

STATE OF OKLAHOMA

1st Session of the 60th Legislature (2025)

SENATE BILL 946

By: Gollihare

AS INTRODUCED

An Act relating to detention facilities; amending 10A O.S. 2021, Sections 2-2-403, 2-3-101, 2-3-103, as amended by Section 1, Chapter 242, O.S.L. 2022, and 2-5-204, as amended by Section 4, Chapter 375, O.S.L. 2022 (10A O.S. Supp. 2024, Sections 2-3-103 and 2-5-204), which relate to the Oklahoma Juvenile Code; requiring certain records be provided to the State Department of Health; modifying provisions related to certain compliance; requiring certain notification; removing certain prohibition; amending 74 O.S. 2021, Sections 192, as amended by Section 2, Chapter 35, O.S.L. 2023, 193, and 194 (74 O.S. Supp. 2024, Section 192), which relate to inspection of city and county jails; modifying scope of certain standards; requiring certain availability of staff to perform certain duties; modifying provisions related to cell requirements; requiring certain compliance during construction or remodeling; authorizing certain waiver; authorizing promulgation of rules; authorizing certain access; requiring certain written response; prohibiting certain complaint from being made public; providing certain exception; requiring redaction of certain information; modifying provisions related to certain report; modifying scope of entities required to make certain correction; updating statutory language; and providing an effective date.

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

1 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-2-403, is
2 amended to read as follows:

3 Section 2-2-403. A. Except as otherwise provided by law, if a
4 child is charged with a delinquent act as a result of an offense
5 which would be a felony if committed by an adult, the court on its
6 own motion or at the request of the district attorney shall conduct
7 a preliminary hearing to determine whether or not there is
8 prosecutive merit to the complaint. If the court finds that
9 prosecutive merit exists, it shall continue the hearing for a
10 sufficient period of time to conduct an investigation and further
11 hearing to determine if the child should be held accountable for
12 acts of the child as if the child were an adult if the child should
13 be found to have committed the alleged act or omission.

14 Consideration shall be given to:

15 1. The seriousness of the alleged offense to the community, and
16 whether the alleged offense was committed in an aggressive, violent,
17 premeditated or willful manner;

18 2. Whether the offense was against persons or property, greater
19 weight being given to transferring the accused person to the adult
20 criminal justice system for offenses against persons and, if
21 personal injury resulted, the degree of personal injury;

22 3. The sophistication and maturity of the juvenile and
23 capability of the juvenile of distinguishing right from wrong as
24 determined by consideration of a psychological evaluation of the

1 juvenile, home, environmental situation, emotional attitude and
2 pattern of living;

3 4. The record and previous history of the accused person,
4 including previous contacts with community agencies, law enforcement
5 agencies, schools, juvenile or criminal courts and other
6 jurisdictions, prior periods of probation or prior commitments to
7 juvenile institutions;

8 5. The prospects for adequate protection of the public;

9 6. The likelihood of reasonable rehabilitation of the juvenile
10 if the juvenile is found to have committed the alleged offense, by
11 the use of procedures and facilities currently available to the
12 juvenile court; and

13 7. Whether the offense occurred while the juvenile was escaping
14 or in an escape status from an institution for delinquent children.

15 After the investigation and hearing, the court may in its
16 discretion proceed with the juvenile proceeding, or it shall state
17 its reasons in writing and shall certify, based on clear and
18 convincing evidence, that the child shall be held accountable for
19 acts of the child as if the child were an adult and shall be held
20 for proper criminal proceedings for the specific offense charged, by
21 any other division of the court which would have trial jurisdiction
22 of the offense if committed by an adult. The juvenile proceeding
23 shall not be dismissed until the criminal proceeding has commenced
24 and if no criminal proceeding commences within thirty (30) days of

1 the date of the certification, unless stayed pending appeal, the
2 court shall proceed with the juvenile proceeding and the
3 certification shall lapse.

4 If not included in the original summons, notice of a hearing to
5 consider whether a child should be certified for trial as an adult
6 shall be given to all persons who are required to be served with a
7 summons at the commencement of a juvenile proceeding, but
8 publication in a newspaper when the address of a person is unknown
9 is not required. The purpose of the hearing shall be clearly stated
10 in the notice.

11 B. Prior to the entry of any order of certification, any child
12 in custody shall have the same right to be released upon bail as
13 would an adult under the same circumstances. Subsequent to the
14 entry of an order that a child stand trial as an adult, the child
15 shall have all the statutory and constitutional rights and
16 protections of an adult accused of a crime. Upon conviction, the
17 juvenile may be incarcerated in an adult jail, adult lockup, adult
18 detention facility or other adult facility if that facility is
19 ~~licensed by the State Department of Health to detain children under~~
20 ~~eighteen (18) years of age~~ in compliance with Sections 2-3-101 and
21 2-3-103 of this title and Section 192 of Title 74 of the Oklahoma
22 Statutes while the person is awaiting housing by the Department of
23 Corrections. Any city or county jail facility, subject to the
24 provisions of Section 192 of Title 74 of the Oklahoma Statutes,

1 shall notify the State Department of Health within twenty-four (24)
2 hours of holding or detaining a person pursuant to this section.

3 If, prior to the entry of any order of certification, the child
4 becomes eighteen (18) years of age, the child may be detained in a
5 county jail or released on bail. If a child is certified to stand
6 trial as an adult, the court shall make every effort to avoid
7 duplication of the adult preliminary hearing and the prosecutorial
8 hearing in the juvenile certification process. The parties may
9 jointly stipulate to the court that the record for the prosecutorial
10 merit hearing in the juvenile proceeding be used for all or part of
11 the preliminary hearing.

12 C. Any child who has been certified to stand trial as an adult
13 pursuant to any order entered by any competent court of this state
14 or any other state shall be tried as an adult in all subsequent
15 criminal prosecutions, and shall not be subject to the jurisdiction
16 of the juvenile court or be eligible to be tried as a youthful
17 offender in any further proceedings.

18 D. An order either certifying a person as a child or an adult
19 pursuant to subsection A of this section or denying such
20 certification shall be a final order, appealable when entered and
21 shall not be modified.

