

1 ENGROSSED HOUSE
2 BILL NO. 2479

By: McCall, Lawson, Mize,
Boles, West (Josh), Osburn,
Frix, Fetgatter, West
(Tammy), Olsen, Vancuren,
McEntire, Manger, Steagall,
Kiger, Crosswhite Hader,
Phillips, Smith, Strom,
Cornwell, Davis, Burns,
Hasenbeck, Dills, Sterling,
Fincher, Moore, Marti,
Miller, Pae, May, McBride,
West (Kevin), Bush, Talley,
Lepak, Sims, Stark, Conley,
Taylor, Grego, Hardin
(David), Patzkowsky,
Boatman, Luttrell, Gann,
Kerbs, Echols, Hill,
Caldwell (Trey), McDugle,
Johns, Kannady, Wallace,
Hilbert, Baker, Roberts
(Sean) and Townley of the
House

13 and

14 Treat of the Senate

15
16
17 An Act relating to the Office of Juvenile Affairs;
18 amending 10A O.S. 2011, Sections 2-7-101 and 2-7-201,
as last amended by Section 1, Chapter 386, O.S.L.
19 2016 (10A O.S. Supp. 2018, Section 2-7-201), which
relate to the Board of Juvenile Affairs; modifying
20 appointment of members of the Board; modifying powers
and duties of the Board; authorizing Governor to
21 appoint Executive Director; providing for
determination of compensation; authorizing the
22 Legislature to remove the Executive Director from
office; specifying vote required for removal; and
23 declaring an emergency.
24

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

2 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-7-101, is
3 amended to read as follows:

4 Section 2-7-101. A. There is hereby created, ~~effective~~
5 ~~February 1, 1995,~~ the Board of Juvenile Affairs which shall consist
6 of ~~seven (7) members who shall be appointed by the Governor with the~~
7 ~~advice and consent of the Senate.~~

8 ~~B. One member shall be appointed from each congressional~~
9 ~~district and any remaining members shall be appointed from the state~~
10 ~~at large. However, when congressional districts are redrawn each~~
11 ~~member appointed prior to July 1 of the year in which such~~
12 ~~modification becomes effective shall complete the current term of~~
13 ~~office and appointments made after July 1 of the year in which such~~
14 ~~modification becomes effective shall be based on the redrawn~~
15 ~~districts. Appointments made after July 1 of the year in which the~~
16 ~~modification becomes effective shall be from any redrawn districts~~
17 ~~which are not represented by a board member until such time as each~~
18 ~~of the modified congressional districts are represented by a board~~
19 ~~member. No appointments may be made after July 1 of the year in~~
20 ~~which the modification becomes effective if such appointment would~~
21 ~~result in more than two members serving from the same modified~~
22 ~~district. The terms of office of the members serving on the Board~~
23 ~~on the effective date of this act shall expire at the end of the~~
24 ~~current term of the member.~~

1 ~~C. 1. All appointments made by the Governor pursuant to this~~
2 ~~act shall be as follows:~~

- 3 ~~a. one member appointed by the Governor shall be a~~
4 ~~resident of the First Congressional District,~~
- 5 ~~b. one member appointed by the Governor shall be a~~
6 ~~resident of the Second Congressional District,~~
- 7 ~~c. one member appointed by the Governor shall be a~~
8 ~~resident of the Third Congressional District,~~
- 9 ~~d. one member appointed by the Governor shall be a~~
10 ~~resident of the Fourth Congressional District,~~
- 11 ~~e. one member appointed by the Governor shall be a~~
12 ~~resident of the Fifth Congressional District,~~
- 13 ~~f. one member appointed by the Governor shall be~~
14 ~~appointed at large, and~~
- 15 ~~g. one member appointed by the Governor shall be~~
16 ~~appointed at large.~~

17 ~~All members~~ the following nine (9) members:

18 1. Five members appointed by the Governor;

19 2. Two members appointed by the Speaker of the House of

20 Representatives; and

21 3. Two members appointed by the President Pro Tempore of the

22 Senate.

23 B. 1. Each member shall be appointed for terms of four (4)
24 years. All terms shall expire on the first day of July of the year

1 ~~in which the terms of each member expire~~ serve at the pleasure of
2 his or her appointing authority and may be removed or replaced
3 without cause.

