

1 ENGROSSED HOUSE
2 BILL NO. 1480

By: West (Tammy), Pae, Osburn,
Miller, Roberts, and Hefner
of the House

3
4 and

Gollihare of the Senate
5
6

7 An Act relating to children; defining term; directing
8 the court to determine ability to pay; providing that
9 the ability to pay shall not impact disposition;
10 providing that certain persons shall be relieved of
11 debt if certain determination is made; providing
12 factors court shall consider; providing factors court
13 shall not consider; providing for presumption of
14 inability to pay; directing court to inform certain
15 persons of certain information; directing the court
16 to provide cost hearing in certain situation;
17 directing that percentage reduction apply to all
18 financial obligations; directing court clerk to
19 review cases; directing court clerk to notify court
20 and set certain hearing in certain situation;
21 directing court clerk to issue summons; providing
22 information the summons shall contain; amending 10A
23 O.S. 2021, Sections 2-3-101 and 2-3-103, as amended
24 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.

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

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

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

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

18 2. A child, the parents, guardian, custodian, or responsible
19 relative with court financial obligations who are found by the court
20 to be unable to pay, in whole or in part, shall be relieved of the
21 debt by the court through a hardship waiver of the court financial
22 obligations, either in whole or in part.
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1 3. In determining the ability of a child, the parents,
2 guardian, custodian, or responsible relative to pay, the court shall
3 consider the following factors:

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

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

- 20 a. child support income,
- 21 b. any monies received from a federal, state, or tribal
22 government need-based or disability assistance
23 program, or
- 24 c. assets exempt from bankruptcy.

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

- 4 a. designated as totally disabled by any federal, state,
5 or tribal disability services program including, but
6 not limited to, military disability, Social Security
7 Disability Insurance, Supplemental Security Income, or
8 tribal disability benefits,
- 9 b. receives support from the Temporary Assistance for
10 Needy Families program, Supplemental Nutrition
11 Assistance Program, the Special Supplemental Nutrition
12 Program for Women, Infants, and Children nutrition
13 education and supplemental food program, or any other
14 federal need-based financial support,
- 15 c. receives subsidized housing support through the
16 Housing Choice Voucher program, the United States
17 Department of Housing and Urban Development, or other
18 state, local, or federal government housing subsidy
19 program, or
- 20 d. total income is below one hundred fifty percent (150%)
21 of the federal poverty level.

22 C. 1. At the time of a plea or disposition, the court shall
23 inform the child, the parents, guardian, custodian, or responsible
24 relative of the total court financial obligations owed, the

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

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

22 3. If the court determines that a waiver of any of the court
23 financial obligations is warranted, the court shall apply the same
24

1 percentage reduction equally to all fines, costs, fees, and
2 assessments, excluding restitution.

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

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

17 3. At least fourteen (14) days prior to the cost hearing, the
18 court clerk shall issue one summons to the child, the parents,
19 guardian, custodian, or responsible relative to be served by United
20 States mail to the mailing address of the child, the parents,
21 guardian, custodian, or responsible relative on file in the case,
22 substantially as follows:

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

5 YOU MUST BE PRESENT AT THE HEARING.

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

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

12 4. If the child, the parents, guardian, custodian, or
13 responsible relative fails to appear at the scheduled cost hearing,
14 no warrant shall be issued based upon the nonappearance. However,
15 the court may notify the district attorney of the nonappearance and
16 the district attorney may pursue indirect contempt, pursuant to
17 Section 567 of Title 21 of the Oklahoma Statutes, against the child,
18 the parents, guardian, custodian, or responsible relative based on
19 the nonpayment of the court financial obligations. The alleged
20 contemnor shall appear at the initial appearance or arraignment.
21 Provided, however, that the contemnor shall be released on his or
22 her own recognizance and no cash bond shall be required. During the
23 trial on the contempt, prior determinations regarding the alleged
24 contemnor's ability to pay the court financial obligations shall be

1 reconsidered based on evidence of the contemnor's ability to pay
2 admitted at trial.

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

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

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

20 b. Any child who is thirteen (13) or fourteen (14) years
21 of age may be admitted to a juvenile detention
22 facility only after all alternatives have been
23 exhausted and the child is currently charged with a
24 criminal offense that would constitute a felony if

1 committed by an adult and it has been indicated by a
2 risk-assessment screening that the child requires
3 detention.

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

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

1 specified in subparagraph a of this paragraph. The
2 child shall be present at the hearing on the
3 application for extension unless, as authorized and
4 approved by the court, the attorney for the child is
5 present at the hearing and the child is available to
6 participate in the hearing via telephone conference
7 communication. For the purpose of this paragraph,
8 "telephone conference communication" means use of a
9 telephone device that allows all parties, including
10 the child, to hear and be heard by the other parties
11 at the hearing. After the hearing, the court may
12 order continued detention in a juvenile detention
13 center, may order the child detained in an alternative
14 to secure detention or may order the release of the
15 child from detention.

