

FLOOR AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3755 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By deleting the content of the entire measure, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Dell Kerbs _____

Reading Clerk

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE
4 FOR

5 HOUSE BILL NO. 3755

By: Sterling of the House

and

Stanley of the Senate

8 FLOOR SUBSTITUTE

9 An Act relating to children; amending 10A O.S. 2021,
10 Sections 2-2-101 and 2-3-103, as amended by Section
11 1, Chapter 242, O.S.L. 2022 (10A O.S. Supp. 2025,
12 Section 2-3-103), which relates to the Oklahoma
13 Juvenile Code; providing that certain children shall
14 be considered to be in the temporary custody of the
15 Office of Juvenile Affairs under certain
16 circumstances; providing exception; requiring the
17 Office to provide all medication prescribed for
18 juveniles at time of placement; providing temporary
19 exception if medication is not available; directing
20 the Office to provide medication within certain time
21 period; and providing an effective date.

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

23 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-2-101, is
24 amended to read as follows:

Section 2-2-101. A. A child may be taken into custody prior to
the filing of a petition alleging that the child is delinquent or in
need of supervision:

1 1. By a peace officer, without a court order for any criminal
2 offense for which the officer is authorized to arrest an adult
3 without a warrant, or if the child is willfully and voluntarily
4 absent from the home of the child without the consent of the parent,
5 legal guardian, legal custodian or other person having custody and
6 control of the child for a substantial length of time or without
7 intent to return, or if the surroundings of the child are such as to
8 endanger the welfare of the child;

9 2. By a peace officer or an employee of the court without a
10 court order, if the child is willfully and voluntarily absent from
11 the home of the child without the consent of the parent, legal
12 guardian, legal custodian or other person having custody and control
13 of the child if the surroundings of the child are such as to
14 endanger the welfare of the child or, in the reasonable belief of
15 the employee of the court or peace officer, the child appears to
16 have run away from home without just cause. For purposes of this
17 section, a peace officer may reasonably believe that a child has run
18 away from home when the child refuses to give his or her name or the
19 name and address of a parent or other person legally responsible for
20 the care of the child or when the peace officer has reason to doubt
21 that the name and address given by the child are the actual name and
22 address of the parent or other person legally responsible for the
23 care of the child. A peace officer or court employee is authorized
24 by the court to take a child who has run away from home or who, in

1 the reasonable belief of the peace officer, appears to have run away
2 from home, to a facility designated by administrative order of the
3 court for such purposes if the peace officer or court employee is
4 unable to or has determined that it is unsafe to return the child to
5 the home of the child or to the custody of his or her parent or
6 other person legally responsible for the care of the child. Any
7 such facility receiving a child shall inform a parent or other
8 person responsible for the care of the child;

9 3. Pursuant to an order of the district court issued on the
10 application of the office of the district attorney. The application
11 presented by the district attorney shall be supported by a sworn
12 affidavit which may be based upon information and belief. The
13 application shall state facts sufficient to demonstrate to the court
14 that there is probable cause to believe the child has committed a
15 crime or is in violation of the terms of probation, parole or order
16 of the court;

17 4. By order of the district court pursuant to subsection F of
18 this section when the child is in need of medical or behavioral
19 health treatment or other action in order to protect the health or
20 welfare of the child and the parent, legal guardian, legal custodian
21 or other person having custody or control of the child is unwilling
22 or unavailable to consent to such medical or behavioral health
23 treatment or other action; and

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1 5. Pursuant to an emergency ex parte or a final protective
2 order of the district court issued at the request of a parent or
3 legal guardian pursuant to the Protection from Domestic Abuse Act.

4 Any child referred to in this subsection shall ~~not~~ be considered
5 to be in the temporary custody of the Office of Juvenile Affairs,
6 and such temporary custody shall continue for the entire duration
7 that the child is held in the temporary care of a police officer or
8 other person employed by a police department or in a secure
9 detention on charges as an accused juvenile delinquent. The child
10 shall not be considered to be in the temporary custody of the Office
11 of Juvenile Affairs if the child is released to the custody of the
12 parent of the child, legal guardian, legal custodian, attorney, or
13 other responsible adult.

