

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

POLICY COMMITTEE

RECOMMENDATION

FOR

HOUSE BILL NO. 1480

By: West (Tammy)

POLICY COMMITTEE RECOMMENDATION

An Act relating to children; defining term; directing the court to determine ability to pay; providing that the ability to pay shall not impact disposition; providing that certain persons shall be relieved of debt if certain determination is made; providing factors court shall consider; providing factors court shall not consider; providing for presumption of inability to pay; directing court to inform certain persons of certain information; directing the court to provide cost hearing in certain situation; directing that percentage reduction apply to all financial obligations; directing court clerk to review cases; directing court clerk to notify court and set certain hearing in certain situation; directing court clerk to issue summons; providing information the summons shall contain; amending 10A O.S. 2021, Sections 2-3-101 and 2-3-103, as amended by Section 1, Chapter 242, O.S.L. 2022 (10A O.S. Supp. 2024, Section 2-3-103), which relate to the Oklahoma Juvenile Code; providing that youth shall not be responsible for detention costs; providing that no order shall be made requiring certain persons to pay expenses; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 2-3-206 of Title 10A, unless
3 there is created a duplication in numbering, reads as follows:

4 A. For purposes of this section, fines, costs, fees, and
5 assessments shall include all financial obligations imposed by the
6 court or required by law to be paid, excluding restitution or
7 payments to be made other than to the court clerk, and shall be
8 referred to as financial obligations.

9 B. 1. When an order of disposition, imposes court financial
10 obligations, as defined by subsection A of this section, upon a
11 child, the parents, guardian, custodian, or responsible relative,
12 the court at the time of disposition may immediately, or at any
13 point thereafter until the debt is either paid or waived, determine
14 the ability of a child, the parents, guardian, custodian, or
15 responsible relative, to pay the court financial obligations. The
16 court may make such determinations at a cost hearing or upon written
17 motion or affidavit by the child, the parents, guardian, custodian,
18 or responsible relative. The ability of the child, the parents,
19 guardian, custodian, or responsible relative to pay court financial
20 obligations may not impact the disposition.

21 2. A child, the parents, guardian, custodian, or responsible
22 relative with court financial obligations who are found by the court
23 to be unable to pay, in whole or in part, shall be relieved of the
24

1 debt by the court through a hardship waiver of the court financial
2 obligations, either in whole or in part.

3 3. In determining the ability of a child, the parents,
4 guardian, custodian, or responsible relative to pay, the court shall
5 consider the following factors:

- 6 a. individual and household income,
- 7 b. household living expenses,
- 8 c. number of dependents,
- 9 d. assets,
- 10 e. child support obligations,
- 11 f. physical or mental health conditions that diminish the
12 ability to generate income or manage resources,
- 13 g. additional case-related expenses to be paid by the
14 child, the parents, guardian, custodian, or
15 responsible relative, and
- 16 h. any other factors relevant to the ability of the
17 child, the parents, guardian, custodian, or
18 responsible relative to pay.

19 4. In determining the ability of a child, the parents,
20 guardian, custodian, or responsible relative to pay, the following
21 shall not be considered as income or assets:

- 22 a. child support income,

1 b. any monies received from a federal, state, or tribal
2 government need-based or disability assistance
3 program, or

4 c. assets exempt from bankruptcy.

5 5. A child, the parents, guardian, custodian, or responsible
6 relative in the following circumstances are presumed unable to pay
7 and the court financial obligations shall be waived:

8 a. designated as totally disabled by any federal, state,
9 or tribal disability services program including, but
10 not limited to, military disability, Social Security
11 Disability Insurance, Supplemental Security Income, or
12 tribal disability benefits,

13 b. receives support from the Temporary Assistance for
14 Needy Families program, Supplemental Nutrition
15 Assistance Program, the Special Supplemental Nutrition
16 Program for Women, Infants, and Children nutrition
17 education and supplemental food program, or any other
18 federal need-based financial support,

19 c. receives subsidized housing support through the
20 Housing Choice Voucher program, the United States
21 Department of Housing and Urban Development, or other
22 state, local, or federal government housing subsidy
23 program, or

d. total income is below one hundred fifty percent (150%)
of the federal poverty level.

