

1 ENGROSSED HOUSE
2 BILL NO. 3211

By: Lawson and Munson of the
House

3 and

4 Stanley of the Senate

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7 An Act relating to children; establishing a grievance
8 process for children detained in adult facilities;
9 directing administration by Oklahoma Commission on
10 Children and Youth; requiring notice to certain
11 agencies; requiring facilities to make procedures
available; directing Oklahoma Commission on Children
and Youth to promulgate rules; making grievance
process inapplicable to certain children; providing
for codification; and providing an effective date.

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

15 SECTION 1. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 2-3-105 of Title 10A, unless
17 there is created a duplication in numbering, reads as follows:

18 A. The Oklahoma Commission on Children and Youth shall
19 administer a grievance process to be utilized by children detained
20 in an adult jail, adult lockup, adult detention or other adult
21 facility. The grievance process shall be available to a child at
22 any time prior to or after adjudication or conviction or during his
23 or her incarceration. Grievances may be filed either by the child
24 or by a person responsible for the juvenile's health or welfare as

1 defined by Section 2-1-103 of Title 10A of the Oklahoma Statutes
2 acting on the child's behalf.

3 B. Grievances shall be directed to the Commission's Office of
4 Juvenile System Oversight for investigation, resolution and referral
5 to the appropriate agency if deemed necessary, including, but not
6 limited to, the State Department of Health.

7 1. The Office of Juvenile System Oversight shall have the
8 authority to investigate complaints, including, but not limited to,
9 the following:

- 10 a. placement,
- 11 b. treatment,
- 12 c. psychological services,
- 13 d. social services,
- 14 e. educational services,
- 15 f. recreation,
- 16 g. abuse, neglect or misconduct,
- 17 h. cleanliness and hygiene, and
- 18 i. routine problems with employees, contractors or other
19 incarcerated persons within the facility.

20 2. The Office of Juvenile System Oversight shall notify the
21 Office of Juvenile Affairs compliance monitor or designee when a
22 grievance is received. The Office of Juvenile System Oversight
23 shall notify the Oklahoma Department of Human Services when a
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1 grievance is received regarding a child in the custody of the
2 Oklahoma Department of Human Services.

3 C. Each facility in which children are being held shall:

4 1. Make all grievance policies and procedures available upon
5 request to any member of the public;

6 2. Make grievance policies and procedures readily accessible to
7 any children in the facility; and

8 3. Explain all grievance policies and procedures to every child
9 during his or her intake at the facility.

10 D. The Oklahoma Commission on Children and Youth shall
11 promulgate rules for the purposes of administering this section that
12 are consistent with grievance procedures available to children
13 detained in juvenile detention facilities as promulgated by the
14 Office of Juvenile Affairs.

15 E. The provisions of this section shall not apply to any child
16 housed in a Department of Corrections facility or housed under a
17 contract with the Department of Corrections.

18 SECTION 2. This act shall become effective November 1, 2020.
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1 Passed the House of Representatives the 24th day of February,
2 2020.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2020.

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8 Presiding Officer of the Senate