16 e. No detained youth, previously detained youth, or
17 parent or guardian of youth shall be responsible for
18 detention costs.

19 2. No child alleged or adjudicated to be deprived or in need of
20 supervision or who is or appears to be a minor in need of treatment
21 as defined by the Inpatient Mental Health and Substance Abuse
22 Treatment of Minors Act, shall be confined in any jail, adult
23 lockup, or adult detention facility. No child shall be transported
24

1 or detained in association with criminal, vicious, or dissolute
2 persons.

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

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

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

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

22 3. The child is seriously assaultive or destructive towards
23 others or self;

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

- 4 a. is on probation or parole on a prior delinquent
5 offense,
- 6 b. is on preadjudicatory community supervision, or
- 7 c. is currently on release status on a prior delinquent
8 offense;

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

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

- 13 a. the child is absent from court-ordered placement
14 without approval by the court,
- 15 b. the child is absent from designated placement by the
16 Office of Juvenile Affairs without approval by the
17 Office of Juvenile Affairs,
- 18 c. there is reason to believe the child will not remain
19 at said placement, or
- 20 d. the child is subject to an administrative transfer or
21 parole revocation proceeding.

22 C. A child who has violated a court order and has had the order
23 revoked or modified pursuant to Section 2-2-503 of this title may be
24 placed into an Office-of-Juvenile-Affairs-designated sanction

1 detention bed or an Office-of-Juvenile-Affairs-approved sanction
2 program.

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

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

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

23 2. In determining whether it is in the interest of justice that
24 a child who is at least fifteen (15) years of age and who is charged

1 with murder in the first degree be placed in an adult jail, adult
2 lockup, adult detention facility or other adult facility, the court
3 shall consider:

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

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

- 20 a. the court shall hold a hearing not less frequently
21 than once every thirty (30) days, or in the case of a
22 rural jurisdiction, which is any jurisdiction not
23 located in a metropolitan statistical area as defined
24 by the United States Office of Management and Budget,

1 not less frequently than once every forty-five (45)
2 days, to review whether it is still in the interest of
3 justice to permit the juvenile to be so held or have
4 such sight and sound contact, and

5 b. the child shall not be held in any adult jail or
6 lockup for adults or be permitted to have sight or
7 sound contact with adult inmates for more than one
8 hundred eighty (180) days, unless the court, in
9 writing, determines there is good cause for an
10 extension or the child expressly waives this
11 limitation.

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

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

20 2. Adult jails, adult lockups, adult detention facilities or
21 other adult facilities shall process requests for visits and allow
22 approved visitors contact visits with the child within five (5)
23 business days of the request.
24

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

4 a. the adult jail, adult lockup or adult detention
5 facility provides sight and sound separation for
6 juveniles, pursuant to standards required by
7 subsection E of Section 2-3-103 of this title, and

8 b. the adult jail, adult lockup or adult detention
9 facility meets the requirements for licensure of
10 juvenile detention facilities, as adopted by the
11 Office of Juvenile Affairs, is appropriately licensed,
12 and provides sight and sound separation for juveniles,
13 which includes:

14 (1) total separation between juveniles and adult
15 facility spatial areas such that there could be
16 no haphazard or accidental contact between
17 juvenile and adult residents in the respective
18 facilities,

19 (2) total separation in all juvenile and adult
20 program activities within the facilities,
21 including recreation, education, counseling,
22 health care, dining, sleeping and general living
23 activities, and
24

1 (3) separate juvenile and adult staff, specifically
2 direct care staff such as recreation, education
3 and counseling.

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

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

19 a. The time limitations for holding a child in a jail for
20 the purposes of identification, processing or
21 arranging transfer established by this section shall
22 not include the actual travel time required for
23 transporting a child from a jail to a juvenile
24 detention facility or alternative to secure detention.

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

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

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

19 5. Nothing in this section shall preclude detaining a person,
20 whose age is not immediately ascertainable and who is being detained
21 for the commission of a felony, in a jail certified by the State
22 Department of Health, a police station or similar law enforcement
23 office for up to twenty-four (24) hours for the purpose of
24 determining whether or not the person is a child, if:

- a. there is a reasonable belief that the person is eighteen (18) years of age or older,
- b. there is a reasonable belief that a felony has been committed by the person,
- c. a court order for such detention is obtained from a judge of the district court within six (6) hours of initially detaining the person,
- d. there is no juvenile detention facility that has space available for the person and that is within thirty (30) miles of the jail, police station, or law enforcement office in which the person is to be detained, and
- e. during the time of detention the person is detained in a facility meeting the requirements of subparagraph b of paragraph 1 of this subsection.

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

The time limitation provided for in this paragraph shall not include the actual travel time required for transporting the person to the jail, police station, or similar law enforcement office. If the time limitation established by this paragraph is exceeded, this circumstance shall not constitute a defense in any subsequent delinquency or criminal proceeding.