C. 1. At the time of a plea or disposition, the court shall inform the child, the parents, guardian, custodian, or responsible relative of the total court financial obligations owed, the consequences of failing to pay the court financial obligations, and that the child, the parents, guardian, custodian, or responsible relative may request a cost hearing if at any time he or she is unable to pay the court financial obligations, at which point the court may waive all or part of the debt owed. If the total amount of court financial obligations owed is not available at the time of the plea or disposition, the court shall inform the child, the parents, guardian, custodian, or responsible relative that court financial obligations have been incurred and the time and location where the child, the parents, guardian, custodian, or responsible relative may learn of the total amount owed.

2. The court, including all municipal courts, shall provide a cost hearing for the child, the parents, guardian, custodian, or responsible relative upon request, either by establishing a dedicated docket or on an as-requested basis. A child, the parents, guardian, custodian, or responsible relative who requests a cost hearing will receive a summons by personal service or by United States mail to appear in court as required by subsection D of this section. No fees shall be assessed or collected from the child, the

1 parents, guardian, custodian, or responsible relative as a
2 consequence of either requesting a cost hearing.

3 3. If the court determines that a waiver of any of the court
4 financial obligations is warranted, the court shall apply the same
5 percentage reduction equally to all fines, costs, fees, and
6 assessments, excluding restitution.

7 D. 1. The court clerk shall periodically review cases to
8 determine the cases in which the child, the parents, guardian,
9 custodian, or responsible relative has not made any payment towards
10 court financial obligations within the previous ninety (90) days.

11 2. Upon identifying cases where no payment has been made within
12 the previous ninety (90) days, the clerk shall notify the court
13 which shall, within ten (10) days thereafter, set a cost hearing for
14 the court to determine if the child, the parents, guardian,
15 custodian, or responsible relative is able to pay. The cost hearing
16 shall be set within forty-five (45) days of the issuance of the
17 summons. The hearing shall be set on a date that shall allow the
18 court clerk to issue a summons fourteen (14) days prior to the cost
19 hearing. No additional fee shall be assessed due to the issuance of
20 the summons.

21 3. At least fourteen (14) days prior to the cost hearing, the
22 court clerk shall issue one summons to the child, the parents,
23 guardian, custodian, or responsible relative to be served by United
24 States mail to the mailing address of the child, the parents,

1 guardian, custodian, or responsible relative on file in the case,
2 substantially as follows:

3 SUMMONS

4 You are ORDERED to appear for a COST HEARING at the above
5 specified time, place, and date to determine if you are financially
6 able to pay the fines, costs, fees, or assessments or an installment
7 due in the above cases.

8 YOU MUST BE PRESENT AT THE HEARING.

9 At any time before the date of the cost hearing, you may contact
10 the court clerk and pay the amount due or request in writing or in
11 person prior to the court date, that the hearing be rescheduled for
12 up to thirty (30) days after the scheduled time.

13 You may consult with counsel prior to your hearing, and you may
14 have counsel present at your hearing.

15 4. If the child, the parents, guardian, custodian, or
16 responsible relative fails to appear at the scheduled cost hearing,
17 no warrant shall be issued based upon the nonappearance. However,
18 the court may notify the district attorney of the nonappearance and
19 the district attorney may pursue indirect contempt, pursuant to
20 Section 567 of Title 21 of the Oklahoma Statutes, against the child,
21 the parents, guardian, custodian, or responsible relative based on
22 the nonpayment of the court financial obligations. The alleged
23 contemnor shall appear at the initial appearance or arraignment.
24 Provided, however, that the contemnor shall be released on his or

1 her own recognizance and no cash bond shall be required. During the
2 trial on the contempt, prior determinations regarding the alleged
3 contemnor's ability to pay the court financial obligations shall be
4 reconsidered based on evidence of the contemnor's ability to pay
5 admitted at trial.

6 SECTION 2. AMENDATORY 10A O.S. 2021, Section 2-3-101, is
7 amended to read as follows:

8 Section 2-3-101. A. When a child is taken into custody
9 pursuant to the provisions of the Oklahoma Juvenile Code, the child
10 shall be detained only if it is necessary to assure the appearance
11 of the child in court or for the protection of the child or the
12 public.

