

An Act

ENROLLED SENATE
BILL NO. 870

By: Rader of the Senate

and

Williams, Blancett, and
Provenzano of the House

An Act relating to children; creating the Accountability, Transparency, and Protection for Exploited Youth Act; providing short title; requiring certain individuals to report sexual misconduct or exploitation; creating felony offense; providing for penalties; requiring investigation reports to be forwarded to certain individuals; requiring certain notification by the district attorney; providing for certain civil liability and damages; stating certain negligence; providing for civil penalties; requiring the Office of Juvenile Affairs to provide annual training; directing the Office of Juvenile System Oversight to submit certain report; amending 10A O.S. 2021, Sections 2-6-102 and 2-6-110, which relate to juvenile records; striking reference to repealed section; permitting disclosure of certain records under certain circumstances; authorizing certain individuals to access certain records; limiting disclosure of documents; directing certain individuals to comply with confidentiality obligations; permitting a party to request judicial review; updating statutory reference; providing for codification; and providing an effective date.

SUBJECT: Accountability, Transparency, and Protection for Exploited Youth Act

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-8-301 of Title 10A, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Accountability, Transparency, and Protection for Exploited Youth Act".

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-8-302 of Title 10A, unless there is created a duplication in numbering, reads as follows:

A. Any employee, contractor, volunteer, or third party working in or around a state-run juvenile facility, private contractor, or group home under the supervision of the Office of Juvenile Affairs or any county facility which detains juveniles, who becomes aware of, witnesses, or suspects any form of sexual misconduct, coercive relationships, or exploitation between staff, volunteers, or contractors and juveniles, shall be required to immediately report the incident to both the facility supervisor and the Office of Juvenile System Oversight for independent investigation.

B. Any individual who fails to report such incident shall, upon conviction, be guilty of a felony punishable by a fine not more than Five Thousand Dollars (\$5,000.00), by imprisonment in the custody of the Department of Corrections for not more than two (2) years, or by both such fine and imprisonment.

C. Investigation reports shall be forwarded to the district attorney in the district where the abuse took place. The Office of Juvenile System Oversight shall notify in writing the juvenile victim's family and the Senate and House of Representatives members for the district in which the juvenile victim lives that the investigation has been forwarded to the district attorney.

The district attorney shall notify in writing the juvenile victim's family and the Senate and House of Representatives members for the district in which the juvenile victim lives when a decision has been made to either file or decline to file charges.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-8-303 of Title 10A, unless there is created a duplication in numbering, reads as follows:

A. Any employee, officer, contractor, or volunteer who knowingly fails to report incidents of sexual misconduct or coercive behavior shall be deemed to be acting outside the scope of employment and therefore be subject to civil liability exempt from The Governmental Tort Claims Act including, but not limited to, damages for physical, emotional, and psychological harm caused to the juvenile.

B. The Office of Juvenile Affairs and any contracted entity or group home operating under the Office's supervision shall be liable for damages if a court of competent jurisdiction finds that the employee, officer, contractor, or volunteer was negligent in preventing, investigating, or responding to reports of sexual misconduct. Liability for acts committed in violation of this section shall be exempt from the liability limitations under The Governmental Tort Claims Act.

C. Negligence under this act shall include failure to properly train employees on mandatory reporting, failure to respond to previous reports, failure to terminate employees who abuse juveniles, or failure to take action to safeguard juveniles from known risks.

D. Juvenile victims, their parents or legal guardians, or next friends may file civil actions seeking damages pursuant to the provisions of this section.

E. Civil fines of up to Fifty Thousand Dollars (\$50,000.00) per juvenile victim may be levied against the Office, county facilities where juveniles are detained, or contracting entities found to have acted negligently.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2-8-304 of Title 10A, unless there is created a duplication in numbering, reads as follows:

A. The Office of Juvenile Affairs shall be required to provide annual training for all Office employees, contractors, and volunteers on the prevention, identification, and reporting of sexual misconduct and coercive relationships between staff and juveniles. Such training shall also be provided to employees,

contractors, and volunteers of county facilities where juveniles are detained.

B. The Office of Juvenile System Oversight shall electronically submit an annual report to the President Pro Tempore of the Senate and the Speaker of the House of Representatives that outlines the number of investigations, findings, and any corrective actions taken.

SECTION 5. AMENDATORY 10A O.S. 2021, Section 2-6-102, is amended to read as follows:

Section 2-6-102. A. Except as provided by this section or as otherwise specifically provided by state or federal laws, the following juvenile records are confidential and shall not be open to the general public, inspected, or their contents disclosed:

1. Juvenile court records;
2. Agency records;
3. District attorney's records;
4. Law enforcement records;
5. Nondirectory education records; and
6. Social records.