22 SECTION 2. AMENDATORY 10A O.S. 2021, Section 2-3-101, is
23 amended to read as follows:

1 Section 2-3-101. A. When a child is taken into custody
2 pursuant to the provisions of the Oklahoma Juvenile Code, the child
3 shall be detained only if it is necessary to assure the appearance
4 of the child in court or for the protection of the child or the
5 public.

6 1. a. No child twelve (12) years of age or younger shall be
7 placed in a juvenile detention facility unless all
8 alternatives have been exhausted and the child is
9 currently charged with a criminal offense that would
10 constitute a felony if committed by an adult and it
11 has been indicated by a risk-assessment screening that
12 the child requires detention. The detention of any
13 child twelve (12) years of age or younger shall be
14 judicially reviewed pursuant to subparagraph c of this
15 paragraph.

16 b. Any child who is thirteen (13) or fourteen (14) years
17 of age may be admitted to a juvenile detention
18 facility only after all alternatives have been
19 exhausted and the child is currently charged with a
20 criminal offense that would constitute a felony if
21 committed by an adult and it has been indicated by a
22 risk-assessment screening that the child requires
23 detention.

1 c. No preadjudicatory or predisposition detention or
2 custody order shall remain in force and effect for
3 more than thirty (30) days. The court, for good and
4 sufficient cause shown, may extend the effective
5 period of such an order for an additional period not
6 to exceed sixty (60) days. If the child is being
7 detained for the commission of a murder, the court
8 may, if it is in the best interests of justice, extend
9 the effective period of such an order an additional
10 sixty (60) days.

11 d. Whenever the court orders a child to be held in a
12 juvenile detention facility, an order for secure
13 detention shall remain in force and effect for not
14 more than fifteen (15) days after such order. Upon an
15 application of the district attorney and after a
16 hearing on such application, the court, for good and
17 sufficient cause shown, may extend the effective
18 period of such an order for an additional period not
19 to exceed fifteen (15) days after such hearing. The
20 total period of preadjudicatory or predisposition
21 shall not exceed the ninety-day limitation as
22 specified in subparagraph a of this paragraph. The
23 child shall be present at the hearing on the
24 application for extension unless, as authorized and

1 approved by the court, the attorney for the child is
2 present at the hearing and the child is available to
3 participate in the hearing via telephone conference
4 communication. For the purpose of this paragraph,
5 "telephone conference communication" means use of a
6 telephone device that allows all parties, including
7 the child, to hear and be heard by the other parties
8 at the hearing. After the hearing, the court may
9 order continued detention in a juvenile detention
10 center, may order the child detained in an alternative
11 to secure detention or may order the release of the
12 child from detention.

13 2. No child alleged or adjudicated to be deprived or in need of
14 supervision or who is or appears to be a minor in need of treatment
15 as defined by the Inpatient Mental Health and Substance Abuse
16 Treatment of Minors Act, shall be confined in any jail, adult
17 lockup, or adult detention facility. No child shall be transported
18 or detained in association with criminal, vicious, or dissolute
19 persons.

20 3. Except as otherwise authorized by this section a child who
21 has been taken into custody as a deprived child, a child in need of
22 supervision, or who appears to be a minor in need of treatment, may
23 not be placed in any detention facility pending court proceedings,
24 but must be placed in shelter care or foster care or, with regard to
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1 a child who appears to be a minor in need of treatment, a behavioral
2 health treatment facility in accordance with the provisions of the
3 Inpatient Mental Health and Substance Abuse Treatment of Minors Act,
4 or released to the custody of the parents of the child or some other
5 responsible party. Provided, this shall not preclude runaway
6 juveniles from other states, with or without delinquent status, to
7 be held in a detention facility in accordance with the Interstate
8 Compact for Juveniles in Sections 2-9-101 through 2-9-116 of this
9 title and rules promulgated by the Interstate Commission.

10 B. No child shall be placed in secure detention unless:

11 1. The child is an escapee from any delinquent placement;

12 2. The child is a fugitive from another jurisdiction with a
13 warrant on a delinquency charge or confirmation of delinquency
14 charges by the home jurisdiction;

15 3. The child is seriously assaultive or destructive towards
16 others or self;

17 4. The child is currently charged with any criminal offense
18 that would constitute a felony if committed by an adult or a
19 misdemeanor and:

20 a. is on probation or parole on a prior delinquent
21 offense,

22 b. is on preadjudicatory community supervision, or

23 c. is currently on release status on a prior delinquent
24 offense;

1 5. The child has willfully failed or there is reason to believe
2 that the child will willfully fail to appear for juvenile court
3 proceedings; or

4 6. A warrant for the child has been issued on the basis that:

5 a. the child is absent from court-ordered placement
6 without approval by the court,

7 b. the child is absent from designated placement by the
8 Office of Juvenile Affairs without approval by the
9 Office of Juvenile Affairs,

10 c. there is reason to believe the child will not remain
11 at said placement, or

12 d. the child is subject to an administrative transfer or
13 parole revocation proceeding.

14 C. A child who has violated a court order and has had the order
15 revoked or modified pursuant to Section 2-2-503 of this title may be
16 placed into an Office-of-Juvenile-Affairs-designated sanction
17 detention bed or an Office-of-Juvenile-Affairs-approved sanction
18 program.

19 D. Priority shall be given to the use of juvenile detention
20 facilities for the detention of juvenile offenders through
21 provisions requiring the removal from detention of a juvenile with a
22 lower priority status if an empty detention bed is not available at
23 the time of referral of a juvenile with a higher priority status and
24 if the juvenile with a higher priority status would be more of a

1 danger to the public than the juvenile with the lower priority
2 status.

3 E. Juvenile detention facilities shall be the initial placement
4 for all persons under eighteen (18) years of age. No child shall be
5 placed in secure detention in an adult jail, adult lockup, adult
6 detention facility or other adult facility except as provided in
7 this section.

8 1. Any child who is at least fifteen (15) years of age who is
9 charged with murder in the first degree may be detained in an adult
10 jail, adult lockup, adult detention facility or other adult facility
11 only after a hearing in which the child is provided representation
12 and the court makes a written finding that it is in the interest of
13 justice that the child be placed in an adult jail, adult lockup,
14 adult detention facility or other adult facility.

