

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3211

By: Lawson of the House

and

7 **Stanley** of the Senate

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9
10 COMMITTEE SUBSTITUTE

11 An Act relating to children; establishing a grievance
12 process for children detained in adult facilities;
13 directing administration by Oklahoma Commission on
14 Children and Youth; requiring notice to certain
15 agencies; requiring facilities to make procedures
16 available; directing Oklahoma Commission on Children
17 and Youth to promulgate rules; making grievance
18 process inapplicable to certain children; providing
19 for codification; and providing an effective date.

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

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

24 A. The Oklahoma Commission on Children and Youth shall
 administer a grievance process to be utilized by children detained
 in an adult jail, adult lockup, adult detention or other adult

1 facility. The grievance process shall be available to a child at
2 any time prior to or after adjudication or conviction or during his
3 or her incarceration. Grievances may be filed either by the child
4 or by a person responsible for the juvenile's health or welfare as
5 defined by Section 2-1-103 of Title 10A of the Oklahoma Statutes
6 acting on the child's behalf.

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

11 1. The Office of Juvenile System Oversight shall have the
12 authority to investigate complaints, including, but not limited to,
13 the following:

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

1 2. The Office of Juvenile System Oversight shall notify the
2 Office of Juvenile Affairs compliance monitor or designee when a
3 grievance is received. The Office of Juvenile System Oversight
4 shall notify the Oklahoma Department of Human Services when a
5 grievance is received regarding a child in the custody of the
6 Oklahoma Department of Human Services.

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

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

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

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

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

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

22 SECTION 2. This act shall become effective November 1, 2020.

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24 COMMITTEE REPORT BY: COMMITTEE ON CHILDREN, YOUTH AND FAMILY
SERVICES, dated 02/13/2020 - DO PASS, As Amended and Coauthored.