

1 **SENATE FLOOR VERSION**

2 February 18, 2016

3 SENATE BILL NO. 1381

By: Dahm of the Senate

4 and

5 Hall of the House

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

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

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

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

B. The Executive Director of the Office of Juvenile Affairs
shall be qualified for such position by character, ability,

1 education, training, and successful administrative experience ~~in the~~
2 ~~corrections or juvenile justice field~~; shall have earned a master's
3 degree or other advanced degree from an accredited college or
4 university with a major field of study in at least one of the
5 following: Corrections, juvenile justice, juvenile delinquency,
6 criminal justice, law, police science, criminology, psychology,
7 sociology, administration, education, or a related social science,
8 ~~and three (3) years' work experience in corrections or juvenile~~
9 ~~justice, or a bachelor's degree in the degree areas specified in~~
10 ~~this subsection and four (4) years' progressively responsible work~~
11 ~~experience in corrections or juvenile justice.~~

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

14 1. Be the executive officer and supervise the activities of the
15 Office of Juvenile Affairs;

16 2. Pursuant to legislative authorization employ, discharge,
17 appoint or contract with, and fix the duties and compensation of
18 such assistants, attorneys, law enforcement officers, probation
19 officers, psychologists, social workers, medical professionals,
20 administrative, clerical and technical, investigators, aides and
21 such other personnel, either on a full-time, part-time, fee or
22 contractual basis, as in the judgment and discretion of the
23 Executive Director shall be deemed necessary in the performance or
24 carrying out of any of the purposes, objectives, responsibilities,

1 or statutory provisions relating to the Office of Juvenile Affairs,
2 or to assist the Executive Director of the Office of Juvenile
3 Affairs in the performance of official duties and functions;

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

6 4. Exercise all incidental powers which are necessary and
7 proper to implement the purposes of the Office of Juvenile Affairs
8 pursuant to the Oklahoma Juvenile Code.

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

15 It shall continue to be the duty of the Attorney General to give
16 an official opinion to the Executive Director of the Office of
17 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute
18 and defend actions therefor, if requested to do so. The Attorney
19 General may levy and collect costs, expenses of litigation and a
20 reasonable attorney fee for such legal services from the Office.
21 The Office shall not contract for representation by private legal
22 counsel unless approved by the Attorney General. Such contract for
23 private legal counsel shall be in the best interests of the state.
24 The Attorney General shall be notified by the Office of Juvenile

1 Affairs or its counsel of all lawsuits against the Office of
2 Juvenile Affairs or officers or employees thereof, that seek
3 injunctive relief which would impose obligations requiring the
4 expenditure of funds in excess of unencumbered monies in the
5 agency's appropriations or beyond the current fiscal year. The
6 Attorney General shall review any such cases and may represent the
7 interests of the state, if the Attorney General considers it to be
8 in the best interest of the state to do so, in which case the
9 Attorney General shall be paid as provided in this subsection.
10 Representation of multiple defendants in such actions may, at the
11 discretion of the Attorney General, be divided with counsel for the
12 Office as necessary to avoid conflicts of interest.

13 E. The Executive Director of the Office of Juvenile Affairs
14 shall have the authority to commission certified employees within
15 the Office of Juvenile Affairs as peace officers. The authority of
16 employees so commissioned shall only include the authority to
17 investigate crimes committed against the Office or crimes committed
18 in the course of any program administered by the Office. Employees
19 so commissioned shall also have the authority to serve and execute
20 process, bench warrants, and other court orders in any judicial or
21 administrative proceeding in which the agency is a party or
22 participant. Use and possession of firearms for this purpose only
23 shall be permitted. To become qualified as peace officers for the

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1 commission, employees shall first obtain a certificate as provided
2 for in Section 3311 of Title 70 of the Oklahoma Statutes.

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

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

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

23 Section 506. There is hereby created the position of Director
24 of Corrections. The Director shall be qualified for such position

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

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

12 COMMITTEE REPORT BY: COMMITTEE ON PUBLIC SAFETY
13 February 18, 2016 - DO PASS
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