

# An Act

ENROLLED SENATE  
BILL NO. 269

By: Griffin, Pittman, and Sharp  
of the Senate

and

Nelson of the House

An Act relating to the Office of Juvenile Affairs; amending 10A O.S. 2011, Section 2-7-305, as amended by Section 21, Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2014, Section 2-7-305), which relates to community intervention centers; permitting centers to receive and hold juveniles pending transportation to a detention facility; clarifying when custody by law enforcement is relinquished; and providing an effective date.

SUBJECT: Transfer of juvenile offenders

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-7-305, as amended by Section 21, Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2014, Section 2-7-305), is amended to read as follows:

Section 2-7-305. A. The Office of Juvenile Affairs is authorized to enter into contracts to establish or maintain community-based youth service programs, shelters and community intervention centers out of local, state and federal monies.

B. The Office of Juvenile Affairs shall take all necessary steps to develop and implement a diversity of community services and community-based residential care as needed to provide for adequate and appropriate community-based care, treatment and rehabilitation

of children in the care, custody, and supervision of the Office of Juvenile Affairs. Such community services and residential care shall be consistent with the treatment needs of the child and the protection of the public.

1. The Office of Juvenile Affairs shall, to the extent reasonable and practicable, provide community-based services, community residential care and community intervention centers to children in the custody of the Office of Juvenile Affairs through financial agreements, as authorized in Sections 2-7-303 and 2-7-304 of this title.

2. The Office of Juvenile Affairs shall establish procedures for the letting of grants or contracts, and the conditions and requirements for the receipt of such grants or contracts, for community-based services, community residential care and community intervention centers. A copy of such procedures shall be made available to any member of the general public upon request.

C. Any state agency letting grants or contracts for the establishment of community residential care or treatment facilities for children shall require, as a condition for receipt of such grants or contracts, documented assurance from the agency or organization establishing such facility that appropriate arrangements have been made for providing the educational services to which residents of the facility are entitled pursuant to state and federal law.

D. 1. The Office of Juvenile Affairs shall implement programs for establishment and continued operation of community intervention centers. The centers shall be established pursuant to interlocal agreements between one or more municipalities or one or more counties and the Office of Juvenile Affairs pursuant to rules promulgated by the Office. The municipality or county may enter into subcontracts with one or more service providers, subject to the approval by the Office of Juvenile Affairs. The service provider, whether a municipality, county or other entity, must have access to the management information system provided for in Section 2-7-308 of this title and must employ qualified staff, as determined by the Office of Juvenile Affairs.

2. The community intervention center shall serve as a short-term reception facility to receive and hold juveniles who have been taken into custody by law enforcement agencies for the alleged violation of a municipal ordinance or state law or who are alleged to be in need of supervision and for whom detention is inappropriate or unavailable. The community intervention center may receive and hold juveniles for whom detention is appropriate and available pending transportation by law enforcement to a detention facility; provided, custody by law enforcement shall not be relinquished to the community intervention center until detention eligibility and bed availability are determined by the designated detention screener and an order for detention is issued. The community intervention center may be a secure facility. Juveniles held in the community intervention facility shall not be isolated from common areas other than for short-term protective holding for combative or self-destructive behavior, as defined by the Office of Juvenile Affairs.

3. Juveniles shall not be held in a community intervention center for more than twenty-four (24) hours.

4. The community intervention center shall perform the following functions:

- a. enter demographic information into the management information system provided for in Section 2-7-308 of this title,
- b. immediately notify the parents or parent, guardian, or other person legally responsible for the juvenile's care, or if such legally responsible person is unavailable the adult with whom the juvenile resides, that the juvenile has been taken into custody and to pick up the juvenile,
- c. hold juveniles until they can be released to a parent, guardian, or other responsible adult or until a temporary placement can be secured, but in no event for longer than twenty-four (24) hours, and
- d. ensure that a written promise is executed by the parent, guardian or other responsible adult to bring

the child to court at any time if a petition is to be filed.

5. The community intervention center may perform the following functions:

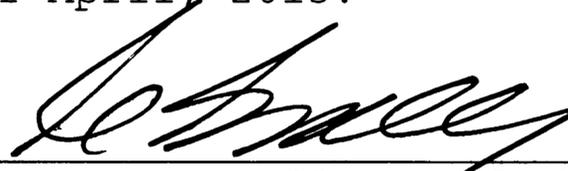
- a. gather information to determine if the juvenile is in need of immediate medical attention,
- b. conduct an initial assessment pursuant to rules promulgated by the Office of Juvenile Affairs. Such initial assessment may be given without parental consent if the juvenile agrees to participate in the assessment, and
- c. conduct an assessment pursuant to a Problem Behavior Inventory or a Mental Status Checklist or an equivalent assessment instrument authorized by rules promulgated by the Office of Juvenile Affairs, if written permission to do so is obtained from the parent, guardian or other person legally responsible for the care of the juvenile. Such person and the juvenile may review the assessment instrument prior to the assessment process, must be informed that participation in the assessment is voluntary and that refusal to participate shall not result in any penalty, and must sign a written acknowledgment that they were given an opportunity to review the assessment instrument. The assessment shall be used to develop recommendations to correct the behavior of the juvenile, to divert the progression of the juvenile into the juvenile justice system, to determine if the juvenile is in need of nonemergency medical treatment, and to determine if the juvenile is the victim of violence. Information derived from the assessment shall not be made available to prosecutors or the court prior to adjudication of the alleged offense, and shall not be used in any phase of prosecution but may be used by the court following adjudication for the dispositional order and may be used for referrals to social services.

6. A juvenile alleged to have committed an offense which would be a felony if committed by an adult may be fingerprinted at a community intervention center. No other juveniles shall be fingerprinted at community intervention centers.

7. Community intervention centers shall be certified pursuant to standards established and rules promulgated by the Office of Juvenile Affairs.

SECTION 2. This act shall become effective November 1, 2015.

Passed the Senate the 29th day of April, 2015.

  
Presiding Officer of the Senate

Passed the House of Representatives the 20th day of April, 2015.

  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 30<sup>th</sup>

day of April, 20 15, at 2:25 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6<sup>th</sup>

day of May, 20 15, at 9:45 o'clock A M.

  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6<sup>th</sup>

day of May, 20 15, at 5:23 o'clock P M.

By: Ch. Benz