15 2. In determining whether it is in the interest of justice that
16 a child who is at least fifteen (15) years of age and who is charged
17 with murder in the first degree be placed in an adult jail, adult
18 lockup, adult detention facility or other adult facility, the court
19 shall consider:

- 20 a. the age of the child,
- 21 b. the physical and mental maturity of the child,
- 22 c. the present mental state of the child, including
23 whether the child presents an imminent risk of harm to
24 the child,
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- d. the nature and circumstances of the alleged offense,
- e. the child's history of prior delinquent acts,
- f. the relative ability of the available adult and juvenile detention facilities to not only meet the specific needs of the child but also to protect the safety of the public as well as other detained youth, and
- g. any other relevant factors.

3. If a court determines that it is in the interest of justice that the child be placed in an adult jail, adult lockup, adult detention facility or other adult facility:

- a. the court shall hold a hearing not less frequently than once every thirty (30) days, or in the case of a rural jurisdiction, which is any jurisdiction not located in a metropolitan statistical area as defined by the United States Office of Management and Budget, not less frequently than once every forty-five (45) days, to review whether it is still in the interest of justice to permit the juvenile to be so held or have such sight and sound contact, and
- b. the child shall not be held in any adult jail or lockup for adults or be permitted to have sight or sound contact with adult inmates for more than one hundred eighty (180) days, unless the court, in

1 writing, determines there is good cause for an
2 extension or the child expressly waives this
3 limitation.

4 F. When a child is placed in an adult jail, adult lockup, adult
5 detention facility or other adult facility, he or she shall be
6 afforded the following rights and protections in order to address
7 the child's health and safety:

8 1. A copy of the child's most current mental health or suicide
9 screening instrument approved by the Office of Juvenile Affairs
10 shall be provided to the adult jail, adult lockup or adult detention
11 facility at the time of the child's transfer; and

12 2. Adult jails, adult lockups, adult detention facilities or
13 other adult facilities shall process requests for visits and allow
14 approved visitors contact visits with the child within five (5)
15 business days of the request.

16 G. 1. Except as otherwise provided in this section, no child
17 shall be placed in secure detention in an adult jail, adult lockup,
18 adult detention facility or other adult facility unless:

19 a. the adult jail, adult lockup or adult detention
20 facility provides sight and sound separation for
21 juveniles, pursuant to standards required by
22 subsection E of Section 2-3-103 of this title, and

23 b. the adult jail, adult lockup or adult detention
24 facility meets the requirements for licensure of
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1 juvenile detention facilities, as adopted by the
2 Office of Juvenile Affairs, is appropriately licensed,
3 and provides sight and sound separation for juveniles,
4 which includes:

5 (1) total separation between juveniles and adult
6 facility spatial areas such that there could be
7 no haphazard or accidental contact between
8 juvenile and adult residents in the respective
9 facilities,

10 (2) total separation in all juvenile and adult
11 program activities within the facilities,
12 including recreation, education, counseling,
13 health care, dining, sleeping and general living
14 activities, and

15 (3) separate juvenile and adult staff, specifically
16 direct care staff such as recreation, education
17 and counseling.

18 Specialized services staff, such as cooks,
19 bookkeepers, and medical professionals who are not
20 normally in contact with detainees or whose infrequent
21 contacts occur under conditions of separation of
22 juveniles and adults can serve both.

23 2. Nothing in this section shall preclude a child who is
24 detained for the commission of a crime that would constitute a

1 felony if committed by an adult, or a child who is an escapee from a
2 juvenile secure facility or from an Office of Juvenile Affairs group
3 home from being held in any jail ~~certified by the State Department~~
4 ~~of Health~~, police station or similar law enforcement offices for up
5 to six (6) hours for purposes of identification, processing or
6 arranging for transfer to a secure detention or alternative to
7 secure detention. Such holding shall be limited to the absolute
8 minimum time necessary to complete these actions.

9 a. The time limitations for holding a child in a jail for
10 the purposes of identification, processing or
11 arranging transfer established by this section shall
12 not include the actual travel time required for
13 transporting a child from a jail to a juvenile
14 detention facility or alternative to secure detention.

15 b. Whenever the time limitations established by this
16 subsection are exceeded, this circumstance shall not
17 constitute a defense in a subsequent delinquency or
18 criminal proceeding.

19 3. Nothing in this section shall preclude detaining in a county
20 jail or other adult detention facility an eighteen-year-old charged
21 in a juvenile petition for whom certification to stand trial as an
22 adult is prayed. However, if no certification motion is filed, the
23 eighteen-year-old may remain in a juvenile detention facility as
24 long as secure detention is required.

1 4. Nothing in this section shall preclude detaining in a county
2 jail or other adult detention facility a person provided for in
3 Section 2-3-102 of this title if written or electronically
4 transmitted confirmation is received from the state seeking return
5 of the individual that the person is a person provided for in
6 Section 2-3-102 of this title and if, during the time of detention,
7 the person is detained in a facility meeting the requirements of
8 Section 2-3-103 of this title.

9 5. Nothing in this section shall preclude detaining a person,
10 whose age is not immediately ascertainable and who is being detained
11 for the commission of a felony, in a jail ~~certified by the State~~
12 ~~Department of Health~~, a police station or similar law enforcement
13 office for up to twenty-four (24) hours for the purpose of
14 determining whether or not the person is a child, if:

- 15 a. there is a reasonable belief that the person is
16 eighteen (18) years of age or older,
- 17 b. there is a reasonable belief that a felony has been
18 committed by the person,
- 19 c. a court order for such detention is obtained from a
20 judge of the district court within six (6) hours of
21 initially detaining the person,
- 22 d. there is no juvenile detention facility that has space
23 available for the person and that is within thirty
24 (30) miles of the jail, police station, or law

1 enforcement office in which the person is to be
2 detained, and

3 e. during the time of detention the person is detained in
4 a facility meeting the requirements of subparagraph b
5 of paragraph 1 of this subsection.

