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February 23, 2021

COMMITTEE SUBSTITUTE
FOR

SENATE BILL NO. 27

By: Stanley of the Senate

and

Moore of the House

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

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

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

Section 1-7-115. A. When it is necessary for a child to be removed from the home due to allegations of child abuse or neglect, the Department of Human Services may consider whether another home would be suitable for the child as an emergency placement pending further court proceedings. In determining the suitability of the emergency placement home, the Department may elect to contract or otherwise collaborate with ~~local~~ law enforcement agencies to perform a name-based state and federal criminal history records check

1 followed by fingerprint verification in accordance with the
2 procedures set forth in 28 C.F.R., Section 901 et seq., and this
3 section.

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

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

20 2. When the child is in protective custody of law enforcement
21 or when requested by the Department or its approved designee, a
22 ~~local~~ law enforcement agency shall immediately conduct the same type
23 of criminal records search as described in paragraph 1 of this
24 subsection and shall provide the Department with a verbal response

1 of each person's criminal history and whether any orders of
2 protection or outstanding warrants exist.

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

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

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

SECTION 2. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
February 23, 2021 - DO PASS AS AMENDED