13 1. a. No child twelve (12) years of age or younger shall be
14 placed in a juvenile detention facility unless all
15 alternatives have been exhausted and the child is
16 currently charged with a criminal offense that would
17 constitute a felony if committed by an adult and it
18 has been indicated by a risk-assessment screening that
19 the child requires detention. The detention of any
20 child twelve (12) years of age or younger shall be
21 judicially reviewed pursuant to subparagraph c of this
22 paragraph.

23 b. Any child who is thirteen (13) or fourteen (14) years
24 of age may be admitted to a juvenile detention

1 facility only after all alternatives have been
2 exhausted and the child is currently charged with a
3 criminal offense that would constitute a felony if
4 committed by an adult and it has been indicated by a
5 risk-assessment screening that the child requires
6 detention.

7 c. No preadjudicatory or predisposition detention or
8 custody order shall remain in force and effect for
9 more than thirty (30) days. The court, for good and
10 sufficient cause shown, may extend the effective
11 period of such an order for an additional period not
12 to exceed sixty (60) days. If the child is being
13 detained for the commission of a murder, the court
14 may, if it is in the best interests of justice, extend
15 the effective period of such an order an additional
16 sixty (60) days.

17 d. Whenever the court orders a child to be held in a
18 juvenile detention facility, an order for secure
19 detention shall remain in force and effect for not
20 more than fifteen (15) days after such order. Upon an
21 application of the district attorney and after a
22 hearing on such application, the court, for good and
23 sufficient cause shown, may extend the effective
24 period of such an order for an additional period not

1 to exceed fifteen (15) days after such hearing. The
2 total period of preadjudicatory or predisposition
3 shall not exceed the ninety-day limitation as
4 specified in subparagraph a of this paragraph. The
5 child shall be present at the hearing on the
6 application for extension unless, as authorized and
7 approved by the court, the attorney for the child is
8 present at the hearing and the child is available to
9 participate in the hearing via telephone conference
10 communication. For the purpose of this paragraph,
11 "telephone conference communication" means use of a
12 telephone device that allows all parties, including
13 the child, to hear and be heard by the other parties
14 at the hearing. After the hearing, the court may
15 order continued detention in a juvenile detention
16 center, may order the child detained in an alternative
17 to secure detention or may order the release of the
18 child from detention.

19 e. No detained youth, previously detained youth, or
20 parent or guardian of youth shall be responsible for
21 detention costs.

22 2. No child alleged or adjudicated to be deprived or in need of
23 supervision or who is or appears to be a minor in need of treatment
24 as defined by the Inpatient Mental Health and Substance Abuse

1 Treatment of Minors Act, shall be confined in any jail, adult
2 lockup, or adult detention facility. No child shall be transported
3 or detained in association with criminal, vicious, or dissolute
4 persons.

5 3. Except as otherwise authorized by this section a child who
6 has been taken into custody as a deprived child, a child in need of
7 supervision, or who appears to be a minor in need of treatment, may
8 not be placed in any detention facility pending court proceedings,
9 but must be placed in shelter care or foster care or, with regard to
10 a child who appears to be a minor in need of treatment, a behavioral
11 health treatment facility in accordance with the provisions of the
12 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,
13 or released to the custody of the parents of the child or some other
14 responsible party. Provided, this shall not preclude runaway
15 juveniles from other states, with or without delinquent status, to
16 be held in a detention facility in accordance with the Interstate
17 Compact for Juveniles in Sections 2-9-101 through 2-9-116 of this
18 title and rules promulgated by the Interstate Commission.

