

1 STATE OF OKLAHOMA

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

3 SENATE BILL 870

By: Rader

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5
6 AS INTRODUCED

7 An Act relating to the Oklahoma Children's Code;
8 creating the Accountability, Transparency, and
9 Protection for Exploited Youth Act; providing short
10 title; requiring immediate report of certain
11 incident; creating felony offense; providing penalty;
12 establishing the Independent Oversight Committee
13 within the Office of Juvenile Affairs; stating
14 certain responsibility; providing criteria for
15 certain investigations; providing for certain civil
16 liability; providing certain civil fine; requiring
17 certain training; requiring certain report; amending
18 10A O.S. 2021, Section 2-6-102, which relates to
19 confidential juvenile records; authorizing certain
20 access to certain files and records; authorizing
21 court to take certain action; authorizing certain
22 disclosure; stating authorized parties; requiring
23 certain confidentiality; authorizing request for
24 certain judicial review; prohibiting certain
25 disclosure to the general public; providing for
26 codification; and providing an effective date.

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

20 SECTION 1. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-2-112 of Title 10A, unless
22 there is created a duplication in numbering, reads as follows:

23 This act shall be known and may be cited as the "Accountability,
24 Transparency, and Protection for Exploited Youth Act".
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1 SECTION 2. NEW LAW A new section of law to be codified
2 in the Oklahoma Statutes as Section 1-2-113 of Title 10A, unless
3 there is created a duplication in numbering, reads as follows:

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

12 1. The facility supervisor; and

13 2. The Office of Juvenile Affairs' Independent Oversight
14 Committee, established pursuant to the provisions of this act, for
15 independent investigation.

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

20 SECTION 3. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 1-2-114 of Title 10A, unless
22 there is created a duplication in numbering, reads as follows:

23 1. The Office of Juvenile Affairs shall establish an
24 Independent Oversight Committee (IOC) responsible for investigating

1 all reports of sexual misconduct, coercive relationships, and
2 exploitation in county, state, or contracted juvenile facilities;

3 2. Investigations shall be conducted separately from any
4 internal reviews performed by the facility or its administrative
5 body to ensure impartiality;

6 3. The IOC shall have the authority to subpoena witnesses,
7 gather evidence, and work in collaboration with law enforcement
8 agencies to investigate criminal charges; and

9 4. Investigations shall be forwarded to the district attorney
10 in the district where the alleged abuse took place. If the district
11 attorney declines to file charges, the district attorney shall
12 notify the IOC, the juvenile-victim's family, and both the Senate
13 and House members of which district the victim resides in writing.

14 SECTION 4. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-2-115 of Title 10A, unless
16 there is created a duplication in numbering, reads as follows:

17 A. Any employee, officer, contractor, or volunteer who
18 knowingly fails to report incidents of sexual misconduct or coercive
19 behavior shall be personally subject to civil liability including,
20 but not limited to, damages for physical, emotional, and
21 psychological harm caused to the juvenile.

22 B. The Office of Juvenile Affairs (OJA) and any contracted
23 entity or group home operating under the OJA's supervision shall be
24 civilly liable for damages if a court of proper jurisdiction finds

1 that they were negligent in preventing, investigating, or responding
2 to reports of sexual misconduct.

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

8 D. 1. Juvenile-victims, their legal guardians, or next-friends
9 may file civil suits seeking damages pursuant to this section.

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

14 SECTION 5. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 1-2-116 of Title 10A, unless
16 there is created a duplication in numbering, reads as follows:

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

1 B. The Independent Oversight Committee shall submit an annual
2 report to the Legislature, outlining the number of investigations,
3 findings, and any corrective actions taken.

4 SECTION 6. 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. To a juvenile who is fourteen (14) years of age or older and
10 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. 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. To arrest records of a juvenile arrested for committing an
18 act, which if committed by an adult, would be a felony offense;

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

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

11 9. a. The following parties shall be granted access to
12 relevant files and records pertaining to cases
13 involving allegations or findings of physical or
14 sexual violence against a minor:

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

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

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

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

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

1 b. Access to files and records shall be limited to those
2 that are directly related to the incident of physical
3 or sexual 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 pursuant to 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
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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 7. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 24A.35 of Title 51, unless there
8 is created a duplication in numbering, reads as follows:

9 A. The disclosure of relevant files and records from the Office
10 of Juvenile Affairs (OJA) is allowed when a minor who is or was in
11 OJA custody or in the custody of a county detention facility is the
12 victim of sexual violence. Access to such records shall be given to
13 the following parties:

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

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

17 3. Attorneys representing the minor in civil or criminal
18 proceedings;

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

21 5. Officers of the court who are conducting investigations to
22 assist the minor.

23 B. Disclosure shall be limited to documents that are directly
24 related to the incident of sexual violence. Personal and

1 identifying information of other juveniles unrelated to the case
2 shall be redacted to maintain the confidentiality of individuals not
3 involved in the incident.

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

9 D. A court order shall not be necessary to access records
10 pursuant to this section; provided, however, in cases where there is
11 a dispute over the appropriateness of disclosing certain records,
12 either party may request a judicial review to determine whether
13 further restrictions or redactions shall apply.

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

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