
22 each routine inspection of adult jails, lockups or other adult  
23 detention facilities inspected by the State Department of Health and  
24 a statistical report of said detentions shall be submitted to the

1 Office of Juvenile Affairs at least every six (6) months in a form  
2 approved by the Board of Juvenile Affairs.

3 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-7-401, as  
4 amended by Section 43, Chapter 304, O.S.L. 2012 (10A O.S. Supp.  
5 2015, Section 2-7-401), is amended to read as follows:

6 Section 2-7-401. A. There is hereby created in the State  
7 Treasury a revolving fund for the Office of Juvenile Affairs to be  
8 designated the "Juvenile Detention Improvement Revolving Fund". The  
9 fund shall be a continuing fund, not subject to fiscal year  
10 limitations, and shall consist of all monies appropriated to the  
11 Juvenile Detention Improvement Revolving Fund and monies which may  
12 otherwise be available to the Office of Juvenile Affairs for use as  
13 provided for in this section.

14 B. All monies appropriated to the fund shall be budgeted and  
15 expended by the Office of Juvenile Affairs for the purpose of  
16 providing funds to counties to renovate existing juvenile detention  
17 facilities, to construct new juvenile detention facilities, to  
18 operate juvenile detention facilities and otherwise provide for  
19 secure juvenile detention services and alternatives to secure  
20 detention as necessary and appropriate, in accordance with state-  
21 approved juvenile detention standards and the State Plan for the  
22 Establishment of Juvenile Detention Services provided for in Section  
23 2-3-103 of this title. The participation of local resources shall  
24 be a requirement for the receipt by counties of said funds and the

1 Department shall establish a system of rates for the reimbursement  
2 of secure detention costs to counties. The methodology for the  
3 establishment of said rates may include, but not be limited to,  
4 consideration of detention costs, the size of the facility, services  
5 provided and geographic location. Expenditures from said fund shall  
6 be made upon warrants issued by the State Treasurer against claims  
7 filed as prescribed by law with the Director of the Office of  
8 Management and Enterprise Services for approval and payment.

9 1. The rate of reimbursement of approved operating cost shall  
10 be eighty-five percent (85%) for the Office of Juvenile Affairs and  
11 fifteen percent (15%) for the county.

12 ~~2. The rate of reimbursement of approved operating cost shall~~  
13 ~~be fifty percent (50%) for the Office of Juvenile Affairs and fifty~~  
14 ~~percent (50%) for any county that has failed to establish the beds~~  
15 ~~required by the provisions of subsection A of Section 2-7-608 of~~  
16 ~~this title.~~

17 ~~3.~~ The Office of Juvenile Affairs shall approve only those  
18 applications for funds to renovate an existing juvenile detention  
19 facility or any other existing facility or to construct a new  
20 juvenile detention facility which contain proposed plans that are in  
21 compliance with state-approved juvenile detention standards.

22 ~~4.~~ 3. The Office of Juvenile Affairs shall approve only those  
23 applications or contracts for funds to operate juvenile detention  
24 facilities or otherwise provide for secure juvenile detention

1 services and alternatives to secure detention which are in  
2 compliance with or which are designed to achieve compliance with the  
3 State Plan for the Establishment of Juvenile Detention Services  
4 provided for in Section 2-3-103 of this title.

5 ~~5.~~ 4. The Office of Juvenile Affairs shall, from appropriated  
6 state monies or from available federal grants, provide for payment  
7 pursuant to contract for transportation personnel and vehicle-  
8 related costs and reimburse for eligible travel costs for counties  
9 utilizing the juvenile detention facilities identified in the "State  
10 Plan for the Establishment of Juvenile Detention Services" in  
11 accordance with the provisions of the State Travel Reimbursement Act  
12 and in accordance with Section 2-3-103 of this title.

13 SECTION 3. AMENDATORY 10A O.S. 2011, Section 2-7-608, is  
14 amended to read as follows:

15 Section 2-7-608. A. Beginning July 1, 1995, the Office of  
16 Juvenile Affairs shall oversee the expansion of the number of  
17 preadjudicatory secure detention beds available in this state. ~~By~~  
18 ~~July 1, 1996, the number of such beds shall be increased by one~~  
19 ~~hundred nine beds or by the number necessary to result in a total of~~  
20 ~~two hundred sixty-five such beds.~~ It is the intent of the  
21 Legislature to establish ~~such~~ detention beds on a geographic basis  
22 throughout the state in order to provide more accessibility to  
23 services for all regions of the state. ~~Therefore, such beds shall~~  
24 ~~be established as follows: In Oklahoma County thirty-seven beds, in~~

1 ~~Tulsa County twenty-six beds, in Cleveland County twelve beds, in~~  
2 ~~Lincoln County ten beds, in Comanche County six beds, in Beckham~~  
3 ~~County six beds, in Texas County six beds and in Talihina in LeFlore~~  
4 ~~County six beds. The six beds in Comanche County shall be regional~~  
5 ~~detention beds and out-of-county placements shall be given priority~~  
6 ~~for these beds.~~ The beds established by this subsection shall be  
7 established and operated in accordance with Section 2-3-103 of this  
8 title.

9 B. Effective July 1, 1995, the responsibilities for  
10 establishing and operating a regional juvenile facility in the  
11 southwestern part of the state shall be transferred to the Office of  
12 Juvenile Affairs. The facility shall include six transitional beds  
13 and seventy medium secure beds for such programs as the Office of  
14 Juvenile Affairs determines will most appropriately and effectively  
15 provide required services; provided, no more than thirty-two beds  
16 shall be used for any one type of program. It is the intent of the  
17 Legislature that the Office of Juvenile Affairs ~~locate~~ locates an  
18 existing facility that can be remodeled and used for this purpose.

19 C. Beginning July 1, 1998, detention beds constructed and  
20 operated by a county solely through revenues from county sources  
21 shall be exempt from the provisions of the State Plan for the  
22 Establishment of Juvenile Detention Services adopted pursuant to  
23 subsection D of Section 2-3-103 of this title.  
24

1        D. The Board of Juvenile Affairs shall promulgate rules to  
2 implement the provisions of this act.

3        SECTION 4. This act shall become effective November 1, 2016.

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5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
6 03/31/2016 - DO PASS.  
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