19 B. No child shall be placed in secure detention unless:

20 1. The child is an escapee from any delinquent placement;

21 2. The child is a fugitive from another jurisdiction with a
22 warrant on a delinquency charge or confirmation of delinquency
23 charges by the home jurisdiction;

1 3. The child is seriously assaultive or destructive towards
2 others or self;

3 4. The child is currently charged with any criminal offense
4 that would constitute a felony if committed by an adult or a
5 misdemeanor and:

6 a. is on probation or parole on a prior delinquent
7 offense,

8 b. is on preadjudicatory community supervision, or

9 c. is currently on release status on a prior delinquent
10 offense;

11 5. The child has willfully failed or there is reason to believe
12 that the child will willfully fail to appear for juvenile court
13 proceedings;

14 6. A warrant for the child has been issued on the basis that:

15 a. the child is absent from court-ordered placement
16 without approval by the court,

17 b. the child is absent from designated placement by the
18 Office of Juvenile Affairs without approval by the
19 Office of Juvenile Affairs,

20 c. there is reason to believe the child will not remain
21 at said placement, or

22 d. the child is subject to an administrative transfer or
23 parole revocation proceeding.
24

1 C. A child who has violated a court order and has had the order
2 revoked or modified pursuant to Section 2-2-503 of this title may be
3 placed into an Office-of-Juvenile-Affairs-designated sanction
4 detention bed or an Office-of-Juvenile-Affairs-approved sanction
5 program.

6 D. Priority shall be given to the use of juvenile detention
7 facilities for the detention of juvenile offenders through
8 provisions requiring the removal from detention of a juvenile with a
9 lower priority status if an empty detention bed is not available at
10 the time of referral of a juvenile with a higher priority status and
11 if the juvenile with a higher priority status would be more of a
12 danger to the public than the juvenile with the lower priority
13 status.

14 E. Juvenile detention facilities shall be the initial placement
15 for all persons under eighteen (18) years of age. No child shall be
16 placed in secure detention in an adult jail, adult lockup, adult
17 detention facility or other adult facility except as provided in
18 this section.

19 1. Any child who is at least fifteen (15) years of age who is
20 charged with murder in the first degree may be detained in an adult
21 jail, adult lockup, adult detention facility or other adult facility
22 only after a hearing in which the child is provided representation
23 and the court makes a written finding that it is in the interest of
24

1 justice that the child be placed in an adult jail, adult lockup,
2 adult detention facility or other adult facility.

3 2. In determining whether it is in the interest of justice that
4 a child who is at least fifteen (15) years of age and who is charged
5 with murder in the first degree be placed in an adult jail, adult
6 lockup, adult detention facility or other adult facility, the court
7 shall consider:

- 8 a. the age of the child,
- 9 b. the physical and mental maturity of the child,
- 10 c. the present mental state of the child, including
11 whether the child presents an imminent risk of harm to
12 the child,
- 13 d. the nature and circumstances of the alleged offense,
- 14 e. the child's history of prior delinquent acts,
- 15 f. the relative ability of the available adult and
16 juvenile detention facilities to not only meet the
17 specific needs of the child but also to protect the
18 safety of the public as well as other detained youth,
19 and
- 20 g. any other relevant factors.

21 3. If a court determines that it is in the interest of justice
22 that the child be placed in an adult jail, adult lockup, adult
23 detention facility or other adult facility:

- 1 a. the court shall hold a hearing not less frequently
2 than once every thirty (30) days, or in the case of a
3 rural jurisdiction, which is any jurisdiction not
4 located in a metropolitan statistical area as defined
5 by the United States Office of Management and Budget,
6 not less frequently than once every forty-five (45)
7 days, to review whether it is still in the interest of
8 justice to permit the juvenile to be so held or have
9 such sight and sound contact, and
- 10 b. the child shall not be held in any adult jail or
11 lockup for adults or be permitted to have sight or
12 sound contact with adult inmates for more than one
13 hundred eighty (180) days, unless the court, in
14 writing, determines there is good cause for an
15 extension or the child expressly waives this
16 limitation.

17 F. When a child is placed in an adult jail, adult lockup, adult
18 detention facility or other adult facility, he or she shall be
19 afforded the following rights and protections in order to address
20 the child's health and safety:

21 1. A copy of the child's most current mental health or suicide
22 screening instrument approved by the Office of Juvenile Affairs
23 shall be provided to the adult jail, adult lockup or adult detention
24 facility at the time of the child's transfer; and

1 2. Adult jails, adult lockups, adult detention facilities or
2 other adult facilities shall process requests for visits and allow
3 approved visitors contact visits with the child within five (5)
4 business days of the request.