B. The confidentiality limitation of subsection A of this section shall not apply to statistical information or information of a general nature obtained pursuant to the provisions of the Oklahoma Juvenile Code.

C. The confidentiality requirements of subsection A of this section for juvenile court records and law enforcement records shall not apply:

1. Upon the charging or certification of a juvenile as an adult or youthful offender;

~~2. Upon the charging of an individual pursuant to Section 2-5-101 of this title;~~

~~3.~~ To a violation of any traffic regulation or motor vehicle regulation of Title 47 of the Oklahoma Statutes, or to a violation of any city ordinance or county resolution which relates to the regulation of traffic on the roads, highways, or streets, or to the operation of self-propelled or nonself-propelled vehicles of any kind in this state;

~~4.~~ 3. To a juvenile who is fourteen (14) years of age or older and who has been adjudicated delinquent and who subsequently comes before the juvenile court on a new delinquency matter after July 1, 1995;

~~5.~~ 4. To a juvenile adjudicated a delinquent for committing a delinquent act which, if committed by an adult, would be a felony offense that is a crime against the person or a felony offense involving a dangerous weapon;

~~6.~~ 5. To arrest records of a juvenile arrested for committing an act, which if committed by an adult, would be a felony offense;

~~7.~~ 6. To a violation of the Prevention of Youth Access to Tobacco Act; ~~or~~

~~8.~~ 7. Whenever a juvenile is accepted for placement or treatment in a facility or private treatment facility within this state as a result of or following a conviction or adjudication for an out-of-state offense that would qualify the juvenile as a youthful offender, as defined in Section 2-5-202 of this title, had the crime occurred within this state. The facility shall provide any law enforcement agency or peace officer all prior criminal offense, conviction, and adjudication information. If a juvenile flees or is otherwise absent from the facility without permission, the facility shall provide any law enforcement agency or peace officer all prior criminal offense, conviction, and adjudication information. Any law enforcement agency or peace officer shall have the authority to review or copy any records concerning the juvenile, including prior criminal offense, conviction, or adjudication information; or

8. a. Whenever files and records exist in cases involving allegations or findings of physical or sexual violence against a minor in custody. The following parties shall be granted access to relevant files:
- (1) law enforcement officers investigating the incident,
 - (2) the minor's legal guardians or parents,
 - (3) attorneys representing the minor in civil or criminal proceedings,
 - (4) court-appointed advocates in connection with proceedings relating to the minor's welfare, and
 - (5) officers of the court who are conducting investigations to assist the minor.
- b. Access under this paragraph shall be limited to files and records directly related to the incident of sexual violence. Sensitive information, including identifying details of unrelated juveniles and personal details not pertinent to the case, shall be redacted to protect the privacy of other individuals in custody.
- c. All parties who are granted access under this paragraph shall be bound by confidentiality requirements and shall not further disclose the records except as necessary for legal proceedings or investigations.
- d. A court may further restrict or expand access to the Office of Juvenile Affairs records as necessary to balance the need for investigation and justice with the protection of sensitive information.

D. Following the first adjudication as a delinquent, the court having jurisdiction shall note on the juvenile court record of the person that any subsequent juvenile court records shall not be confidential; provided, the child is at least fourteen (14) years of

age or older. Any juvenile court record which becomes an open juvenile record as provided in this subsection may be expunged as provided in Section 2-6-109 of this title.

The provisions of this subsection shall only apply to the juvenile court records and law enforcement records of juvenile offenders certified, charged or adjudicated on and after July 1, 1995.

E. When a delinquent child has escaped or run away from a secure facility or other institutional placement for delinquents, the name and description of the child may be released to the public by the agency having custody of the child as necessary and appropriate for the protection of the public and the apprehension of the delinquent child whether or not the juvenile record is confidential or open.

F. Except as otherwise required by state or federal law, the confidential records listed in subsection A of this section may only be inspected, released, disclosed, corrected or expunged pursuant to an order of the court. Except as otherwise provided in Section 601.6 of Title 10 of the Oklahoma Statutes or any provision of this chapter, no subpoena or subpoena duces tecum purporting to compel disclosure of confidential information or any confidential juvenile record shall be valid.

G. An order of the court authorizing the inspection, release, disclosure, correction or expungement of confidential records shall be entered by the court only after a review of the records by the court and a determination by the court, with due regard for the confidentiality of the records and the privacy of persons identified in the records, that a compelling reason exists and such inspection, release or disclosure is necessary for the protection of a legitimate public or private interest.

Except for district attorney records, any court order authorizing the disclosure, release or inspection of a confidential juvenile record may be conditioned on such terms and restrictions as the court deems necessary and appropriate.