4 2. ~~Thereafter an appointment shall be made by the Governor~~
5 ~~within ninety (90) days after a vacancy has occurred due to~~
6 ~~resignation, death, or any cause resulting in an unexpired term. In~~
7 ~~the event of a vacancy on the Board due to resignation, death, or~~
8 ~~for any cause resulting in an unexpired term, if not filled within~~
9 ~~ninety (90) days following the vacancy, the Board may appoint a~~
10 ~~provisional member to serve in the interim until the Governor makes~~
11 ~~an appointment~~ Any member of the Board shall be prohibited from
12 voting on any issue in which the member has a direct financial
13 interest.

14 3. ~~A member may be reappointed to succeed himself or herself~~
15 ~~for one additional term~~ The Executive Director of the Office of
16 Juvenile Affairs shall be an ex officio member of the Board, but
17 shall be entitled to vote only in case of a tie vote.

18 ~~D.~~ C. To be eligible for appointment to the Board a person
19 shall:

- 20 1. Be a citizen of the United States;
- 21 2. Be a resident of this state;
- 22 3. Be a qualified elector of this state; and

1 4. Not have been convicted of a felony pursuant to the laws of
2 this state, the laws of any other state, or the laws of the United
3 States.

4 ~~E.~~ D. Members appointed pursuant to this paragraph shall
5 include persons having experience in social work, juvenile justice,
6 criminal justice, community-based youth services, criminal-justice-
7 related behavioral sciences, indigent defense, and education. In
8 making the appointments, the Governor shall also give consideration
9 to urban, rural, gender, and minority representation.

10 ~~F. Any member of the Board may be removed from office in the~~
11 ~~manner provided by law for the removal of officers not subject to~~
12 ~~impeachment.~~

13 ~~G.~~ E. 1. The Board shall hold meetings as necessary at a place
14 and time to be fixed by the Board. The Board shall elect, at its
15 first meeting, one of its members to serve as chair and another of
16 its members to serve as vice-chair. At the first meeting in each
17 calendar year thereafter, the chair and vice-chair for the ensuing
18 year shall be elected. Special meetings may be called by the chair
19 or by five members of the Board by delivery of written notice to
20 each member of the Board. A majority of members serving on the
21 Board shall constitute a quorum of the Board.

22 2. Members of the Board shall receive necessary travel expenses
23 according to the provisions of the State Travel Reimbursement Act,
24

1 but shall receive no other compensation. Travel expenses shall be
2 paid from funds available to the Office of Juvenile Affairs.

3 ~~H.~~ F. The Board shall:

4 1. Adopt and promulgate rules for its government and may adopt
5 an official seal for the Office of Juvenile Affairs;

6 ~~2. Appoint and fix the compensation of the Executive Director
7 of the Office of Juvenile Affairs;~~

8 ~~3.~~ Be the rulemaking body for the Office of Juvenile Affairs;

9 ~~4.~~ 3. Review and approve the budget request of the Office of
10 Juvenile Affairs to the Governor;

11 ~~5.~~ 4. Assist the Office of Juvenile Affairs in conducting
12 periodic reviews and planning activities related to the goals,
13 objectives, priorities, and policies of the Office;

14 ~~6.~~ 5. Provide a public forum for receiving comments and
15 disseminating information to the public and the regulated community
16 regarding goals, objectives, priorities, and policies of the Office
17 of Juvenile Affairs at least quarterly. The Board shall have the
18 authority to adopt nonbinding resolutions requesting action by the
19 Office of Juvenile Affairs in response to comments received or upon
20 the Board's own initiative; and

21 ~~7.~~ 6. Establish contracting procedures for the Office of
22 Juvenile Affairs and guidelines for rates of payment for services
23 provided by contract.

1 ~~F.~~ G. 1. As the rulemaking body of the Office of Juvenile
2 Affairs, the Board is specifically charged with the duty of
3 promulgating rules which will implement the duties and
4 responsibilities of the Office pursuant to the Oklahoma Juvenile
5 Code.

6 2. Effective July 1, 1995, any administrative policies adopted
7 by the Commission for Human Services related to personnel and other
8 administrative issues and any rules promulgated relating to the
9 custody, care and supervision of children adjudicated to be
10 delinquent or in need of supervision shall be and remain in effect
11 until amended or new rules are promulgated by the Board of Juvenile
12 Affairs.

