

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1971 _____
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: Danny Williams _____

Reading Clerk

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 PROPOSED POLICY
4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1971

By: Williams

7
8 PROPOSED POLICY COMMITTEE SUBSTITUTE

9 An Act relating to children; enacting the
10 Accountability, Transparency, and Protection for
11 Exploited Youth Act; requiring certain individuals to
12 report any form of sexual misconduct or exploitation;
13 directing who the incident must be reported to;
14 providing for penalties for failure to report;
15 directing notification by the District Attorney;
16 directing that investigations be forwarded to certain
17 individuals and agencies; providing that employees
18 shall be subject to civil liability under certain
19 circumstances; providing that the Office of Juvenile
20 Affairs and private contractors shall be liable for
21 damages under certain circumstances; providing what
22 constitutes negligence; providing for civil
23 penalties; requiring the Office to provide annual
24 training; directing the Office of Juvenile System
Oversight to submit annual report; providing what
must be included in annual report; providing
exception under Oklahoma Open Records Act; 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; authorizing access
to certain records without court order; permitting a
party to request judicial review; providing that
disclosed information shall not be open for general
public inspection; amending 10A O.S. 2021, Section 2-
6-102, which relates to confidential juvenile
records; providing exception; providing for
codification; and providing an effective date.

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

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

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

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

10 A. Any employee, contractor, volunteer, or third party working
11 in or around a state-run juvenile facility, private contractor, or
12 group home under the supervision of the Office of Juvenile Affairs
13 or any county facility which detains juveniles, who becomes aware
14 of, witnesses, or suspects any form of sexual misconduct, coercive
15 relationships, or exploitation between staff, volunteers or
16 contractors and juveniles, shall be required to immediately report
17 the incident to both:

- 18 1. The facility supervisor; and
- 19 2. The Office of Juvenile System Oversight for independent
20 investigation.

21 B. Any individual who fails to report such incidents shall be
22 liable for criminal prosecution, facing penalties of up to two (2)
23 years imprisonment and a fine of up to Five Thousand Dollars
24 (\$5,000.00).

1 C. Investigations shall be forwarded to the District Attorney
2 in the district where the abuse took place. The Office of Juvenile
3 System Oversight shall notify the juvenile-victim's family, the
4 Oklahoma State Senate member for that district, and the Oklahoma
5 House of Representatives member for that district in writing that
6 the investigation has been forwarded to the District Attorney.

7 The District Attorney shall notify the juvenile-victim's family,
8 the Oklahoma State Senate member for that district, and the Oklahoma
9 House of Representatives member for that district when a decision
10 has been made to either file or decline filing charges.

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

14 A. Any employee, officer, contractor, or volunteer who
15 knowingly fails to report incidents of sexual misconduct or coercive
16 behavior shall be subject to civil liability exempt from the
17 Governmental Tort Claims Act, including but not limited to damages
18 for physical, emotional, and psychological harm caused to the
19 juvenile.

20 B. The Office of Juvenile Affairs and any contracted entity or
21 group home operating under the Office's supervision shall be liable
22 for damages if a court of proper jurisdiction finds that they were
23 negligent in preventing, investigating, or responding to reports of
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1 sexual misconduct. Liability under this section is exempt from the
2 Governmental Tort Claims Act.

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

7 D. Juvenile-victims, their legal guardians, or next friends may
8 file civil suits seeking damages under this section.

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

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

16 A. The Office of Juvenile Affairs shall be required to provide
17 annual training for all employees, contractors, and volunteers on
18 the prevention, identification, and reporting of sexual misconduct
19 and coercive relationships between staff and juveniles. This
20 training shall also be given to county facilities where juveniles
21 are detained.

22 B. The Office of Juvenile System Oversight shall submit an
23 annual report to the Oklahoma Legislature, outlining the number of
24 investigations, findings, and any corrective actions taken.

1 SECTION 5. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 24A.35 of Title 51, unless there
3 is created a duplication in numbering, reads as follows:

4 A. Notwithstanding other provisions of Title 10A regarding the
5 confidentiality of juvenile records or any provisions under the
6 Oklahoma Open Records Act, an exception is hereby created allowing
7 the disclosure of relevant files and records from the Office of
8 Juvenile Affairs when a minor who is or was in the Office's custody
9 or in the custody of a county detention facility is the victim of
10 sexual violence. Access to such records shall be given to the
11 following parties:

12 1. Law enforcement officers conducting investigations into
13 allegations of sexual violence;

14 2. The legal guardians or parents of the minor victim;

15 3. Attorneys representing the minor in civil or criminal
16 proceedings;

17 4. Court-appointed advocates representing the minor in juvenile
18 or child welfare proceedings; and

19 5. Officers of the court who are conducting investigations to
20 assist the minor.

21 B. Disclosure shall be limited to documents directly related to
22 the incident of sexual violence. Personal and identifying
23 information of other juveniles unrelated to the case shall be
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1 redacted to maintain the confidentiality of individuals not involved
2 in the incident.