5 G. 1. Except as otherwise provided in this section, no child
6 shall be placed in secure detention in an adult jail, adult lockup,
7 adult detention facility or other adult facility unless:

- 8 a. the adult jail, adult lockup or adult detention
9 facility provides sight and sound separation for
10 juveniles, pursuant to standards required by
11 subsection E of Section 2-3-103 of this title, and
12 b. the adult jail, adult lockup or adult detention
13 facility meets the requirements for licensure of
14 juvenile detention facilities, as adopted by the
15 Office of Juvenile Affairs, is appropriately licensed,
16 and provides sight and sound separation for juveniles,
17 which includes:

- 18 (1) total separation between juveniles and adult
19 facility spatial areas such that there could be
20 no haphazard or accidental contact between
21 juvenile and adult residents in the respective
22 facilities,
23 (2) total separation in all juvenile and adult
24 program activities within the facilities,

1 including recreation, education, counseling,
2 health care, dining, sleeping and general living
3 activities, and

4 (3) separate juvenile and adult staff, specifically
5 direct care staff such as recreation, education
6 and counseling.

7 Specialized services staff, such as cooks,
8 bookkeepers, and medical professionals who are not
9 normally in contact with detainees or whose infrequent
10 contacts occur under conditions of separation of
11 juveniles and adults can serve both.

12 2. Nothing in this section shall preclude a child who is
13 detained for the commission of a crime that would constitute a
14 felony if committed by an adult, or a child who is an escapee from a
15 juvenile secure facility or from an Office of Juvenile Affairs group
16 home from being held in any jail certified by the State Department
17 of Health, police station or similar law enforcement offices for up
18 to six (6) hours for purposes of identification, processing or
19 arranging for transfer to a secure detention or alternative to
20 secure detention. Such holding shall be limited to the absolute
21 minimum time necessary to complete these actions.

22 a. The time limitations for holding a child in a jail for
23 the purposes of identification, processing or
24 arranging transfer established by this section shall

1 not include the actual travel time required for
2 transporting a child from a jail to a juvenile
3 detention facility or alternative to secure detention.

4 b. Whenever the time limitations established by this
5 subsection are exceeded, this circumstance shall not
6 constitute a defense in a subsequent delinquency or
7 criminal proceeding.

8 3. Nothing in this section shall preclude detaining in a county
9 jail or other adult detention facility an eighteen-year-old charged
10 in a juvenile petition for whom certification to stand trial as an
11 adult is prayed. However, if no certification motion is filed, the
12 eighteen-year-old may remain in a juvenile detention facility as
13 long as secure detention is required.

14 4. Nothing in this section shall preclude detaining in a county
15 jail or other adult detention facility a person provided for in
16 Section 2-3-102 of this title if written or electronically
17 transmitted confirmation is received from the state seeking return
18 of the individual that the person is a person provided for in
19 Section 2-3-102 of this title and if, during the time of detention,
20 the person is detained in a facility meeting the requirements of
21 Section 2-3-103 of this title.

22 5. Nothing in this section shall preclude detaining a person,
23 whose age is not immediately ascertainable and who is being detained
24 for the commission of a felony, in a jail certified by the State

1 Department of Health, a police station or similar law enforcement
2 office for up to twenty-four (24) hours for the purpose of
3 determining whether or not the person is a child, if:

4 a. there is a reasonable belief that the person is
5 eighteen (18) years of age or older,

6 b. there is a reasonable belief that a felony has been
7 committed by the person,

8 c. a court order for such detention is obtained from a
9 judge of the district court within six (6) hours of
10 initially detaining the person,

11 d. there is no juvenile detention facility that has space
12 available for the person and that is within thirty
13 (30) miles of the jail, police station, or law
14 enforcement office in which the person is to be
15 detained, and

16 e. during the time of detention the person is detained in
17 a facility meeting the requirements of subparagraph b
18 of paragraph 1 of this subsection.

19 The time limitation provided for in this paragraph shall include the
20 time the person is detained prior to the issuance of the court
21 order.