6 The time limitation provided for in this paragraph shall include the
7 time the person is detained prior to the issuance of the court
8 order.

9 The time limitation provided for in this paragraph shall not include
10 the actual travel time required for transporting the person to the
11 jail, police station, or similar law enforcement office. If the
12 time limitation established by this paragraph is exceeded, this
13 circumstance shall not constitute a defense in any subsequent
14 delinquency or criminal proceeding.

15 H. Nothing contained in this section shall in any way reduce or
16 eliminate the liability of a county as otherwise provided by law for
17 injury or damages resulting from the placement of a child in an
18 adult jail, adult lockup, adult detention facility or other adult
19 facility.

20 I. Any juvenile detention facility shall be available for use
21 by any eligible Indian child as that term is defined by the Oklahoma
22 Indian Child Welfare Act, providing that the use of the juvenile
23 detention facility meets the requirements of the Oklahoma Juvenile
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1 Code. The Indian tribe may contract with any juvenile detention
2 facility for the providing of detention services.

3 J. Each member of the staff of a juvenile detention facility
4 shall satisfactorily complete a training program provided or
5 approved by the Office of Juvenile Affairs.

6 K. Whenever a juvenile is placed in any adult jail, adult
7 lockup, adult detention facility or other adult facility, the Office
8 of Juvenile Affairs shall have access to all facilities which detain
9 such juveniles and shall have access to any data regarding such
10 juveniles. The Office of Juvenile Affairs shall have access to all
11 adult jails, adult lockups, adult detention facilities or other
12 adult facilities in this state, including all data maintained by
13 such facilities, to assure compliance with this section. The Board
14 of Juvenile Affairs shall promulgate rules as necessary to implement
15 the provisions of this section.

16 L. Any city or county jail facility, subject to the provisions
17 of Section 192 of Title 74 of the Oklahoma Statutes, shall notify
18 the State Department of Health within twenty-four (24) hours of
19 holding or detaining a person pursuant to this section.

20 SECTION 3. AMENDATORY 10A O.S. 2021, Section 2-3-103, as
21 amended by Section 1, Chapter 242, O.S.L. 2022 (10A O.S. Supp. 2024,
22 Section 2-3-103), is amended to read as follows:

23 Section 2-3-103. A. Provision shall be made for the temporary
24 detention of children in a juvenile detention facility or the court

1 may arrange for the care and custody of such children temporarily in
2 private homes, subject to the supervision of the court, or the court
3 may provide shelter or may enter into a contract with any
4 institution or agency to receive, for temporary care and custody,
5 children within the jurisdiction of the court. The Office of
6 Juvenile Affairs shall not be ordered to provide detention unless
7 said Office has designated and is operating detention services or
8 facilities.

9 B. County sheriffs of the arresting agency, their designee, any
10 peace officer, private contractors under contract with the Office of
11 Juvenile Affairs for transportation services, or juvenile court
12 officers shall provide for the transportation of juveniles to and
13 from secure detention for purposes of admission, interfacility
14 transfer, discharge, medical or dental attention, court appearance,
15 or placement designated by the Office. No private contract for
16 transportation services shall be entered into by the Office unless
17 the private contractor demonstrates to the satisfaction of the
18 Office that such contractor is able to obtain insurance or provide
19 self-insurance to indemnify the Office against possible lawsuits and
20 meets the requirements of subparagraphs a, b and d of paragraph 4 of
21 subsection C of this section. The Office of Juvenile Affairs shall
22 not be ordered to provide transportation for a juvenile who is
23 detained in or is destined for secure detention. The Office of
24 Juvenile Affairs shall provide reimbursement to the entity

1 transporting juveniles for necessary and actual expenses for
2 transporting juveniles who are detained in or destined for a secure
3 detention center as follows:

4 1. A fee for the cost of personal services at the rate of
5 Seventeen Dollars (\$17.00) per hour;

6 2. Mileage reimbursement for each mile actually traveled at the
7 rate established in the State Travel Reimbursement Act;

8 3. Meals for transporting personnel, not to exceed Ten Dollars
9 (\$10.00) per meal; and

10 4. Meals for juveniles being transported, not to exceed Ten
11 Dollars (\$10.00) per meal.

12 The Office of Juvenile Affairs shall process and mail
13 reimbursement claims within sixty (60) days of receipt. Payments
14 for services provided by a county sheriff's office shall be paid to
15 the county and deposited in the service fee account of the sheriff.

16 C. 1. All juvenile detention facilities shall be certified by
17 the Office of Juvenile Affairs. To be certified, a juvenile
18 detention facility shall be required to meet standards for
19 certification promulgated by the Board of Juvenile Affairs.

20 2. The board of county commissioners of every county shall
21 provide for the temporary detention of a child who is or who may be
22 subject to secure detention and may construct a building or rent
23 space for such purpose. The boards of county commissioners shall
24 provide for temporary detention services and facilities in

1 accordance with the provisions of the State Plan for the
2 Establishment of Juvenile Detention Services adopted pursuant to
3 subsection D of this section and in accordance with subsections A
4 and C of Section 2-7-608 of this title. The boards of county
5 commissioners are hereby authorized to create multicounty trust
6 authorities for the purpose of operating juvenile detention
7 facilities.

8 3. In order to operate the juvenile detention facilities
9 designated in the State Plan for the Establishment of Juvenile
10 Detention Services and in subsections A and C of Section 2-7-608 of
11 this title, the boards of county commissioners in the designated
12 host counties shall:

- 13 a. operate the juvenile detention facility through a
14 statutorily constituted juvenile bureau subject to the
15 supervision of the district court, ~~or~~
- 16 b. operate the juvenile detention facility by employing a
17 manager who may employ personnel and incur other
18 expenses as may be necessary for its operation and
19 maintenance, or
- 20 c. contract with a public agency, private agency,
21 federally recognized tribe, or single or multi-county
22 trust authority for the operation of the juvenile
23 detention facility. In the event any board of county
24 commissioners contracts with a public or private

1 agency or a federally recognized tribe, pursuant to
2 the provisions of this section, the Office is
3 authorized to directly contract with and pay such
4 public or private agency or federally recognized tribe
5 for provision of detention services. Any contract
6 with a federally recognized tribe shall become
7 effective upon approval by the board of county
8 commissioners.

