

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

HOUSE BILL 1971

By: Williams

AS INTRODUCED

An Act relating to children; enacting the Accountability, Transparency, and Protection for Exploited Youth Act; requiring certain individuals to report any form of sexual misconduct or exploitation; directing who the incident must be reported to; providing for penalties for failure to report; directing the Office of Juvenile Affairs to establish an Independent Oversight Committee; providing responsibilities for the Committee; directing that investigations be forwarded to certain individuals and agencies; providing that employees shall be subject to civil liability under certain circumstances; providing that the Office and private contractors shall be liable for damages under certain circumstances; providing what constitutes negligence; providing for civil penalties; requiring the Office to provide annual training; directing Committee 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.

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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 1-11-101 of Title 10A, unless there is created a duplication in numbering, reads as follows:

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1-11-102 of Title 10A, unless there is created a duplication in numbering, reads as follows:

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

1. The facility supervisor; and
2. The Office of Juvenile Affairs' Independent Oversight

Committee, established under this act, for independent investigation.

B. Any individual who fails to report such incidents shall be liable for criminal prosecution, facing penalties of up to two (2)

1 years imprisonment and a fine of up to Five Thousand Dollars  
2 (\$5,000.00).

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1-11-103 of Title 10A, unless  
5 there is created a duplication in numbering, reads as follows:

6 A. The Office of Juvenile Affairs shall establish an  
7 Independent Oversight Committee ("Committee") responsible for  
8 investigating all reports of sexual misconduct, coercive  
9 relationships, and exploitation in county, state, or contracted  
10 juvenile facilities.

11 B. Investigations shall be conducted separately from any  
12 internal reviews performed by the facility or its administrative  
13 body to ensure impartiality.

14 C. The Committee shall have the authority to subpoena  
15 witnesses, gather evidence, and work in collaboration with law  
16 enforcement agencies to investigate criminal charges where  
17 warranted.

18 D. Investigations shall be forwarded to the District Attorney  
19 in the district where the abuse took place. Should the District  
20 Attorney decline to file charges, they shall notify the Committee,  
21 the juvenile-victim's family, and the Oklahoma State Senate member  
22 and the Oklahoma House of Representatives member for that district  
23 in writing.

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1 SECTION 4. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-11-104 of Title 10A, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. Any employee, officer, contractor, or volunteer who  
5 knowingly fails to report incidents of sexual misconduct or coercive  
6 behavior shall be subject to civil liability exempt from the  
7 Governmental Tort Claims Act, including but not limited to damages  
8 for physical, emotional, and psychological harm caused to the  
9 juvenile.

10 B. The Office of Juvenile Affairs ("Office") and any contracted  
11 entity or group home operating under the Office's supervision shall  
12 be liable for damages if a court of proper jurisdiction finds that  
13 they were negligent in preventing, investigating, or responding to  
14 reports of sexual misconduct. Liability under this section is  
15 exempt from the Governmental Tort Claims Act.

16 C. Negligence shall include failure to properly train employees  
17 on mandatory reporting, failure to respond to previous reports,  
18 failure to terminate employees who abuse juveniles, or failure to  
19 take action to safeguard juveniles from known risks.

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

22 Civil fines of up to \$50,000 per juvenile-victim may be levied  
23 against the OJA, county facilities where juveniles are detained, or  
24 contracting entities found to have acted negligently.

1 SECTION 5. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 1-11-105 of Title 10A, unless  
3 there is created a duplication in numbering, reads as follows:

4 A. The Office of Juvenile Affairs shall be required to provide  
5 annual training for all employees, contractors, and volunteers on  
6 the prevention, identification, and reporting of sexual misconduct  
7 and coercive relationships between staff and juveniles. This  
8 training shall also be given to county facilities where juveniles  
9 are detained.

10 B. The Independent Oversight Committee shall submit an annual  
11 report to the Oklahoma Legislature, outlining the number of  
12 investigations, findings, and any corrective actions taken.