22 The time limitation provided for in this paragraph shall not include
23 the actual travel time required for transporting the person to the
24 jail, police station, or similar law enforcement office. If the

1 time limitation established by this paragraph is exceeded, this
2 circumstance shall not constitute a defense in any subsequent
3 delinquency or criminal proceeding.

4 H. Nothing contained in this section shall in any way reduce or
5 eliminate the liability of a county as otherwise provided by law for
6 injury or damages resulting from the placement of a child in an
7 adult jail, adult lockup, adult detention facility or other adult
8 facility.

9 I. Any juvenile detention facility shall be available for use
10 by any eligible Indian child as that term is defined by the Oklahoma
11 Indian Child Welfare Act, providing that the use of the juvenile
12 detention facility meets the requirements of the Oklahoma Juvenile
13 Code. The Indian tribe may contract with any juvenile detention
14 facility for the providing of detention services.

15 J. Each member of the staff of a juvenile detention facility
16 shall satisfactorily complete a training program provided or
17 approved by the Office of Juvenile Affairs.

18 K. Whenever a juvenile is placed in any adult jail, adult
19 lockup, adult detention facility or other adult facility, the Office
20 of Juvenile Affairs shall have access to all facilities which detain
21 such juveniles and shall have access to any data regarding such
22 juveniles. The Office of Juvenile Affairs shall have access to all
23 adult jails, adult lockups, adult detention facilities or other
24 adult facilities in this state, including all data maintained by

1 such facilities, to assure compliance with this section. The Board
2 of Juvenile Affairs shall promulgate rules as necessary to implement
3 the provisions of this section.

4 SECTION 3. AMENDATORY 10A O.S. 2021, Section 2-3-103, as
5 amended by Section 1, Chapter 242, O.S.L. 2022 (10A O.S. Supp. 2024,
6 Section 2-3-103), is amended to read as follows:

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

17 B. County sheriffs of the arresting agency, their designee, any
18 peace officer, private contractors under contract with the Office of
19 Juvenile Affairs for transportation services, or juvenile court
20 officers shall provide for the transportation of juveniles to and
21 from secure detention for purposes of admission, interfacility
22 transfer, discharge, medical or dental attention, court appearance,
23 or placement designated by the Office. No private contract for
24 transportation services shall be entered into by the Office unless

1 the private contractor demonstrates to the satisfaction of the
2 Office that such contractor is able to obtain insurance or provide
3 self-insurance to indemnify the Office against possible lawsuits and
4 meets the requirements of subparagraphs a, b and d of paragraph 4 of
5 subsection C of this section. The Office of Juvenile Affairs shall
6 not be ordered to provide transportation for a juvenile who is
7 detained in or is destined for secure detention. The Office of
8 Juvenile Affairs shall provide reimbursement to the entity
9 transporting juveniles for necessary and actual expenses for
10 transporting juveniles who are detained in or destined for a secure
11 detention center as follows:

12 1. A fee for the cost of personal services at the rate of
13 Seventeen Dollars (\$17.00) per hour;

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

16 3. Meals for transporting personnel, not to exceed Ten Dollars
17 (\$10.00) per meal; and

18 4. Meals for juveniles being transported, not to exceed Ten
19 Dollars (\$10.00) per meal.

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

24

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

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

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

- 22 a. operate the juvenile detention facility through a
23 statutorily constituted juvenile bureau subject to the
24 supervision of the district court, or

1 b. operate the juvenile detention facility by employing a
2 manager who may employ personnel and incur other
3 expenses as may be necessary for its operation and
4 maintenance, or

5 c. contract with a public agency, private agency,
6 federally recognized tribe, or single or multi-county
7 trust authority for the operation of the juvenile
8 detention facility. In the event any board of county
9 commissioners contracts with a public or private
10 agency or a federally recognized tribe, pursuant to
11 the provisions of this section, the Office is
12 authorized to directly contract with and pay such
13 public or private agency or federally recognized tribe
14 for provision of detention services. Any contract
15 with a federally recognized tribe shall become
16 effective upon approval by the board of county
17 commissioners.