9 4. Management contracts for privately operated detention
10 facilities shall be negotiated with the firm found most qualified by
11 the board of county commissioners. However, no private management
12 contract shall be entered into by the board unless the private
13 contractor demonstrates to the satisfaction of the board:

- 14 a. that the contractor has the qualifications,
15 experience, and personnel necessary to implement the
16 terms of the contract,
- 17 b. that the financial condition of the contractor is such
18 that the term of the contract can be fulfilled,
- 19 c. that the ability of the contractor to obtain insurance
20 or provide self-insurance to indemnify the county
21 against possible lawsuits and to compensate the county
22 for any property damage or expenses incurred due to
23 the private operation of the juvenile detention
24 facility, and

1 d. that the contractor has the ability to comply with
2 applicable court orders and rules of the Office of
3 Juvenile Affairs.

4 5. All counties to be served by a secure juvenile detention
5 facility may, upon the opening of such facility, contract with the
6 operators for the use of the facility for the temporary detention of
7 children who are subject to secure detention; provided, however, a
8 jail, adult lockup, or other adult detention facility may be used
9 for the secure detention of a child as provided for in Section 2-3-
10 101 of this title.

11 6. Expenses incurred in carrying out the provisions of this
12 section shall be paid from the general fund of the county or from
13 other public funds lawfully appropriated for such purposes or from
14 private funds that are available for such purposes. A county may
15 also issue bonds for the construction of detention facilities.

16 7. The operation of a juvenile detention facility by a county
17 shall constitute a quasi-judicial function and is also hereby
18 declared to be a function of the State of Oklahoma for purposes of
19 the Eleventh Amendment to the United States Constitution. In
20 addition, no contract authorized by the provisions of this section
21 for the providing of transportation services or for the operation of
22 a juvenile detention facility shall be awarded until the contractor
23 demonstrates to the satisfaction of the county that the contractor
24 has obtained liability insurance with the limits specified by The

1 Governmental Tort Claims Act against lawsuits arising from the
2 operation of the juvenile detention facility by the contractor, or
3 if the contract is for the providing of transportation services, the
4 contractor has obtained liability insurance with the limits
5 specified by The Governmental Tort Claims Act against lawsuits
6 arising from the transportation of juveniles as authorized by
7 subsection A of this section.

8 D. The Board of Juvenile Affairs, from monies appropriated for
9 that purpose, shall develop, adopt, and implement a plan for secure
10 juvenile detention services and alternatives to secure detention, to
11 be known as the State Plan for the Establishment of Juvenile
12 Detention Services, which shall provide for the establishment of
13 juvenile detention facilities and services with due regard for
14 appropriate geographical distribution and existing juvenile
15 detention programs operated by statutorily constituted juvenile
16 bureaus. Said plan may be amended or modified by the Board as
17 necessary and appropriate. Until said plan is adopted by the Board,
18 the plan adopted by the Commission for Human Services shall remain
19 in effect.

20 1. The Board of Juvenile Affairs shall establish procedures for
21 the letting of contracts or grants, including grants to existing
22 juvenile detention programs operated by statutorily constituted
23 juvenile bureaus, and the conditions and requirements for the
24 receipt of said grants or contracts for juvenile detention services

1 and facilities as provided in this section and Section 2-7-401 of
2 this title. A copy of such procedures shall be made available to
3 any member of the general public upon request. All such grants or
4 contracts shall require the participation of local resources in the
5 funding of juvenile detention facilities. A contract for services
6 shall be based upon a formula approved by the Board which shall set
7 the contract amount in accordance with the services offered and the
8 degree of compliance with standards for certification.

9 2. The Board of Juvenile Affairs shall establish standards for
10 the certification of detention services and juvenile detention
11 facilities. Such standards may include, but not be limited to:
12 screening for detention; education and recreation opportunities for
13 juveniles in secure detention; and accreditation by the American
14 Correctional Association. As a condition of continuing eligibility
15 for grants or contracts, secure juvenile detention services and
16 facilities shall be certified by the Board within two (2) years of
17 the date of the initial grant or contract.

18 E. The State Department of Health, with the assistance of the
19 Office of Juvenile Affairs, shall establish standards for ~~the~~
20 ~~certification of~~ jails, adult lockups, and adult detention
21 facilities used to detain juveniles. Such standards shall include
22 but not be limited to: separation of juveniles from adults;
23 supervision of juveniles; and health and safety measures for
24 juveniles. The Department of Health is authorized to inspect any

1 jail, adult lockup, or adult detention facility for the purpose of
2 determining compliance with such standards. ~~No jail, adult lockup,~~
3 ~~or other adult detention facility shall be used to detain juveniles~~
4 ~~unless such jail, adult lockup, or other adult detention facility~~
5 ~~complies with the standards established by the Department of Health~~
6 ~~and is designated as a place for the detention of juveniles by the~~
7 ~~judge having juvenile docket responsibility in the county from a~~
8 ~~list of eligible facilities supplied by the Department of Health.~~

9 The development and approval of the standards provided for in
10 this paragraph shall comply with the provisions of the
11 Administrative Procedures Act.

12 F. The State ~~Board~~ Department of Health shall promulgate rules
13 providing for the routine recording and reporting of the use of any
14 adult jail, lockup or other adult facility for the detention of any
15 person under the age of eighteen (18).

16 1. For the purpose of ensuring the uniformity and compatibility
17 of information related to the detention of persons under age
18 eighteen (18), said rules shall be reviewed and approved by the
19 Oklahoma Commission on Children and Youth prior to their adoption by
20 the ~~Board;~~ and Department.

21 2. Records of detention shall be provided to the State
22 Department of Health pursuant to the statutory sections authorizing
23 holding or detention and established standards and shall be reviewed
24 during each routine inspection of adult jails, lockups or other

1 adult detention facilities inspected by the State Department of
2 Health and a statistical report of said detentions shall be
3 submitted to the Office of Juvenile Affairs at least every six (6)
4 months in a form approved by the Board of Juvenile Affairs.