13 SECTION 6. NEW LAW A new section of law to be codified  
14 in the Oklahoma Statutes as Section 24A.35 of Title 51, unless there  
15 is created a duplication in numbering, reads as follows:

16 A. Notwithstanding other provisions of Title 10A regarding the  
17 confidentiality of juvenile records or any provisions under the  
18 Oklahoma Open Records Act, an exception is hereby created allowing  
19 the disclosure of relevant files and records from the Office of  
20 Juvenile Affairs ("Office") when a minor who is or was in the  
21 Office's custody or in the custody of a county detention facility is  
22 the victim of sexual violence. Access to such records shall be  
23 given to the following parties:

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

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

4 3. Attorneys representing the minor in civil or criminal  
5 proceedings;

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

8 5. Officers of the court who are conducting investigations to  
9 assist the minor.

10 B. Disclosure shall be limited to documents directly related to  
11 the incident of sexual violence. Personal and identifying  
12 information of other juveniles unrelated to the case shall be  
13 redacted to maintain the confidentiality of individuals not involved  
14 in the incident.

15 C. Parties receiving the disclosed records under this section  
16 shall be required to comply with existing confidentiality  
17 obligations and shall not further disseminate the information,  
18 except as necessary for legal proceedings or official  
19 investigations.

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

1 D. Information disclosed under this section shall not be  
2 considered open for general public inspection and is exempt from  
3 disclosure to the general public, maintaining the integrity of  
4 juvenile confidentiality laws under the Oklahoma Open Records Act  
5 and Title 10A of the Oklahoma Juvenile Code.

6 SECTION 7. AMENDATORY 10A O.S. 2021, Section 2-6-102, is  
7 amended to read as follows:

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

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

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

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

- 1        1. Upon the charging or certification of a juvenile as an adult  
2 or youthful offender;
- 3        2. Upon the charging of an individual pursuant to Section 2-5-  
4 101 of this title;
- 5        3. To a violation of any traffic regulation or motor vehicle  
6 regulation of Title 47 of the Oklahoma Statutes, or to a violation  
7 of any city ordinance or county resolution which relates to the  
8 regulation of traffic on the roads, highways or streets, or to the  
9 operation of self-propelled or nonself-propelled vehicles of any  
10 kind in this state;
- 11       4. To a juvenile who is fourteen (14) years of age or older and  
12 who has been adjudicated delinquent and who subsequently comes  
13 before the juvenile court on a new delinquency matter after July 1,  
14 1995;
- 15       5. To a juvenile adjudicated a delinquent for committing a  
16 delinquent act which, if committed by an adult, would be a felony  
17 offense that is a crime against the person or a felony offense  
18 involving a dangerous weapon;
- 19       6. To arrest records of a juvenile arrested for committing an  
20 act, which if committed by an adult, would be a felony offense;
- 21       7. To a violation of the Prevention of Youth Access to Tobacco  
22 Act; ~~or~~
- 23       8. Whenever a juvenile is accepted for placement or treatment  
24 in a facility or private treatment facility within this state as a

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

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

17 (1) Law enforcement officers investigating the  
18 incident,

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

20 (3) Attorneys representing the minor in civil or  
21 criminal proceedings,

22 (4) Court-appointed advocates in connection with  
23 proceedings relating to the minor's welfare, and  
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1                   (5) Officers of the court who are conducting  
2                   investigations to assist the minor.

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

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

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

18           D. Following the first adjudication as a delinquent, the court  
19 having jurisdiction shall note on the juvenile court record of the  
20 person that any subsequent juvenile court records shall not be  
21 confidential; provided, the child is at least fourteen (14) years of  
22 age or older. Any juvenile court record which becomes an open  
23 juvenile record as provided in this subsection may be expunged as  
24 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  
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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 8. This act shall become effective November 1, 2025.

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