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

- a. that the contractor has the qualifications, experience, and personnel necessary to implement the terms of the contract,
- b. that the financial condition of the contractor is such that the term of the contract can be fulfilled,
- c. that the ability of the contractor to obtain insurance or provide self-insurance to indemnify the county against possible lawsuits and to compensate the county for any property damage or expenses incurred due to the private operation of the juvenile detention facility, and
- d. that the contractor has the ability to comply with applicable court orders and rules of the Office of Juvenile Affairs.

5. All counties to be served by a secure juvenile detention facility may, upon the opening of such facility, contract with the operators for the use of the facility for the temporary detention of children who are subject to secure detention; provided, however, a jail, adult lockup, or other adult detention facility may be used for the secure detention of a child as provided for in Section 2-3-101 of this title.

6. Expenses incurred in carrying out the provisions of this section shall be paid from the general fund of the county or from other public funds lawfully appropriated for such purposes or from

1 private funds that are available for such purposes. No order shall
2 be made for detained, or previously detained, youth, parents, or
3 guardian of the youth to pay the expenses incurred. A county may
4 also issue bonds for the construction of detention facilities.

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

21 D. The Board of Juvenile Affairs, from monies appropriated for
22 that purpose, shall develop, adopt, and implement a plan for secure
23 juvenile detention services and alternatives to secure detention, to
24 be known as the State Plan for the Establishment of Juvenile

1 Detention Services, which shall provide for the establishment of
2 juvenile detention facilities and services with due regard for
3 appropriate geographical distribution and existing juvenile
4 detention programs operated by statutorily constituted juvenile
5 bureaus. Said plan may be amended or modified by the Board as
6 necessary and appropriate. Until said plan is adopted by the Board,
7 the plan adopted by the Commission for Human Services shall remain
8 in effect.

9 1. The Board of Juvenile Affairs shall establish procedures for
10 the letting of contracts or grants, including grants to existing
11 juvenile detention programs operated by statutorily constituted
12 juvenile bureaus, and the conditions and requirements for the
13 receipt of said grants or contracts for juvenile detention services
14 and facilities as provided in this section and Section 2-7-401 of
15 this title. A copy of such procedures shall be made available to
16 any member of the general public upon request. All such grants or
17 contracts shall require the participation of local resources in the
18 funding of juvenile detention facilities. A contract for services
19 shall be based upon a formula approved by the Board which shall set
20 the contract amount in accordance with the services offered and the
21 degree of compliance with standards for certification.

22 2. The Board of Juvenile Affairs shall establish standards for
23 the certification of detention services and juvenile detention
24 facilities. Such standards may include, but not be limited to:

1 screening for detention; education and recreation opportunities for
2 juveniles in secure detention; and accreditation by the American
3 Correctional Association. As a condition of continuing eligibility
4 for grants or contracts, secure juvenile detention services and
5 facilities shall be certified by the Board within two (2) years of
6 the date of the initial grant or contract.

7 E. The State Department of Health, with the assistance of the
8 Office of Juvenile Affairs, shall establish standards for the
9 certification of jails, adult lockups, and adult detention
10 facilities used to detain juveniles. Such standards shall include
11 but not be limited to: separation of juveniles from adults;
12 supervision of juveniles; and health and safety measures for
13 juveniles. The Department of Health is authorized to inspect any
14 jail, adult lockup, or adult detention facility for the purpose of
15 determining compliance with such standards. No jail, adult lockup,
16 or other adult detention facility shall be used to detain juveniles
17 unless such jail, adult lockup, or other adult detention facility
18 complies with the standards established by the Department of Health
19 and is designated as a place for the detention of juveniles by the
20 judge having juvenile docket responsibility in the county from a
21 list of eligible facilities supplied by the Department of Health.

22 The development and approval of the standards provided for in
23 this paragraph shall comply with the provisions of the
24 Administrative Procedures Act.

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

5 1. For the purpose of ensuring the uniformity and compatibility
6 of information related to the detention of persons under age
7 eighteen (18), said rules shall be reviewed and approved by the
8 Oklahoma Commission on Children and Youth prior to their adoption by
9 the Board; and

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

16 SECTION 4. This act shall become effective November 1, 2025.
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