5 SECTION 4. AMENDATORY 10A O.S. 2021, Section 2-5-204, as
6 amended by Section 4, Chapter 375, O.S.L. 2022 (10A O.S. Supp. 2024,
7 Section 2-5-204), is amended to read as follows:

8 Section 2-5-204. A. A child who is arrested for an offense
9 pursuant to subsection A, B, C, D, or E of Section 2-5-205 of this
10 title, may, depending on the child's age and alleged crime, be
11 charged as a juvenile delinquent, youthful offender, or an adult.
12 If charged as a juvenile delinquent, a petition shall be filed. If
13 charged as a youthful offender or adult, an information shall be
14 filed. At any time after the child is charged as a youthful
15 offender or adult, the district attorney may dismiss the information
16 and file a juvenile delinquent petition.

17 B. If the child is not otherwise represented by counsel and
18 either the child, his or her parent, guardian, or next friend
19 requests an attorney prior to or during interrogation, or upon being
20 charged by information, as provided in subsection A of this section,
21 the court shall appoint an attorney, who shall not be a district
22 attorney, for the child regardless of any attempted waiver by the
23 parent, guardian, or next friend of the right to be represented by
24 counsel. If the court appoints an attorney for a child for the

1 interrogation or at the initial appearance, the court shall review
2 the appointment at a subsequent hearing to determine if the child,
3 parent, guardian, or next friend qualifies for a court-appointed
4 attorney.

5 C. When a person proceeds to trial as either a youthful
6 offender or as an adult as provided by the Youthful Offender Act,
7 the accused person shall have all the statutory and constitutional
8 rights and protections of an adult accused of a crime. All
9 proceedings shall be as for a criminal action and the provisions of
10 Title 22 of the Oklahoma Statutes shall apply, except as provided
11 for in the Youthful Offender Act.

12 D. All youthful offender court records for a person who is
13 certified to stand trial as an adult or youthful offender shall be
14 considered adult records and shall not be subject to the provisions
15 of Chapter 6 of the Oklahoma Juvenile Code; provided, however, all
16 reports, evaluations, motions, records, exhibits or documents
17 regarding the educational history, mental health or medical
18 treatment or condition of the person that are submitted to the court
19 or admitted into evidence during the hearing on the motion for
20 certification as a juvenile or a youthful offender or on the motion
21 for imposition of an adult sentence shall be confidential and shall
22 be filed or admitted under seal, except that such records shall be
23 provided to the Office of Juvenile Affairs. Any testimony regarding
24 the reports, evaluations, motions, records, exhibits or documents

1 shall be given in camera and shall not be open to the general
2 public; provided, all persons having a direct interest in the case
3 as provided in paragraph 1 of subsection A of Section 2-2-402 of
4 this title shall be allowed to be present during the testimony but
5 shall be admonished not to discuss the testimony following the
6 hearing. All reports, evaluations, motions, records, exhibits or
7 documents shall be released from under seal by order of the court if
8 the youthful offender is sentenced to the custody or supervision of
9 the Department of Corrections by the court pursuant to paragraph 1
10 of subsection B of Section 2-5-209 or subsection B of Section 2-5-
11 210 of this title or if the juvenile or youthful offender is later
12 charged as an adult with a felony crime.

13 E. Proceedings against a youthful offender shall be heard by
14 any judge of the district court.

15 F. Upon arrest and detention of a person subject to the
16 provisions of the Youthful Offender Act, the person has the same
17 right to be released on bail as would an adult in the same
18 circumstances.

19 G. Upon a verdict of guilty or entry of a plea of guilty or
20 nolo contendere by a youthful offender who has been certified for
21 the imposition of an adult sentence as provided by Section 2-5-207
22 of this title, the person may be detained in an adult jail, adult
23 lockup, adult detention facility or other adult facility if that
24 facility is ~~licensed by the State Department of Health to detain~~

1 ~~children under eighteen (18) years of age~~ in compliance with
2 Sections 2-3-101 and 2-3-103 of this title and Section 192 of Title
3 74 of the Oklahoma Statutes and all applicable standards while the
4 person is awaiting housing by the Department of Corrections. Any
5 city or county jail facility, subject to the provisions of Section
6 192 of Title 74 of the Oklahoma Statutes, shall notify the State
7 Department of Health within twenty-four (24) hours of holding or
8 detaining a person pursuant to this subsection.

9 H. A child or youthful offender shall be tried as an adult in
10 all subsequent criminal prosecutions, and shall not be subject to
11 the jurisdiction of the juvenile court as a juvenile delinquent or
12 youthful offender processes in any further proceedings if:

13 1. The child or youthful offender has been certified to stand
14 trial as an adult pursuant to any certification procedure provided
15 by law and is subsequently convicted of the alleged offense or
16 against whom the imposition of judgment and sentence has been
17 deferred; or

18 2. The youthful offender has been certified for the imposition
19 of an adult sentence as provided by Section 2-5-207 of this title
20 and is subsequently convicted of the alleged offense or against whom
21 the imposition of judgment and sentencing has been deferred.

22 I. Except as otherwise provided in the Youthful Offender Act, a
23 person who has been certified as a youthful offender shall be
24 prosecuted as a youthful offender in all subsequent criminal

1 proceedings until the youthful offender has attained eighteen (18)
2 years of age.

3 All proceedings for the commission of a crime committed after a
4 youthful offender has reached eighteen (18) years of age shall be
5 adult proceedings.

6 SECTION 5. AMENDATORY 74 O.S. 2021, Section 192, as
7 amended by Section 2, Chapter 35, O.S.L. 2023 (74 O.S. Supp. 2024,
8 Section 192), is amended to read as follows:

9 Section 192. A. The State Department of Health shall inspect
10 at least once each year all city and county jails to ensure
11 compliance with the standards promulgated pursuant to the provisions
12 of this section. The standards shall provide provision for:

- 13 1. Uniform admission and release procedures;
- 14 2. Uniform, safe, and sensible security measures;
- 15 3. Proper, fit, and sanitary conditions;
- 16 4. ~~Inmates to be fed a wholesome and adequate diet~~ Food

17 services and dietary requirements;

18 5. Medical and mental health services;

19 6. Inmate supervision and management;

20 7. Staffing and training;

21 8. Emergency procedures and fire safety;

22 ~~5- 9. Inmates to have adequate clothing and a usable bed.~~ fixed
23 sleeping surface that is at least twelve (12) inches off the floor.