H. Upon receiving a written request for inspection, release, disclosure, or correction of a juvenile record, the court shall

determine whether the record of a juvenile falls under one of the exceptions listed in subsection C of this section. If the record falls under one of the exceptions in subsection C of this section, the court shall issue an order authorizing inspection, release, disclosure or correction of the juvenile record. If the release of a juvenile record is authorized by the court, the Office of Juvenile Affairs shall provide information to the requestor regarding the location of the juvenile record to be released.

I. Any agency or person may seek an order from the juvenile court prohibiting the release of confidential information subject to disclosure without an order of the court pursuant to Section 620.6 of Title 10 of the Oklahoma Statutes or any provision of this chapter. The court may, for good cause shown, prohibit the release of such information or authorize release of the information upon such conditions as the court deems necessary and appropriate.

J. In accordance with the provisions of the Juvenile Offender Tracking Program and Section 620.6 of Title 10 of the Oklahoma Statutes:

1. Information included in the records listed in subsection A of this section may be entered in and maintained in the Juvenile Justice Information System and other automated information systems related to services to children and youth whether or not the record is confidential or open; and

2. The information systems may be accessed by participating agencies as defined by this chapter or as otherwise provided by law.

K. The court may authorize a designated person to review juvenile court confidential reports and records and collect statistical information and other abstract information for research purposes. Such authorization shall be in writing and shall state specifically the type of information which may be reviewed and reported.

Each person granted permission to inspect confidential reports and records for research purposes shall present a notarized statement to the court stating that the names of juveniles, parents and other persons as may be required by the court to be confidential will remain confidential.

L. Nothing contained in the provisions of Section 620.6 of Title 10 of the Oklahoma Statutes or any provision of this chapter shall be construed as:

1. Authorizing the inspection of records or the disclosure of information contained in records relating to the provision of benefits or services funded, in whole or in part, with federal funds, except in accord with federal statutes and regulations governing the receipt or use of such funds;

2. Authorizing the disclosure of information required to be kept confidential by Section 7505-1.1, 7506-1.1 or 7510-1.5 of Title 10 of the Oklahoma Statutes, the Oklahoma Adoption Code or disclosure of any other confidential record pursuant to the provisions of this chapter;

3. Abrogating any privilege, including the attorney-client privilege, or affecting any limitation on such privilege found in any other statutes;

4. Limiting or otherwise affecting access of parties to a juvenile proceeding to any records filed with or submitted to the court;

5. Limiting or otherwise affecting access of agencies to information subject to disclosure, review or inspection by contract or as a condition for the receipt of public funds or participation in any program administered by the agency;

6. Prohibiting the Office of Juvenile Affairs from summarizing the outcome of an investigation to the person who reported a known or suspected instance of child abuse or neglect; or

7. Prohibiting the person or agency conducting a preliminary inquiry relating to an alleged delinquent act from providing information, as to the disposition of the matter by the district attorney, to the person or agency which referred the matter, including but not limited to whether a petition was filed or an alternative action taken, and the basis for such action and the terms of any agreement entered into by the child for payment of

restitution, and including but not limited to provisions for community services.

M. The confidential records listed in subsection A of this section may be inspected and their contents disclosed without a court order to the Oklahoma School for the Blind, Oklahoma School for the Deaf, or a school district in which the child who is the subject of the record is currently enrolled or has been presented for enrollment. The inspection of records and disclosure authorized by this subsection may be limited to summaries or to information directly necessary for the purpose of such inspection or disclosure. Upon request by the Oklahoma School for the Blind, Oklahoma School for the Deaf, or a school district, the agency in possession of the records shall provide in writing, digitally, or by delivery to a secure facsimile line, the requested information to the school district within five (5) business days upon receipt of the request. Any records disclosed as provided by this subsection shall remain confidential. The use of any information shall be limited to the purposes for which disclosure is authorized.

N. The records of a case for which a petition is not filed shall be subject to the provisions of Chapter 6 of the Oklahoma Juvenile Code.

SECTION 6. AMENDATORY 10A O.S. 2021, Section 2-6-110, is amended to read as follows:

Section 2-6-110. The Office of Juvenile Affairs shall, in cooperation with sheriffs in this state, develop procedures for providing timely and relevant information to sheriffs concerning juvenile court records and agency records of persons who have met the criteria specified in paragraph ~~5~~ 4 of subsection C of Section 2-6-102 of this title. The procedures shall be designed to provide the type of information useful and relevant to establishing security level requirements for persons in the custody of a sheriff. The provisions of this section shall not require the disclosure of any records or information which is required by law to be kept confidential.

SECTION 7. This act shall become effective November 1, 2025.

Passed the Senate the 27th day of March, 2025.

Presiding Officer of the Senate

Passed the House of Representatives the 1st day of May, 2025.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____