14 B. Whenever a child is taken into custody as a delinquent
15 child, the child shall be detained, held temporarily in the
16 custodial care of a peace officer or other person employed by a
17 police department, or be released to the custody of the parent of
18 the child, legal guardian, legal custodian, attorney or other
19 responsible adult, upon the written promise of such person to bring
20 the child to the court at the time fixed if a petition is to be
21 filed and to assume responsibility for costs for damages caused by
22 the child if the child commits any delinquent acts after being
23 released regardless of whether or not a petition is to be filed. It
24 shall be a misdemeanor for any person to sign the written promise

1 and then fail to comply with the terms of the promise. Any person
2 convicted of violating the terms of the written promise shall be
3 subject to imprisonment in the county jail for not more than six (6)
4 months or a fine of not more than Five Hundred Dollars (\$500.00), or
5 by both such fine and imprisonment. In addition, if a parent, legal
6 guardian, legal custodian, attorney or other responsible adult is
7 notified that the child has been taken into custody, it shall be a
8 misdemeanor for such person to refuse to assume custody of the child
9 within a timely manner. If detained, the child shall be taken
10 immediately before a judge of the district court in the county in
11 which the child is sought to be detained, or to the place of
12 detention or a children's emergency resource center or host home
13 designated by the court. If no judge be available locally, the
14 person having the child in custody shall immediately report the
15 detention of the child to the presiding judge of the judicial
16 administrative district, provided that the child shall not be
17 detained in custody beyond the next judicial day or for good cause
18 shown due to problems of arranging for and transporting the child to
19 and from a secure juvenile detention center, beyond the second
20 judicial day unless the court shall so order after a detention
21 hearing to determine if there exists probable cause to detain the
22 child. The child shall be present at the detention hearing or the
23 image of the child may be broadcast to the judge by closed-circuit
24 television or any other electronic means that provides for a two-way

1 communication of image and sound between the child and the judge.
2 If the latter judge cannot be reached, such detention shall be
3 reported immediately to any judge regularly serving within the
4 judicial administrative district. If detained, a reasonable bond
5 for release shall be set. Pending further disposition of the case,
6 a child whose custody has been assumed by the court may be released
7 to the custody of a parent, legal guardian, legal custodian, or
8 other responsible adult or to any other person appointed by the
9 court, or be detained pursuant to Chapter 3 of the Oklahoma Juvenile
10 Code in such place as shall be designated by the court, subject to
11 further order.

12 C. When a child is taken into custody as a child in need of
13 supervision, the child shall be detained and held temporarily in the
14 custodial care of a peace officer or placed within a community
15 intervention center as defined in subsection D of Section 2-7-305 of
16 this title, a children's emergency resource center or host home, or
17 be released to the custody of the parent of the child, legal
18 guardian, legal custodian, attorney or other responsible adult, upon
19 the written promise of such person to bring the child to court at
20 the time fixed if a petition is to be filed. A child who is alleged
21 or adjudicated to be in need of supervision shall not be detained in
22 any jail, lockup, or other place used for adults convicted of a
23 crime or under arrest and charged with a crime.

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1 D. When any child is taken into custody pursuant to this title
2 and it reasonably appears to the peace officer, employee of the
3 court or person acting pursuant to court order that the child is in
4 need of medical treatment to preserve the health of the child, any
5 peace officer, any employee of the court or person acting pursuant
6 to court order shall have the authority to authorize medical
7 examination and medical treatment for any child found to be in need
8 of medical treatment as diagnosed by a competent medical authority
9 in the absence of the parent of the child, legal guardian, legal
10 custodian, or other person having custody and control of the child
11 who is competent to authorize medical treatment. The officer or the
12 employee of the court or person acting pursuant to court order shall
13 authorize said medical treatment only after exercising due diligence
14 to locate the parent of the child, legal guardian, legal custodian,
15 or other person legally competent to authorize said medical
16 treatment. The parent of the child, legal guardian, legal
17 custodian, or other person having custody and control shall be
18 responsible for such medical expenses as ordered by the court. No
19 peace officer, any employee of the court or person acting pursuant
20 to court order authorizing such treatment in accordance with the
21 provisions of this section for any child found in need of such
22 medical treatment shall have any liability, civil or criminal, for
23 giving such authorization.

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1 E. A child who has been taken into custody as otherwise
2 provided by this Code who appears to be a minor in need of
3 treatment, as defined by the Inpatient Mental Health and Substance
4 Abuse Treatment of Minors Act, may be admitted to a behavioral
5 health treatment facility in accordance with the provisions of the
6 Inpatient Mental Health and Substance Abuse Treatment of Minors Act.
7 The parent of the child, legal guardian, legal custodian, or other
8 person having custody and control shall be responsible for such
9 behavioral health expenses as ordered by the court. No peace
10 officer, any employee of the court or person acting pursuant to
11 court order authorizing such treatment in accordance with the
12 provisions of this section for any child found in need of such
13 behavioral health evaluation or treatment shall have any liability,
14 civil or criminal, for giving such authorization.