24 Portable platform beds may only be used on a temporary basis in lieu

1 of a fixed sleeping surface, provided that inmates are medically
2 screened for such use;

3 10. ~~Such facility~~ City and county jail facilities shall have
4 showers with hot and cold running water, toilets, and water basins
5 provided in the ratio of not less than one to every twenty
6 prisoners. Counties may build barrack-style jails, single or double
7 cell, to meet the security needs of the county for minimum security
8 prisoners. These jails shall meet all the minimum requirements set
9 forth in this section or any other provision of law. Except as
10 otherwise provided in this section, all facilities under this
11 section shall have showers with hot and cold running water, toilets
12 and water basins provided in the ratio of not less than one to every
13 twenty prisoners.;

14 11. Counties may also build tent jails, which shall be
15 temporary in nature, to meet the security needs of the county for
16 minimum security prisoners. The temporary tent jails shall not be
17 required to meet the minimum requirements set forth in this section
18 or any other provision of law. The ~~State Board of Health~~ Department
19 shall promulgate minimum standards for temporary tent jails, which
20 standards shall be designed to specifically address and take into
21 consideration the temporary status of the inmate housing needs of
22 the county. As used in this paragraph, "barrack-style" means a
23 single designated space within a city or county jail facility for
24 the purpose of housing three or more inmates;

1 ~~6.~~ 12. Inmates to be properly advised of rules of the facility
2 in which they are detained;

3 ~~7.~~ 13. Staff members to receive training in order to assist
4 them in performing their assigned tasks, such training to be
5 provided through a program approved by the ~~State Department of~~
6 ~~Health.~~ All employees who ~~work in direct~~ have contact with inmates
7 ~~after the first year of employment~~ shall receive, ~~at a minimum,~~ of
8 four (4) ~~hours'~~ hours of review of and training per year on material
9 as required by the ~~State Department of Health and at a maximum,~~
10 Such review and training requirement shall not exceed eight (8)
11 hours ~~of detention officer training per year after the first year of~~
12 ~~employment;~~

13 ~~8. Proper~~ 14. Classification and segregation to include proper
14 steps ~~to be~~ taken to ensure the safety and segregation of women, and
15 the infirm, ~~and minors;~~

16 ~~9.~~ 15. Adequate medical care, provided such medical care shall
17 be limited to illnesses or injuries incurred during the time
18 beginning with the arrest and throughout the time of incarceration.
19 This shall not prevent an inmate from applying for assistance and
20 receiving assistance, provided the inmate meets or exceeds
21 established requirements;

22 ~~10.~~ 16. No person to be confined without twenty-four-hour
23 supervision; ~~and~~

1 ~~11. At least one~~ 17. No person under the age of eighteen (18)
2 years of age, except as provided in subsections E, F, and G of
3 Section 2-3-101 of this title, shall be held in any city or county
4 jail facility for more than six (6) hours. Any such holding of a
5 person under eighteen (18) years of age shall be done with complete
6 sight and sound separation from inmates eighteen (18) years of age
7 and older; and

8 18. There shall be designated ~~exit~~ and marked emergency
9 evacuation exits in ~~the~~ each city and county jail facility that ~~will~~
10 comply with the requirements of the State Fire Marshal. The marked
11 emergency evacuation exits must permit prompt evacuation of inmates
12 and staff in an emergency. A city or county jail facility in
13 existence on or before November 1, 1985, shall not be required to
14 construct additional exits if it has one exit which is deemed
15 adequate by the State Fire Marshal.

16 B. In the event ~~such an~~ inspection ~~shall reveal~~ reveals to the
17 State Department of Health the commission of a crime or crimes
18 incidental to the operations of a city or county jail facility, it
19 shall be the duty of the Department to initiate a complaint with the
20 appropriate district attorney, and to cooperate in the prosecution
21 of the alleged offender in the event an information is filed
22 pursuant to such complaint.

23 ~~B.~~ C. Any county, city, or town may operate a holding facility
24 for the incarceration of persons under arrest who are to be charged

1 with a crime, which holding facility shall not be required to meet
2 the standards established in this section for jails, as long as no
3 person is held therein for a period longer than twelve (12) hours
4 and as long as an employee of the county, city, or town is available
5 to render aid to or to release any person so confined in the event
6 aid or release is required because of a health or life-endangering
7 emergency.

8 ~~C.~~ D. Notwithstanding any other provision of law or rule, any
9 county or municipality that operates a jail facility which houses
10 forty or fewer prisoners at all times which:

11 1. Provides twenty-four-hour supervision of prisoner activity
12 that is conducted either by direct observation or electronically by
13 ~~closed-circuit television~~ video surveillance; and

14 2. Provides an intercommunication system that terminates in a
15 location that is staffed twenty-four (24) hours a day and is capable
16 of providing an emergency response,

17 shall not be required to have more than one detention officer or
18 dispatcher on-site to provide for the security, custody, and
19 supervision of prisoners. Staff shall be available to perform
20 sensitive functions and procedures as necessary and to accommodate
21 inmate gender, the infirm, or the holding of persons under eighteen
22 (18) years of age.

1 ~~D.~~ E. Any county or municipality that operates a jail facility
2 which houses more than forty and less than seventy-five prisoners at
3 all times which:

4 1. Provides twenty-four-hour supervision of prisoner activity
5 that is conducted either by direct observation or electronically ~~by~~
6 ~~closed-circuit television~~ video surveillance; and

7 2. Provides an intercommunication system that terminates in a
8 location that is staffed twenty-four (24) hours a day and is capable
9 of providing an emergency response,

10 shall be required to have more than one detention officer or one
11 detention officer and at least one other basic CLEET-certified
12 person on the same premises as the jail facility to provide for the
13 security, custody, and supervision of prisoners. Staff shall be
14 available to perform sensitive functions and procedures as necessary
15 and to accommodate inmate gender, the infirm, or the holding of
16 persons under eighteen (18) years of age.

