

1 ENGROSSED SENATE
2 BILL NO. 27

By: Stanley of the Senate

3 and

4 Moore of the House

5
6 An Act relating to emergency child placement;
7 amending 10A O.S. 2011, Section 1-7-115, which
8 relates to criminal records check; modifying
9 requirements for criminal records checks in certain
10 emergency placements; and providing an effective
11 date.

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

13 SECTION 1. AMENDATORY 10A O.S. 2011, Section 1-7-115, is
14 amended to read as follows:

15 Section 1-7-115. A. When it is necessary for a child to be
16 removed from the home due to allegations of child abuse or neglect,
17 the Department of Human Services may consider whether another home
18 would be suitable for the child as an emergency placement pending
19 further court proceedings. In determining the suitability of the
20 emergency placement home, the Department may elect to contract or
21 otherwise collaborate with ~~local~~ law enforcement agencies to perform
22 a name-based state and federal criminal history records check
23 followed by fingerprint verification in accordance with the
24 procedures set forth in 28 C.F.R., Section 901 et seq., and this
section.

1 B. When a child is taken into protective custody by a law
2 enforcement officer or when the court places emergency custody of a
3 child with the Department pursuant to the provisions of the Oklahoma
4 Children's Code and an emergency placement for the child is
5 identified, a preliminary Federal Bureau of Investigation Interstate
6 Identification Index name-based check of the records of criminal
7 history of the members of the emergency placement household shall be
8 conducted prior to the placement of the child in the home.

9 1. When a child is in the emergency custody of the Department,
10 the Department or its approved designee may conduct a preliminary
11 name-based check of certain records, including full orders of
12 protection and outstanding warrants, of each person over the age of
13 eighteen (18) years residing in the identified potential emergency
14 placement home where the child may be placed to determine whether
15 any adult member of the household has been arrested for or convicted
16 of any crime.

17 2. When the child is in protective custody of law enforcement
18 or when requested by the Department or its approved designee, a
19 ~~local~~ law enforcement agency shall immediately conduct the same type
20 of criminal records search as described in paragraph 1 of this
21 subsection and shall provide the Department with a verbal response
22 of each person's criminal history and whether any orders of
23 protection or outstanding warrants exist.

1 C. 1. Following a name-based criminal records check conducted
2 pursuant to this section, and within five (5) business days
3 immediately after the child has entered the emergency placement
4 home, all persons residing in the home who are over the age of
5 eighteen (18) years and those persons who are under the age of
6 eighteen (18) years and have been certified as an adult for the
7 commission of a crime, shall submit a full set of fingerprints to
8 the Department and provide written permission authorizing the
9 Department to forward the fingerprints to the Oklahoma State Bureau
10 of Investigation for submission to the Federal Bureau of
11 Investigation for criminal records report.

12 2. The Department shall forward the fingerprints to the
13 Oklahoma State Bureau of Investigation within fifteen (15) calendar
14 days after the results of the preliminary Federal Bureau of
15 Investigation Interstate Identification Index name-based records
16 check are received. The failure of any person to submit to a ~~name-~~
17 ~~based~~ fingerprint-based criminal records check within five (5)
18 business days immediately after emergency placement of the child
19 shall result in the immediate removal of the child from the
20 emergency placement home.

21 D. The costs associated with fingerprinting requirements of
22 this section shall be paid by the Department.

23 SECTION 2. This act shall become effective November 1, 2021.
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1 Passed the Senate the 1st day of March, 2021.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the ____ day of _____,
6 2021.

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8 _____
9 Presiding Officer of the House
10 of Representatives