15 F. 1. A child may be taken into custody pursuant to an order
16 of the court specifying that the child is in need of medical
17 treatment or other action to protect the health or welfare of the
18 child and the parent, legal guardian, legal custodian, or other
19 responsible adult having custody or control of a child is unwilling
20 or unavailable to consent to such medical treatment or other action.

21 2. If the child is in need of immediate medical treatment or
22 other action to protect the health or welfare of the child, the
23 court may issue an emergency ex parte order upon application of the
24 district attorney of the county in which the child is located. The

1 application for an ex parte order may be verbal or in writing and
2 shall be supported by facts sufficient to demonstrate to the court
3 that there is reasonable cause to believe that the child is in need
4 of immediate medical treatment or other action to protect the health
5 or welfare of the child. The emergency ex parte order shall be in
6 effect until a full hearing is conducted. A copy of the
7 application, notice for full hearing and a copy of any ex parte
8 order issued by the court shall be served upon such parent, legal
9 guardian, legal custodian, or other responsible adult having custody
10 or control of the child. Within twenty-four (24) hours of the
11 filing of the application the court shall schedule a full hearing on
12 the application, regardless of whether an emergency ex parte order
13 had been issued or denied.

14 3. Except as otherwise provided by paragraph 2 of this
15 subsection, whenever a child is in need of medical treatment to
16 protect the health or welfare of the child, or whenever any other
17 action is necessary to protect the health or welfare of the child,
18 and the parent of the child, legal guardian, legal custodian, or
19 other person having custody or control of the child is unwilling or
20 unavailable to consent to such medical treatment or other action,
21 the court, upon application of the district attorney of the county
22 in which the child is located, shall hold a full hearing within five
23 (5) days of filing the application. Notice of the hearing and a
24 copy of the application shall be served upon the parent, legal

1 guardian, legal custodian, or other person having custody or control
2 of the child.

3 4. At any hearing held pursuant to this subsection, the court
4 may grant any order or require such medical treatment or other
5 action as is necessary to protect the health or welfare of the
6 child.

7 5. a. The parent, legal guardian, legal custodian, or other
8 person having custody or control of the child shall be
9 responsible for such medical expenses as ordered by
10 the court.

11 b. No peace officer, any employee of the court or person
12 acting pursuant to court order authorizing such
13 treatment in accordance with the provisions of this
14 subsection for any child found in need of such medical
15 treatment shall have any liability, civil or criminal.

16 G. As a part of the intake process, an employee of the Office
17 of Juvenile Affairs or a county juvenile bureau shall inquire as to
18 whether there is any American Indian lineage or ancestry that would
19 make the child eligible for membership or citizenship in a federally
20 recognized American Indian tribe or nation. If the employee of the
21 Office of Juvenile Affairs or a county juvenile bureau determines
22 that the child may have American Indian lineage or ancestry, the
23 employee shall notify the primary tribe or nation of membership or
24 citizenship within three (3) judicial days of completing an intake

1 of such determination. Any information or records related to taking
2 the child into custody shall be confidential, shall not be open to
3 the general public, and shall not be inspected or their contents
4 disclosed.

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

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

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

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

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

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

17 3. Meals for transporting personnel, not to exceed Ten Dollars
18 (\$10.00) per meal; and

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

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

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. A county may
2 also issue bonds for the construction of detention facilities.

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

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

1 appropriate geographical distribution and existing juvenile
2 detention programs operated by statutorily constituted juvenile
3 bureaus. Said plan may be amended or modified by the Board as
4 necessary and appropriate. Until said plan is adopted by the Board,
5 the plan adopted by the Commission for Human Services shall remain
6 in effect.

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

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

23 a. screening for detention~~r~~l

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1 E. The State Department of Health, with the assistance of the
2 Office of Juvenile Affairs, shall establish standards for the
3 certification of jails, adult lockups, and adult detention
4 facilities used to detain juveniles. Such standards shall include
5 but not be limited to: ~~separation~~

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

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

8 3. Health and safety measures for juveniles.

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

18 The development and approval of the standards provided for in
19 this ~~paragraph~~ subsection 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 1. For the purpose of ensuring the uniformity and compatibility
2 of information related to the detention of persons under age
3 eighteen (18), said rules shall be reviewed and approved by the
4 Oklahoma Commission on Children and Youth prior to their adoption by
5 the Board, ~~and~~ and.

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

12 SECTION 3. This act shall become effective November 1, 2026.

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14 60-2-16822 CMA 03/02/26

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