An Act

ENROLLED SENATE
BILL NO. 1602

By: Jolley and Treat of the Senate

and

Sears and Casey of the House

An Act relating to agency director qualifications; amending 10A O.S. 2011, Section 2-7-201, as amended by Section 1, Chapter 246, O.S.L. 2012 (10A O.S. Supp. 2015, Section 2-7-201), which relates to the Executive Director of the Office of Juvenile Affairs; amending 57 O.S. 2011, Section 506, as amended by Section 1, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2015, Section 506), which relates to the Director of Corrections; removing certain requirements relating to education and experience; and providing an effective date.

SUBJECT: Agency director qualifications

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-7-201, as amended by Section 1, Chapter 246, O.S.L. 2012 (10A O.S. Supp. 2015, Section 2-7-201), is amended to read as follows:

Section 2-7-201. A. The Board of Juvenile Affairs shall appoint the Executive Director of the Office of Juvenile Affairs. The Executive Director shall serve at the pleasure of the Board.

B. The Executive Director of the Office of Juvenile Affairs shall be qualified for such position by character, ability,

education, training, and successful administrative experience in ~~the corrections or juvenile justice field; shall have earned a master's degree or other advanced degree from an accredited college or university with a major field of study in at least~~ one of the following: Corrections, juvenile justice, juvenile delinquency, criminal justice, law, police science, criminology, psychology, sociology, administration, education, or a related social science~~, and three (3) years' work experience in corrections or juvenile justice, or a bachelor's degree in the degree areas specified in this subsection and four (4) years' progressively responsible work experience in corrections or juvenile justice~~.

C. The Executive Director shall provide for the administration of the Office of Juvenile Affairs and shall:

1. Be the executive officer and supervise the activities of the Office of Juvenile Affairs;

2. Pursuant to legislative authorization employ, discharge, appoint or contract with, and fix the duties and compensation of such assistants, attorneys, law enforcement officers, probation officers, psychologists, social workers, medical professionals, administrative, clerical and technical, investigators, aides and such other personnel, either on a full-time, part-time, fee or contractual basis, as in the judgment and discretion of the Executive Director shall be deemed necessary in the performance or carrying out of any of the purposes, objectives, responsibilities, or statutory provisions relating to the Office of Juvenile Affairs, or to assist the Executive Director of the Office of Juvenile Affairs in the performance of official duties and functions;

3. Establish internal policies and procedures for the proper and efficient administration of the Office of Juvenile Affairs; and

4. Exercise all incidental powers which are necessary and proper to implement the purposes of the Office of Juvenile Affairs pursuant to the Oklahoma Juvenile Code.

D. The Executive Director shall employ an attorney to be designated the "General Counsel" who shall be the legal advisor for the Office of Juvenile Affairs. Except as provided in this subsection, the General Counsel is authorized to appear for and

represent the Board and Office in any litigation that may arise in the discharge of the duties of the Board and Office.

It shall continue to be the duty of the Attorney General to give an official opinion to the Executive Director of the Office of Juvenile Affairs and the Office of Juvenile Affairs and to prosecute and defend actions therefor, if requested to do so. The Attorney General may levy and collect costs, expenses of litigation and a reasonable attorney fee for such legal services from the Office. The Office shall not contract for representation by private legal counsel unless approved by the Attorney General. Such contract for private legal counsel shall be in the best interests of the state. The Attorney General shall be notified by the Office of Juvenile Affairs or its counsel of all lawsuits against the Office of Juvenile Affairs or officers or employees thereof, that seek injunctive relief which would impose obligations requiring the expenditure of funds in excess of unencumbered monies in the agency's appropriations or beyond the current fiscal year. The Attorney General shall review any such cases and may represent the interests of the state, if the Attorney General considers it to be in the best interest of the state to do so, in which case the Attorney General shall be paid as provided in this subsection. Representation of multiple defendants in such actions may, at the discretion of the Attorney General, be divided with counsel for the Office as necessary to avoid conflicts of interest.

E. The Executive Director of the Office of Juvenile Affairs shall have the authority to commission certified employees within the Office of Juvenile Affairs as peace officers. The authority of employees so commissioned shall only include the authority to investigate crimes committed against the Office or crimes committed in the course of any program administered by the Office. Employees so commissioned shall also have the authority to serve and execute process, bench warrants, and other court orders in any judicial or administrative proceeding in which the agency is a party or participant. Use and possession of firearms for this purpose only shall be permitted. To become qualified as peace officers for the commission, employees shall first obtain a certificate as provided for in Section 3311 of Title 70 of the Oklahoma Statutes.

F. The Executive Director of the Office of Juvenile Affairs, based upon rules established by the Board of Juvenile Affairs, shall

have the authority to appoint and commission campus police for secure juvenile facilities and their adjacent grounds under the jurisdiction of the Office of Juvenile Affairs in the same manner and with the same powers as campus police appointed by governing boards of state institutions for higher education under the provisions of Section 360.15 et seq. of Title 74 of the Oklahoma Statutes.

G. In the event of the Executive Director's temporary absence, the Executive Director may delegate the exercise of such powers and duties to a designee during the Executive Director's absence. In the event of a vacancy in the position of Executive Director, the Board of Juvenile Affairs shall appoint a new Executive Director. The Board may designate an interim or acting Executive Director who is authorized to exercise such powers and duties until a permanent Executive Director is employed.

SECTION 2. AMENDATORY 57 O.S. 2011, Section 506, as amended by Section 1, Chapter 267, O.S.L. 2012 (57 O.S. Supp. 2015, Section 506), is amended to read as follows:

Section 506. There is hereby created the position of Director of Corrections. The Director shall be qualified for such position by character, knowledge, skill, ability, education, training and successful administrative experience ~~in the correctional field;~~ and shall have ~~earned a Master's Degree from an accredited college or university and~~ five (5) years of professional level work ~~experience in corrections, or a bachelor's degree and six (6) years of professional level work experience in corrections~~. The Director of Corrections shall be appointed by the Board of Corrections, with the advice and consent of the Senate and shall be subject to removal by a vote of the majority of the entire Board or in the manner provided by law for the removal of officers not subject to impeachment.

SECTION 3. This act shall become effective November 1, 2016.

Passed the Senate the 18th day of May, 2016.

Eddie Fields
Presiding Officer of the Senate

Passed the House of Representatives the 25th day of May, 2016.

Lee R. Denney
Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 25th

day of May, 2016, at 5:53 o'clock P M.

By: Audrey Rockwell

Approved by the Governor of the State of Oklahoma this 6th

day of June, 2016, at 4:04 o'clock P M.

Mary Fallin
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 6th

day of June, 2016, at 4:53 o'clock P. M.

By: Chris Benge