

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

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

4 COMMITTEE SUBSTITUTE  
5 FOR ENGROSSED  
6 SENATE BILL NO. 1381

By: Dahm of the Senate

and

Hall of the House

7  
8  
9  
10                                   COMMITTEE SUBSTITUTE

11                   An Act relating to agency director qualifications;  
12                   amending 10A O.S. 2011, Section 2-7-201, as amended  
13                   by Section 1, Chapter 246, O.S.L. 2012 (10A O.S.  
14                   Supp. 2015, Section 2-7-201), which relates to the  
15                   Executive Director of the Office of Juvenile Affairs;  
16                   amending 57 O.S. 2011, Section 506, as amended by  
17                   Section 1, Chapter 267, O.S.L. 2012 (57 O.S. Supp.  
18                   2015, Section 506), which relates to the Director of  
19                   Corrections; removing certain requirements relating  
20                   to education and experience; and providing an  
21                   effective date.

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

23                   SECTION 1.           AMENDATORY           10A O.S. 2011, Section 2-7-201, as  
24                   amended by Section 1, Chapter 246, O.S.L. 2012 (10A O.S. Supp. 2015,  
                  Section 2-7-201), is amended to read as follows:

1 Section 2-7-201. A. The Board of Juvenile Affairs shall  
2 appoint the Executive Director of the Office of Juvenile Affairs.  
3 The Executive Director shall serve at the pleasure of the Board.

4 B. The Executive Director of the Office of Juvenile Affairs  
5 shall be qualified for such position by character, ability,  
6 education, training, and successful administrative experience ~~in the~~  
7 ~~corrections or juvenile justice field~~; shall have earned a master's  
8 degree or other advanced degree from an accredited college or  
9 university with a major field of study in at least one of the  
10 following: Corrections, juvenile justice, juvenile delinquency,  
11 criminal justice, law, police science, criminology, psychology,  
12 sociology, administration, education, or a related social science,  
13 ~~and three (3) years' work experience in corrections or juvenile~~  
14 ~~justice, or a bachelor's degree in the degree areas specified in~~  
15 ~~this subsection and four (4) years' progressively responsible work~~  
16 ~~experience in corrections or juvenile justice.~~

17 C. The Executive Director shall provide for the administration  
18 of the Office of Juvenile Affairs and shall:

19 1. Be the executive officer and supervise the activities of the  
20 Office of Juvenile Affairs;

21 2. Pursuant to legislative authorization employ, discharge,  
22 appoint or contract with, and fix the duties and compensation of  
23 such assistants, attorneys, law enforcement officers, probation  
24 officers, psychologists, social workers, medical professionals,

1 administrative, clerical and technical, investigators, aides and  
2 such other personnel, either on a full-time, part-time, fee or  
3 contractual basis, as in the judgment and discretion of the  
4 Executive Director shall be deemed necessary in the performance or  
5 carrying out of any of the purposes, objectives, responsibilities,  
6 or statutory provisions relating to the Office of Juvenile Affairs,  
7 or to assist the Executive Director of the Office of Juvenile  
8 Affairs in the performance of official duties and functions;

9 3. Establish internal policies and procedures for the proper  
10 and efficient administration of the Office of Juvenile Affairs; and

11 4. Exercise all incidental powers which are necessary and  
12 proper to implement the purposes of the Office of Juvenile Affairs  
13 pursuant to the Oklahoma Juvenile Code.

14 D. The Executive Director shall employ an attorney to be  
15 designated the "General Counsel" who shall be the legal advisor for  
16 the Office of Juvenile Affairs. Except as provided in this  
17 subsection, the General Counsel is authorized to appear for and  
18 represent the Board and Office in any litigation that may arise in  
19 the discharge of the duties of the Board and Office.

20 It shall continue to be the duty of the Attorney General to give  
21 an official opinion to the Executive Director of the Office of  
22 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute  
23 and defend actions therefor, if requested to do so. The Attorney  
24 General may levy and collect costs, expenses of litigation and a

1 reasonable attorney fee for such legal services from the Office.  
2 The Office shall not contract for representation by private legal  
3 counsel unless approved by the Attorney General. Such contract for  
4 private legal counsel shall be in the best interests of the state.  
5 The Attorney General shall be notified by the Office of Juvenile  
6 Affairs or its counsel of all lawsuits against the Office of  
7 Juvenile Affairs or officers or employees thereof, that seek  
8 injunctive relief which would impose obligations requiring the  
9 expenditure of funds in excess of unencumbered monies in the  
10 agency's appropriations or beyond the current fiscal year. The  
11 Attorney General shall review any such cases and may represent the  
12 interests of the state, if the Attorney General considers it to be  
13 in the best interest of the state to do so, in which case the  
14 Attorney General shall be paid as provided in this subsection.  
15 Representation of multiple defendants in such actions may, at the  
16 discretion of the Attorney General, be divided with counsel for the  
17 Office as necessary to avoid conflicts of interest.

18 E. The Executive Director of the Office of Juvenile Affairs  
19 shall have the authority to commission certified employees within  
20 the Office of Juvenile Affairs as peace officers. The authority of  
21 employees so commissioned shall only include the authority to  
22 investigate crimes committed against the Office or crimes committed  
23 in the course of any program administered by the Office. Employees  
24 so commissioned shall also have the authority to serve and execute

1 process, bench warrants, and other court orders in any judicial or  
2 administrative proceeding in which the agency is a party or  
3 participant. Use and possession of firearms for this purpose only  
4 shall be permitted. To become qualified as peace officers for the  
5 commission, employees shall first obtain a certificate as provided  
6 for in Section 3311 of Title 70 of the Oklahoma Statutes.

7 F. The Executive Director of the Office of Juvenile Affairs,  
8 based upon rules established by the Board of Juvenile Affairs, shall  
9 have the authority to appoint and commission campus police for  
10 secure juvenile facilities and their adjacent grounds under the  
11 jurisdiction of the Office of Juvenile Affairs in the same manner  
12 and with the same powers as campus police appointed by governing  
13 boards of state institutions for higher education under the  
14 provisions of Section 360.15 et seq. of Title 74 of the Oklahoma  
15 Statutes.

16 G. In the event of the Executive Director's temporary absence,  
17 the Executive Director may delegate the exercise of such powers and  
18 duties to a designee during the Executive Director's absence. In  
19 the event of a vacancy in the position of Executive Director, the  
20 Board of Juvenile Affairs shall appoint a new Executive Director.  
21 The Board may designate an interim or acting Executive Director who  
22 is authorized to exercise such powers and duties until a permanent  
23 Executive Director is employed.

24

1 SECTION 2. AMENDATORY 57 O.S. 2011, Section 506, as  
2 amended by Section 1, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2015,  
3 Section 506), is amended to read as follows:

4 Section 506. There is hereby created the position of Director  
5 of Corrections. The Director shall be qualified for such position  
6 by character, knowledge, skill, ability, education, training and  
7 successful administrative experience ~~in the correctional field;~~ and  
8 shall have ~~earned a Master's Degree from an accredited college or~~  
9 ~~university and five (5) years of professional level work experience~~  
10 ~~in corrections, or a bachelor's degree and six (6) years of~~  
11 ~~professional level work experience in corrections.~~ The Director of  
12 Corrections shall be appointed by the Board of Corrections, with the  
13 advice and consent of the Senate and shall be subject to removal by  
14 a vote of the majority of the entire Board or in the manner provided  
15 by law for the removal of officers not subject to impeachment.

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

17  
18 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY  
19 SERVICES, dated 04/05/2016 - DO PASS, As Amended.  
20  
21  
22  
23  
24