13 3. Any rules adopted by the Commission for Human Services
14 related to personnel and other administrative issues and the
15 custody, care and supervision of children adjudicated to be
16 delinquent or in need of supervision and subject to review by the
17 Legislature during the 1st Session of the 45th Oklahoma Legislature
18 may be finally adopted and promulgated by the Board of Juvenile
19 Affairs pursuant to the Administrative Procedures Act.

20 4. Starting April 1, 1995, the Board of Juvenile Affairs shall
21 conduct an internal review of current permanent and emergency rules
22 relating to the custody, care and supervision of children
23 adjudicated to be delinquent or in need of supervision to determine
24 whether such rules need to be amended, or repealed, reinstated, or

1 recodified. By January 1, 1997, the Board shall have adopted
2 permanent rules to implement the programs and functions within its
3 jurisdiction and shall submit such rules for legislative review
4 pursuant to Article I of the Administrative Procedures Act.

5 5. The Board of Juvenile Affairs shall develop performance
6 standards for programs implemented, either directly or pursuant to
7 contract, by the Office of Juvenile Affairs.

8 SECTION 2. AMENDATORY 10A O.S. 2011, Section 2-7-201, as
9 last amended by Section 1, Chapter 386, O.S.L. 2016 (10A O.S. Supp.
10 2018, Section 2-7-201), is amended to read as follows:

11 Section 2-7-201. A. ~~The Board of Juvenile Affairs shall~~
12 ~~appoint the~~ Executive Director of the Office of Juvenile Affairs
13 shall be appointed by the Governor with the advice and consent of
14 the Senate. The Executive Director shall serve at the pleasure of
15 the ~~Board~~ Governor and may be removed or replaced without cause.
16 Compensation for the Executive Director shall be determined pursuant
17 to the Governor. The Executive Director may be removed from office
18 by a two-thirds (2/3) vote of the members elected to and
19 constituting each chamber of the Legislature.

20 B. The Executive Director of the Office of Juvenile Affairs
21 shall be qualified for such position by character, ability,
22 education, training, and successful administrative experience in one
23 of the following: Corrections, juvenile justice, juvenile
24 delinquency, criminal justice, law, police science, criminology,

1 psychology, sociology, administration, education, or a related
2 social science.

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

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

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

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

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

24

1 D. The Executive Director shall employ an attorney to be
2 designated the "General Counsel" who shall be the legal advisor for
3 the Office of Juvenile Affairs. Except as provided in this
4 subsection, the General Counsel is authorized to appear for and
5 represent the Board and Office in any litigation that may arise in
6 the discharge of the duties of the Board and Office.

7 It shall continue to be the duty of the Attorney General to give
8 an official opinion to the Executive Director of the Office of
9 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute
10 and defend actions therefor, if requested to do so. The Attorney
11 General may levy and collect costs, expenses of litigation and a
12 reasonable attorney fee for such legal services from the Office.
13 The Office shall not contract for representation by private legal
14 counsel unless approved by the Attorney General. Such contract for
15 private legal counsel shall be in the best interests of the state.
16 The Attorney General shall be notified by the Office of Juvenile
17 Affairs or its counsel of all lawsuits against the Office of
18 Juvenile Affairs or officers or employees thereof, that seek
19 injunctive relief which would impose obligations requiring the
20 expenditure of funds in excess of unencumbered monies in the
21 agency's appropriations or beyond the current fiscal year. The
22 Attorney General shall review any such cases and may represent the
23 interests of the state, if the Attorney General considers it to be
24 in the best interest of the state to do so, in which case the

1 Attorney General shall be paid as provided in this subsection.
2 Representation of multiple defendants in such actions may, at the
3 discretion of the Attorney General, be divided with counsel for the
4 Office as necessary to avoid conflicts of interest.

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

18 F. The Executive Director of the Office of Juvenile Affairs,
19 based upon rules established by the Board of Juvenile Affairs, shall
20 have the authority to appoint and commission campus police for
21 secure juvenile facilities and their adjacent grounds under the
22 jurisdiction of the Office of Juvenile Affairs in the same manner
23 and with the same powers as campus police appointed by governing
24 boards of state institutions for higher education under the