17 ~~Within ninety (90) days after June 9, 1994, the~~

18 F. The State ~~Board~~ Department of Health shall promulgate new
19 rules governing square footage requirements, double-celling of
20 prisoners and the ratio of showers, toilets, and water basins to
21 prisoners. ~~The rules so promulgated shall be governed by the~~
22 ~~guidelines enumerated in this section, and shall be designed to~~
23 ~~carry out the intent and purpose of the guidelines.~~ All cells and
24 living areas shall have at least thirty-five (35) square feet of

1 unencumbered walking floor space for the initial inmate and at least
2 twenty (20) square feet of additional unencumbered floor space for
3 each additional inmate occupying the same cell or living area. In
4 determining unencumbered floor space, the total square footage is
5 measured and the square footage of all fixtures and equipment is
6 subtracted, resulting in the total amount of unencumbered floor
7 space in the cell. Jail capacity shall be determined during each
8 annual inspection by the Department by identifying and documenting
9 the number of fixed sleeping surfaces, cells, and living areas
10 within a facility. Each city or county jail facility in this state
11 shall be in compliance with the rules so promulgated on or before
12 ~~January 1, 1995~~ January 1, 2027.

13 G. Any city or county jail that is constructed or substantially
14 remodeled shall be required to be in compliance with the
15 requirements and standards in effect at the time of construction or
16 remodeling. Plans for the construction of a new detention facility
17 or the substantial remodeling of an existing facility shall be
18 submitted to the Department for approval. For purposes of this
19 subsection, "substantially remodeled" means the cost to remodel or
20 repair is at least fifty percent (50%) of the cost to replace the
21 facility.

22 H. A county, municipality, or public trust which operates a
23 city or county jail facility may request a waiver, including for a
24 temporary emergency resulting from a man-made or natural disaster,

1 from the standards promulgated pursuant to the provisions of this
2 section upon a showing that application of such provisions would
3 impose an undue hardship upon the county, municipality, or public
4 trust, or upon the inmates currently held at the facility. All
5 requests shall be filed with the Department and shall include
6 justification demonstrating the undue hardship. The waiver
7 application shall also include a plan for the housing and care of
8 city or county jail facility inmates for the duration of the waiver
9 and identification of the specific provisions requested to be
10 waived. The Department may grant the waiver in whole or in part and
11 may, as a condition of granting the waiver, require the county,
12 municipality, or public trust to submit a plan and timetable for
13 compliance with the standards. The Department shall promulgate
14 rules and establish procedures necessary to implement the waiver
15 process established pursuant to this section.

16 F. I. The ~~State~~ Department ~~of Health~~ shall employ inspectors
17 and other personnel as necessary and specifically authorized by the
18 Legislature in order to carry out the provisions of this section and
19 may rent or purchase premises or equipment in order to assist
20 inspectors in the performance of their functions.

21 SECTION 6. AMENDATORY 74 O.S. 2021, Section 193, is
22 amended to read as follows:

23 Section 193. A. Inspectors employed by the State Department of
24 Health shall be permitted to enter all jail premises and

1 administrative offices and be permitted access to all electronic
2 information, documents, videos, and detainees in the facility for
3 the purpose of performing their assigned duties.

4 B. Inspectors shall be permitted to enter all jail premises and
5 administrative offices with Department-issued equipment, including
6 cell phones, to assist inspectors in the performance of their
7 assigned duties.

8 C. The results of these inspections shall be presented in the
9 form of a written report to the person immediately responsible for
10 the administration of the facility inspected and such other offices
11 the Department deems appropriate. The report shall contain:

12 1. A list of deficiencies in the condition or operation of the
13 facility ~~and specific proposals for their solution;~~ and

14 2. A statement as to whether or not the facility inspected is
15 in ~~substantial~~ compliance with the jail standards established
16 pursuant to Section 192 of this title.

17 D. Within thirty (30) days of receipt of an inspection report
18 from the Department, a person responsible for the administration of
19 the facility shall submit a written response to the Department that
20 includes the facility's plan to address the cited deficiencies in
21 the inspection report.

22 E. A complaint regarding a city or county jail and subsequent
23 Department investigation shall not be made public unless the
24 Department substantiates the violations alleged in the complaint.

1 F. The Department shall redact all personal, identifiable
2 information of inmates in a city or county jail facility when
3 producing documentation pursuant to the Oklahoma Open Records Act.

4 SECTION 7. AMENDATORY 74 O.S. 2021, Section 194, is
5 amended to read as follows:

6 Section 194. A. If the deficiencies listed in the written
7 inspection report have not been corrected, within sixty (60) days
8 after delivery of the written inspection report or submission of the
9 written response to the Department from the person responsible for
10 the administration of the facility pursuant to subsection D of
11 Section 193 of this title, the Commissioner of Health shall be
12 authorized to file a complaint with the Attorney General or the
13 district attorney for the purpose of assistance in obtaining
14 compliance or to close the deficient facility. Provided, that upon
15 demonstration of a good-faith effort by the ~~governmental entity~~
16 ~~involved~~ county, municipality, or public trust that operates the
17 city or county jail facility to correct ~~said~~ such deficiencies and
18 achieve compliance with the established standards, the Commissioner
19 of Health shall extend the time for compliance a reasonable period
20 before filing the complaint requesting assistance in obtaining
21 compliance or the closing of the facility.

22 B. An action to close such facility shall be brought in the
23 district court having jurisdiction in the county in which the
24 facility is located. Upon the issuance of an order by the district

1 court to close the facility, the facility shall be closed and
2 prisoners shall be removed to a suitable facility at the expense of
3 the governmental entity responsible for the facility ordered closed.
4 Provided, that upon demonstration of a good-faith effort by the
5 ~~governmental entity involved~~ county, municipality, or public trust
6 that operates the city or county jail facility to correct ~~said~~ such
7 deficiencies and achieve compliance with the established standards,
8 the district court shall extend the time for compliance a reasonable
9 period before ordering the facility closed.

10 SECTION 8. This act shall become effective November 1, 2025.

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