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AS AMENDED

By: Kendrix of the House

Howard of the Senate

[children - modifying who shall provide
transportation - effective date]

SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-3-103, is amended to read as follows:

Section 2-3-103. A. Provision shall be made for the temporary detention of children in a juvenile detention facility or the court may arrange for the care and custody of such children temporarily in private homes, subject to the supervision of the court, or the court may provide shelter or may enter into a contract with any institution or agency to receive, for temporary care and custody, children within the jurisdiction of the court. The Office of Juvenile Affairs shall not be ordered to provide detention unless said Office has designated and is operating detention services or facilities.

1 B. County sheriffs of the arresting agency, their designee, any
2 peace officer, private contractors under contract with the Office of
3 Juvenile Affairs for transportation services, or juvenile court
4 officers shall provide for the transportation of juveniles to and
5 from secure detention for purposes of admission, interfacility
6 transfer, discharge, medical or dental attention, court appearance,
7 or placement designated by the Office. No private contract for
8 transportation services shall be entered into by the Office unless
9 the private contractor demonstrates to the satisfaction of the
10 Office that such contractor is able to obtain insurance or provide
11 self-insurance to indemnify the Office against possible lawsuits and
12 meets the requirements of subparagraphs a, b and d of paragraph 4 of
13 subsection C of this section. The Office of Juvenile Affairs shall
14 not be ordered to provide transportation for a juvenile who is
15 detained in or is destined for secure detention. The Office of
16 Juvenile Affairs shall provide reimbursement to the entity
17 transporting juveniles for necessary and actual expenses for
18 transporting juveniles who are detained in or destined for a secure
19 detention center as follows:

20 1. A fee for the cost of personal services at the rate of
21 ~~Twelve Dollars (\$12.00)~~ Seventeen Dollars (\$17.00) per hour;

22 2. Mileage reimbursement for each mile actually traveled at the
23 rate established in the State Travel Reimbursement Act;

1 3. Meals for transporting personnel, not to exceed ~~Six Dollars~~

2 ~~(\$6.00)~~ Ten Dollars (\$10.00) per meal; and

3 4. Meals for juveniles being transported, not to exceed ~~Six~~

4 ~~Dollars (\$6.00)~~ Ten Dollars (\$10.00) per meal.

5 The Office of Juvenile Affairs shall process and mail
6 reimbursement claims within sixty (60) days of receipt. Payments
7 for services provided by a county sheriff's office shall be paid to
8 the county and deposited in the service fee account of the sheriff.

9 C. 1. All juvenile detention facilities shall be certified by
10 the Office of Juvenile Affairs. To be certified, a juvenile
11 detention facility shall be required to meet standards for
12 certification promulgated by the Board of Juvenile Affairs.

13 2. The board of county commissioners of every county shall
14 provide for the temporary detention of a child who is or who may be
15 subject to secure detention and may construct a building or rent
16 space for such purpose. The boards of county commissioners shall
17 provide for temporary detention services and facilities in
18 accordance with the provisions of the State Plan for the
19 Establishment of Juvenile Detention Services adopted pursuant to
20 subsection D of this section and in accordance with subsections A
21 and C of Section 2-7-608 of this title. The boards of county
22 commissioners are hereby authorized to create multicounty trust
23 authorities for the purpose of operating juvenile detention
24 facilities.

1 3. In order to operate the juvenile detention facilities
2 designated in the State Plan for the Establishment of Juvenile
3 Detention Services and in subsections A and C of Section 2-7-608 of
4 this title, the boards of county commissioners in the designated
5 host counties shall:

6 a. operate the juvenile detention facility through a
7 statutorily constituted juvenile bureau subject to the
8 supervision of the district court, or

9 b. operate the juvenile detention facility by employing a
10 manager who may employ personnel and incur other
11 expenses as may be necessary for its operation and
12 maintenance, or

13 c. contract with a public agency, private agency,
14 federally recognized tribe, or single or multi-county
15 trust authority for the operation of the juvenile
16 detention facility. In the event any board of county
17 commissioners contracts with a public or private
18 agency or a federally recognized tribe, pursuant to
19 the provisions of this section, the Office is
20 authorized to directly contract with and pay such
21 public or private agency or federally recognized tribe
22 for provision of detention services. Any contract
23 with a federally recognized tribe shall become
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1 effective upon approval by the board of county
2 commissioners.

3 4. Management contracts for privately operated detention
4 facilities shall be negotiated with the firm found most qualified by
5 the board of county commissioners. However, no private management
6 contract shall be entered into by the board unless the private
7 contractor demonstrates to the satisfaction of the board:

8 a. that the contractor has the qualifications,
9 experience, and personnel necessary to implement the
10 terms of the contract,

11 b. that the financial condition of the contractor is such
12 that the term of the contract can be fulfilled,

13 c. that the ability of the contractor to obtain insurance
14 or provide self-insurance to indemnify the county
15 against possible lawsuits and to compensate the county
16 for any property damage or expenses incurred due to
17 the private operation of the juvenile detention
18 facility, and

19 d. that the contractor has the ability to comply with
20 applicable court orders and rules of the Office of
21 Juvenile Affairs.