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

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

12 J. Each member of the staff of a juvenile detention facility
13 shall satisfactorily complete a training program provided or
14 approved by the Office of Juvenile Affairs.

15 K. Whenever a juvenile is placed in any adult jail, adult
16 lockup, adult detention facility or other adult facility, the Office
17 of Juvenile Affairs shall have access to all facilities which detain
18 such juveniles and shall have access to any data regarding such
19 juveniles. The Office of Juvenile Affairs shall have access to all
20 adult jails, adult lockups, adult detention facilities or other
21 adult facilities in this state, including all data maintained by
22 such facilities, to assure compliance with this section. The Board
23 of Juvenile Affairs shall promulgate rules as necessary to implement
24 the provisions of this section.

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

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

14 B. County sheriffs of the arresting agency, their designee, any
15 peace officer, private contractors under contract with the Office of
16 Juvenile Affairs for transportation services, or juvenile court
17 officers shall provide for the transportation of juveniles to and
18 from secure detention for purposes of admission, interfacility
19 transfer, discharge, medical or dental attention, court appearance,
20 or placement designated by the Office. No private contract for
21 transportation services shall be entered into by the Office unless
22 the private contractor demonstrates to the satisfaction of the
23 Office that such contractor is able to obtain insurance or provide
24 self-insurance to indemnify the Office against possible lawsuits and

1 meets the requirements of subparagraphs a, b and d of paragraph 4 of
2 subsection C of this section. The Office of Juvenile Affairs shall
3 not be ordered to provide transportation for a juvenile who is
4 detained in or is destined for secure detention. The Office of
5 Juvenile Affairs shall provide reimbursement to the entity
6 transporting juveniles for necessary and actual expenses for
7 transporting juveniles who are detained in or destined for a secure
8 detention center as follows:

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

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

13 3. Meals for transporting personnel, not to exceed Ten Dollars
14 (\$10.00) per meal; and

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

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

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

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

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

- 18 a. operate the juvenile detention facility through a
19 statutorily constituted juvenile bureau subject to the
20 supervision of the district court, or
- 21 b. operate the juvenile detention facility by employing a
22 manager who may employ personnel and incur other
23 expenses as may be necessary for its operation and
24 maintenance, or

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

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

- 19 a. that the contractor has the qualifications,
20 experience, and personnel necessary to implement the
21 terms of the contract,
22 b. that the financial condition of the contractor is such
23 that the term of the contract can be fulfilled,

1 c. that the ability of the contractor to obtain insurance
2 or provide self-insurance to indemnify the county
3 against possible lawsuits and to compensate the county
4 for any property damage or expenses incurred due to
5 the private operation of the juvenile detention
6 facility, and

7 d. that the contractor has the ability to comply with
8 applicable court orders and rules of the Office of
9 Juvenile Affairs.

10 5. All counties to be served by a secure juvenile detention
11 facility may, upon the opening of such facility, contract with the
12 operators for the use of the facility for the temporary detention of
13 children who are subject to secure detention; provided, however, a
14 jail, adult lockup, or other adult detention facility may be used
15 for the secure detention of a child as provided for in Section 2-3-
16 101 of this title.

17 6. Expenses incurred in carrying out the provisions of this
18 section shall be paid from the general fund of the county or from
19 other public funds lawfully appropriated for such purposes or from
20 private funds that are available for such purposes. No order shall
21 be made for detained, or previously detained, youth, parents, or
22 guardian of the youth to pay the expenses incurred. A county may
23 also issue bonds for the construction of detention facilities.
24

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

17 D. The Board of Juvenile Affairs, from monies appropriated for
18 that purpose, shall develop, adopt, and implement a plan for secure
19 juvenile detention services and alternatives to secure detention, to
20 be known as the State Plan for the Establishment of Juvenile
21 Detention Services, which shall provide for the establishment of
22 juvenile detention facilities and services with due regard for
23 appropriate geographical distribution and existing juvenile
24 detention programs operated by statutorily constituted juvenile

1 bureaus. Said plan may be amended or modified by the Board as
2 necessary and appropriate. Until said plan is adopted by the Board,
3 the plan adopted by the Commission for Human Services shall remain
4 in effect.

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

18 2. The Board of Juvenile Affairs shall establish standards for
19 the certification of detention services and juvenile detention
20 facilities. Such standards may include, but not be limited to:
21 screening for detention; education and recreation opportunities for
22 juveniles in secure detention; and accreditation by the American
23 Correctional Association. As a condition of continuing eligibility
24 for grants or contracts, secure juvenile detention services and

1 facilities shall be certified by the Board within two (2) years of
2 the date of the initial grant or contract.

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

18 The development and approval of the standards provided for in
19 this paragraph shall comply with the provisions of the
20 Administrative Procedures Act.

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

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

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

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

Passed the House of Representatives the 3rd day of March, 2025.

Presiding Officer of the House
of Representatives

Passed the Senate the day of , 2025.

Presiding Officer of the Senate