3 C. Parties receiving the disclosed records under this section
4 shall be required to comply with existing confidentiality
5 obligations and shall not further disseminate the information,
6 except as necessary for legal proceedings or official
7 investigations.

8 D. While access is granted without the need for a court order,
9 in cases where there is a dispute over the appropriateness of
10 disclosing certain records, either party may request a judicial
11 review to determine whether further restrictions or redactions
12 should apply.

13 E. Information disclosed under this section shall not be
14 considered open for general public inspection and is exempt from
15 disclosure to the general public, maintaining the integrity of
16 juvenile confidentiality laws under the Oklahoma Open Records Act
17 and Title 10A of the Oklahoma Juvenile Code.

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

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

24 1. Juvenile court records;

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

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

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

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

15 2. ~~Upon the charging of an individual pursuant to Section 2-5-~~
16 ~~101 of this title;~~

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

23 4. To a juvenile who is fourteen (14) years of age or older and
24 who has been adjudicated delinquent and who subsequently comes

1 before the juvenile court on a new delinquency matter after July 1,
2 1995;

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

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

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

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

1 9. a. Whenever files and records exist in cases involving
2 allegations or findings of physical or sexual violence
3 against a minor in custody. The following parties
4 shall be granted access to relevant files:

5 (1) Law enforcement officers investigating the
6 incident,

7 (2) The minor's legal guardians or parents,

8 (3) Attorneys representing the minor in civil or
9 criminal proceedings,

10 (4) Court-appointed advocates in connection with
11 proceedings relating to the minor's welfare, and

12 (5) Officers of the court who are conducting
13 investigations to assist the minor.

14 b. Access under this exception shall be limited to files
15 and records directly related to the incident of sexual
16 violence. Sensitive information, including
17 identifying details of unrelated juveniles and
18 personal details not pertinent to the case, shall be
19 redacted to protect the privacy of other individuals
20 in custody.

21 c. All parties who are granted access under this
22 provision shall be bound by confidentiality
23 requirements and shall not further disclose the
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1 records except as necessary for legal proceedings or
2 investigation.

3 d. A court may further restrict or expand access to the
4 Office of Juvenile Affairs records as necessary to
5 balance the need for investigation and justice with
6 the protection of sensitive information.

7 D. Following the first adjudication as a delinquent, the court
8 having jurisdiction shall note on the juvenile court record of the
9 person that any subsequent juvenile court records shall not be
10 confidential; provided, the child is at least fourteen (14) years of
11 age or older. Any juvenile court record which becomes an open
12 juvenile record as provided in this subsection may be expunged as
13 provided in Section 2-6-109 of this title.

14 The provisions of this subsection shall only apply to the
15 juvenile court records and law enforcement records of juvenile
16 offenders certified, charged or adjudicated on and after July 1,
17 1995.

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

1 F. Except as otherwise required by state or federal law, the
2 confidential records listed in subsection A of this section may only
3 be inspected, released, disclosed, corrected or expunged pursuant to
4 an order of the court. Except as otherwise provided in Section
5 601.6 of Title 10 of the Oklahoma Statutes or any provision of this
6 chapter, no subpoena or subpoena duces tecum purporting to compel
7 disclosure of confidential information or any confidential juvenile
8 record shall be valid.

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

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

21 H. Upon receiving a written request for inspection, release,
22 disclosure, or correction of a juvenile record, the court shall
23 determine whether the record of a juvenile falls under one of the
24 exceptions listed in subsection C of this section. If the record

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

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

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

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

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

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

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

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

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

20 2. Authorizing the disclosure of information required to be
21 kept confidential by Section 7505-1.1, 7506-1.1 or 7510-1.5 of Title
22 10 of the Oklahoma Statutes, the Oklahoma Adoption Code or
23 disclosure of any other confidential record pursuant to the
24 provisions of this chapter;

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

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

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

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

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

23 M. The confidential records listed in subsection A of this
24 section may be inspected and their contents disclosed without a

1 court order to the Oklahoma School for the Blind, Oklahoma School
2 for the Deaf, or a school district in which the child who is the
3 subject of the record is currently enrolled or has been presented
4 for enrollment. The inspection of records and disclosure authorized
5 by this subsection may be limited to summaries or to information
6 directly necessary for the purpose of such inspection or disclosure.
7 Upon request by the Oklahoma School for the Blind, Oklahoma School
8 for the Deaf, or a school district, the agency in possession of the
9 records shall provide in writing, digitally, or by delivery to a
10 secure facsimile line, the requested information to the school
11 district within five (5) business days upon receipt of the request.
12 Any records disclosed as provided by this subsection shall remain
13 confidential. The use of any information shall be limited to the
14 purposes for which disclosure is authorized.

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

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

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20 60-1-12398 CMA 02/07/25

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