22 5. All counties to be served by a secure juvenile detention
23 facility may, upon the opening of such facility, contract with the
24 operators for the use of the facility for the temporary detention of

1 children who are subject to secure detention; provided, however, a
2 jail, adult lockup, or other adult detention facility may be used
3 for the secure detention of a child as provided for in Section 2-3-
4 101 of this title.

5 6. Expenses incurred in carrying out the provisions of this
6 section shall be paid from the general fund of the county or from
7 other public funds lawfully appropriated for such purposes or from
8 private funds that are available for such purposes. A county may
9 also issue bonds for the construction of detention facilities.

10 7. The operation of a juvenile detention facility by a county
11 shall constitute a quasi-judicial function and is also hereby
12 declared to be a function of the State of Oklahoma for purposes of
13 the Eleventh Amendment to the United States Constitution. In
14 addition, no contract authorized by the provisions of this section
15 for the providing of transportation services or for the operation of
16 a juvenile detention facility shall be awarded until the contractor
17 demonstrates to the satisfaction of the county that the contractor
18 has obtained liability insurance with the limits specified by The
19 Governmental Tort Claims Act against lawsuits arising from the
20 operation of the juvenile detention facility by the contractor, or
21 if the contract is for the providing of transportation services, the
22 contractor has obtained liability insurance with the limits
23 specified by The Governmental Tort Claims Act against lawsuits
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1 arising from the transportation of juveniles as authorized by
2 subsection A of this section.

3 D. The Board of Juvenile Affairs, from monies appropriated for
4 that purpose, shall develop, adopt, and implement a plan for secure
5 juvenile detention services and alternatives to secure detention, to
6 be known as the State Plan for the Establishment of Juvenile
7 Detention Services, which shall provide for the establishment of
8 juvenile detention facilities and services with due regard for
9 appropriate geographical distribution and existing juvenile
10 detention programs operated by statutorily constituted juvenile
11 bureaus. Said plan may be amended or modified by the Board as
12 necessary and appropriate. Until said plan is adopted by the Board,
13 the plan adopted by the Commission for Human Services shall remain
14 in effect.

15 1. The Board of Juvenile Affairs shall establish procedures for
16 the letting of contracts or grants, including grants to existing
17 juvenile detention programs operated by statutorily constituted
18 juvenile bureaus, and the conditions and requirements for the
19 receipt of said grants or contracts for juvenile detention services
20 and facilities as provided in this section and Section 2-7-401 of
21 this title. A copy of such procedures shall be made available to
22 any member of the general public upon request. All such grants or
23 contracts shall require the participation of local resources in the
24 funding of juvenile detention facilities. A contract for services

1 shall be based upon a formula approved by the Board which shall set
2 the contract amount in accordance with the services offered and the
3 degree of compliance with standards for certification.

4 2. The Board of Juvenile Affairs shall establish standards for
5 the certification of detention services and juvenile detention
6 facilities. Such standards may include, but not be limited to:
7 screening for detention; education and recreation opportunities for
8 juveniles in secure detention; and accreditation by the American
9 Correctional Association. As a condition of continuing eligibility
10 for grants or contracts, secure juvenile detention services and
11 facilities shall be certified by the Board within two (2) years of
12 the date of the initial grant or contract.

13 E. The State Department of Health, with the assistance of the
14 Office of Juvenile Affairs, shall establish standards for the
15 certification of jails, adult lockups, and adult detention
16 facilities used to detain juveniles. Such standards shall include
17 but not be limited to: separation of juveniles from adults;
18 supervision of juveniles; and health and safety measures for
19 juveniles. The Department of Health is authorized to inspect any
20 jail, adult lockup, or adult detention facility for the purpose of
21 determining compliance with such standards. No jail, adult lockup,
22 or other adult detention facility shall be used to detain juveniles
23 unless such jail, adult lockup, or other adult detention facility
24 complies with the standards established by the Department of Health

1 and is designated as a place for the detention of juveniles by the
2 judge having juvenile docket responsibility in the county from a
3 list of eligible facilities supplied by the Department of Health.

4 The development and approval of the standards provided for in
5 this paragraph shall comply with the provisions of the
6 Administrative Procedures Act.

7 F. The State Board of Health shall promulgate rules providing
8 for the routine recording and reporting of the use of any adult
9 jail, lockup or other adult facility for the detention of any person
10 under the age of eighteen (18).

11 1. For the purpose of ensuring the uniformity and compatibility
12 of information related to the detention of persons under age
13 eighteen (18), said rules shall be reviewed and approved by the
14 Oklahoma Commission on Children and Youth prior to their adoption by
15 the Board; and

16 2. Records of detention shall be reviewed during each routine
17 inspection of adult jails, lockups or other adult detention
18 facilities inspected by the State Department of Health and a
19 statistical report of said detentions shall be submitted to the
20 Office of Juvenile Affairs at least every six (6) months in a form
21 approved by the Board of Juvenile Affairs.

22 SECTION 2. This act shall become effective November 1, 2022.

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 April 5, 2022 - DO PASS AS AMENDED