

1 **SENATE FLOOR VERSION**

2 March 4, 2025

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 870

6 By: Rader

7 An Act relating to children; creating the
8 Accountability, Transparency, and Protection for
9 Exploited Youth Act; providing short title; requiring
10 certain individuals to report sexual misconduct or
11 exploitation; creating felony offense; providing for
12 penalties; requiring investigation reports to be
13 forwarded to certain individuals; requiring certain
14 notification by the district attorney; providing for
15 certain civil liability and damages; stating certain
16 negligence; providing for civil penalties; requiring
17 the Office of Juvenile Affairs to provide annual
18 training; directing the Office of Juvenile System
19 Oversight to submit certain report; amending 10A O.S.
20 2021, Sections 2-6-102 and 2-6-110, which relate to
21 juvenile records; striking reference to repealed
22 section; permitting disclosure of certain records
23 under certain circumstances; authorizing certain
24 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.

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:

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

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

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

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

20 C. Investigation reports shall be forwarded to the district
21 attorney in the district where the abuse took place. The Office of
22 Juvenile System Oversight shall notify in writing the juvenile
23 victim's family and the Senate and House of Representatives members
24

1 for the district in which the juvenile victim lives that the
2 investigation has been forwarded to the district attorney.

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

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

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

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

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

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

9 E. 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 Office employees, contractors, and
18 volunteers on the prevention, identification, and reporting of
19 sexual misconduct and coercive relationships between staff and
20 juveniles. Such training shall also be provided to employees,
21 contractors, and volunteers of county facilities where juveniles are
22 detained.

23 B. The Office of Juvenile System Oversight shall electronically
24 submit an annual report to the President Pro Tempore of the Senate

1 and the Speaker of the House of Representatives that outlines the
2 number of investigations, findings, and any corrective actions
3 taken.

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

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

- 10 1. Juvenile court records;
- 11 2. Agency records;
- 12 3. District attorney's records;
- 13 4. Law enforcement records;
- 14 5. Nondirectory education records; and
- 15 6. Social records.

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

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

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

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

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

9 ~~4.~~ 3. To a juvenile who is fourteen (14) years of age or older
10 and who has been adjudicated delinquent and who subsequently comes
11 before the juvenile court on a new delinquency matter after July 1,
12 1995;

13 ~~5.~~ 4. To a juvenile adjudicated a delinquent for committing a
14 delinquent act which, if committed by an adult, would be a felony
15 offense that is a crime against the person or a felony offense
16 involving a dangerous weapon;

17 ~~6.~~ 5. To arrest records of a juvenile arrested for committing
18 an act, which if committed by an adult, would be a felony offense;

19 ~~7.~~ 6. To a violation of the Prevention of Youth Access to
20 Tobacco Act; ~~or~~

21 ~~8.~~ 7. Whenever a juvenile is accepted for placement or
22 treatment in a facility or private treatment facility within this
23 state as a result of or following a conviction or adjudication for
24 an out-of-state offense that would qualify the juvenile as a

1 youthful offender, as defined in Section 2-5-202 of this title, had
2 the crime occurred within this state. The facility shall provide
3 any law enforcement agency or peace officer all prior criminal
4 offense, conviction, and adjudication information. If a juvenile
5 flees or is otherwise absent from the facility without permission,
6 the facility shall provide any law enforcement agency or peace
7 officer all prior criminal offense, conviction, and adjudication
8 information. Any law enforcement agency or peace officer shall have
9 the authority to review or copy any records concerning the juvenile,
10 including prior criminal offense, conviction, or adjudication
11 information; or

12 8. a. Whenever files and records exist in cases involving
13 allegations or findings of physical or sexual violence
14 against a minor in custody. The following parties
15 shall be granted access to relevant files:

16 (1) law enforcement officers investigating the
17 incident,

18 (2) the minor's legal guardians or parents,

19 (3) attorneys representing the minor in civil or
20 criminal proceedings,

21 (4) court-appointed advocates in connection with
22 proceedings relating to the minor's welfare, and

23 (5) officers of the court who are conducting
24 investigations to assist the minor.

1 b. Access under this paragraph shall be limited to files
2 and records directly related to the incident of sexual
3 violence. Sensitive information, including
4 identifying details of unrelated juveniles and
5 personal details not pertinent to the case, shall be
6 redacted to protect the privacy of other individuals
7 in custody.

8 c. All parties who are granted access under this
9 paragraph shall be bound by confidentiality
10 requirements and shall not further disclose the
11 records except as necessary for legal proceedings or
12 investigations.

13 d. A court may further restrict or expand access to the
14 Office of Juvenile Affairs records as necessary to
15 balance the need for investigation and justice with
16 the protection of sensitive information.

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

1 The provisions of this subsection shall only apply to the
2 juvenile court records and law enforcement records of juvenile
3 offenders certified, charged or adjudicated on and after July 1,
4 1995.

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

12 F. Except as otherwise required by state or federal law, the
13 confidential records listed in subsection A of this section may only
14 be inspected, released, disclosed, corrected or expunged pursuant to
15 an order of the court. Except as otherwise provided in Section
16 601.6 of Title 10 of the Oklahoma Statutes or any provision of this
17 chapter, no subpoena or subpoena duces tecum purporting to compel
18 disclosure of confidential information or any confidential juvenile
19 record shall be valid.

20 G. An order of the court authorizing the inspection, release,
21 disclosure, correction or expungement of confidential records shall
22 be entered by the court only after a review of the records by the
23 court and a determination by the court, with due regard for the
24 confidentiality of the records and the privacy of persons identified

1 in the records, that a compelling reason exists and such inspection,
2 release or disclosure is necessary for the protection of a
3 legitimate public or private interest.

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

8 H. Upon receiving a written request for inspection, release,
9 disclosure, or correction of a juvenile record, the court shall
10 determine whether the record of a juvenile falls under one of the
11 exceptions listed in subsection C of this section. If the record
12 falls under one of the exceptions in subsection C of this section,
13 the court shall issue an order authorizing inspection, release,
14 disclosure or correction of the juvenile record. If the release of
15 a juvenile record is authorized by the court, the Office of Juvenile
16 Affairs shall provide information to the requestor regarding the
17 location of the juvenile record to be released.

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

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

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

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

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

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

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

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

6 2. Authorizing the disclosure of information required to be
7 kept confidential by Section 7505-1.1, 7506-1.1 or 7510-1.5 of Title
8 10 of the Oklahoma Statutes, the Oklahoma Adoption Code or
9 disclosure of any other confidential record pursuant to the
10 provisions of this chapter;

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

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

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

21 6. Prohibiting the Office of Juvenile Affairs from summarizing
22 the outcome of an investigation to the person who reported a known
23 or suspected instance of child abuse or neglect; or
24

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

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

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

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

8 Section 2-6-110. The Office of Juvenile Affairs shall, in
9 cooperation with sheriffs in this state, develop procedures for
10 providing timely and relevant information to sheriffs concerning
11 juvenile court records and agency records of persons who have met
12 the criteria specified in paragraph ~~5~~ 4 of subsection C of Section
13 2-6-102 of this title. The procedures shall be designed to provide
14 the type of information useful and relevant to establishing security
15 level requirements for persons in the custody of a sheriff. The
16 provisions of this section shall not require the disclosure of any
17 records or information which is required by law to be kept
18 confidential.

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

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
21 March 4, 2025 - DO PASS AS AMENDED BY CS
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