

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 POLICY COMMITTEE
4 RECOMMENDATION

5 FOR

6 HOUSE BILL NO. 3755

7 By: Sterling

8 POLICY COMMITTEE RECOMMENDATION

9 An Act relating to children; amending 10A O.S. 2021,
10 Section 2-3-103, as amended by Section 1, Chapter
11 242, O.S.L. 2022 (10A O.S. Supp. 2025, Section 2-3-
12 103), which relates to temporary detention; requiring
13 the Office of Juvenile Affairs to provide all
14 medication prescribed for juveniles at time of
15 placement; providing temporary exception if
16 medication is not available; directing the Office to
17 provide medication within certain time period; and
18 providing an effective date.

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

20 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-3-103, as
21 amended by Section 1, Chapter 242, O.S.L. 2022 (10A O.S. Supp. 2025,
22 Section 2-3-103), is amended to read as follows:

23 Section 2-3-103. A. Provision shall be made for the temporary
24 detention of children in a juvenile detention facility or the court
may arrange for the care and custody of such children temporarily in

1 private homes, subject to the supervision of the court, or the court
2 may provide shelter or may enter into a contract with any
3 institution or agency to receive, for temporary care and custody,
4 children within the jurisdiction of the court. The Office of
5 Juvenile Affairs shall not be ordered to provide detention unless
6 said Office has designated and is operating detention services or
7 facilities.

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

1 transporting juveniles who are detained in or destined for a secure
2 detention center as follows:

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

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

7 3. Meals for transporting personnel, not to exceed Ten Dollars
8 (\$10.00) per meal; and

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

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

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

19 2. The board of county commissioners of every county shall
20 provide for the temporary detention of a child who is or who may be
21 subject to secure detention and may construct a building or rent
22 space for such purpose. The boards of county commissioners shall
23 provide for temporary detention services and facilities in
24 accordance with the provisions of the State Plan for the

1 Establishment of Juvenile Detention Services adopted pursuant to
2 subsection D of this section and in accordance with subsections A
3 and C of Section 2-7-608 of this title. The boards of county
4 commissioners are hereby authorized to create multicounty trust
5 authorities for the purpose of operating juvenile detention
6 facilities.

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

- 12 a. operate the juvenile detention facility through a
13 statutorily constituted juvenile bureau subject to the
14 supervision of the district court, or
- 15 b. operate the juvenile detention facility by employing a
16 manager who may employ personnel and incur other
17 expenses as may be necessary for its operation and
18 maintenance, or
- 19 c. contract with a public agency, private agency,
20 federally recognized tribe, or single or multi-county
21 trust authority for the operation of the juvenile
22 detention facility. In the event any board of county
23 commissioners contracts with a public or private
24 agency or a federally recognized tribe, pursuant to

1 the provisions of this section, the Office is
2 authorized to directly contract with and pay such
3 public or private agency or federally recognized tribe
4 for provision of detention services. Any contract
5 with a federally recognized tribe shall become
6 effective upon approval by the board of county
7 commissioners.

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

- 13 a. that the contractor has the qualifications,
14 experience, and personnel necessary to implement the
15 terms of the contract,
- 16 b. that the financial condition of the contractor is such
17 that the term of the contract can be fulfilled,
- 18 c. that the ability of the contractor to obtain insurance
19 or provide self-insurance to indemnify the county
20 against possible lawsuits and to compensate the county
21 for any property damage or expenses incurred due to
22 the private operation of the juvenile detention
23 facility, and
24

1 d. that the contractor has the ability to comply with
2 applicable court orders and rules of the Office of
3 Juvenile Affairs.

4 5. All counties to be served by a secure juvenile detention
5 facility may, upon the opening of such facility, contract with the
6 operators for the use of the facility for the temporary detention of
7 children who are subject to secure detention; provided, however, a
8 jail, adult lockup, or other adult detention facility may be used
9 for the secure detention of a child as provided for in Section 2-3-
10 101 of this title.

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

16 7. The operation of a juvenile detention facility by a county
17 shall constitute a quasi-judicial function and is also hereby
18 declared to be a function of the State of Oklahoma for purposes of
19 the Eleventh Amendment to the United States Constitution. In
20 addition, no contract authorized by the provisions of this section
21 for the providing of transportation services or for the operation of
22 a juvenile detention facility shall be awarded until the contractor
23 demonstrates to the satisfaction of the county that the contractor
24 has obtained liability insurance with the limits specified by The

1 Governmental Tort Claims Act against lawsuits arising from the
2 operation of the juvenile detention facility by the contractor, or,
3 if the contract is for the providing of transportation services, the
4 contractor has obtained liability insurance with the limits
5 specified by The Governmental Tort Claims Act against lawsuits
6 arising from the transportation of juveniles as authorized by
7 subsection ~~A~~ B of this section.

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

20 1. The Board of Juvenile Affairs shall establish procedures for
21 the letting of contracts or grants, including grants to existing
22 juvenile detention programs operated by statutorily constituted
23 juvenile bureaus, and the conditions and requirements for the
24 receipt of said grants or contracts for juvenile detention services

1 and facilities as provided in this section and Section 2-7-401 of
2 this title. A copy of such procedures shall be made available to
3 any member of the general public upon request. All such grants or
4 contracts shall require the participation of local resources in the
5 funding of juvenile detention facilities. A contract for services
6 shall be based upon a formula approved by the Board which shall set
7 the contract amount in accordance with the services offered and the
8 degree of compliance with standards for certification.

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

- 12 a. screening for detention[†]1
- 13 b. education and recreation opportunities for juveniles
14 in secure detention[†]1 and
- 15 c. accreditation by the American Correctional
16 Association.

17 As a condition of continuing eligibility for grants or contracts,
18 secure juvenile detention services and facilities shall be certified
19 by the Board within two (2) years of the date of the initial grant
20 or contract.

21 3. When a juvenile is placed into a detention facility and is
22 under the Office of Juvenile Affairs supervision or custody, the
23 Office of Juvenile Affairs shall provide to the operator of such
24 detention facility any and all medication prescribed for such

1 juvenile at the time of placement. In the event that such
2 prescription medication is not available at the time of placement,
3 the Office of Juvenile Affairs shall provide, at no charge to the
4 detention center or operator, such medication to the operator no
5 later than forty-eight (48) hours following the placement.

6 E. The State Department of Health, with the assistance of the
7 Office of Juvenile Affairs, shall establish standards for the
8 certification of jails, adult lockups, and adult detention
9 facilities used to detain juveniles. Such standards shall include
10 but not be limited to: ~~separation~~

11 1. Separation of juveniles from adults; ~~supervision~~

12 2. Supervision of juveniles; and ~~health~~

13 3. Health and safety measures for juveniles.

14 The Department of Health is authorized to inspect any jail, adult
15 lockup, or adult detention facility for the purpose of determining
16 compliance with such standards. No jail, adult lockup, or other
17 adult detention facility shall be used to detain juveniles unless
18 such jail, adult lockup, or other adult detention facility complies
19 with the standards established by the Department of Health and is
20 designated as a place for the detention of juveniles by the judge
21 having juvenile docket responsibility in the county from a list of
22 eligible facilities supplied by the Department of Health.

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1 The development and approval of the standards provided for in
2 this ~~paragraph~~ subsection shall comply with the provisions of the
3 Administrative Procedures Act.

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

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

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

19 SECTION 2. This act shall become effective November 1, 2026.

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