

1 STATE OF OKLAHOMA

2 2nd Session of the 59th Legislature (2024)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 2498

6 By: Kerbs

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to children; amending 10A O.S. 2021,
9 Section 2-7-201, which relates to the Office of
10 Juvenile Affairs; modifying duties of Executive
11 Director; and providing an effective date.

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

13 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-7-201, is
14 amended to read as follows:

15 Section 2-7-201. A. The Executive Director of the Office of
16 Juvenile Affairs shall be appointed by the Governor with the advice
17 and consent of the Senate. The Executive Director shall serve at
18 the pleasure of the Governor and may be removed or replaced without
19 cause. Compensation for the Executive Director shall be determined
20 pursuant to the Governor. The Executive Director may be removed
21 from office by a two-thirds (2/3) vote of the members elected to and
22 constituting each chamber of the Legislature.

23 B. The Executive Director of the Office of Juvenile Affairs
24 shall be qualified for such position by character, ability,

1 education, training, and successful administrative experience in one
2 of the following: Corrections, juvenile justice, juvenile
3 delinquency, criminal justice, law, police science, criminology,
4 psychology, sociology, administration, education, or a related
5 social science.

6 C. The Executive Director shall provide for the administration
7 of the Office of Juvenile Affairs and shall:

8 1. Be the executive officer and supervise the activities of the
9 Office of Juvenile Affairs;

10 2. Pursuant to legislative authorization employ, discharge,
11 appoint or contract with, and fix the duties and compensation of
12 such assistants, attorneys, law enforcement officers, probation
13 officers, psychologists, social workers, medical professionals,
14 administrative, clerical and technical, investigators, aides and
15 such other personnel, either on a full-time, part-time, fee or
16 contractual basis, as in the judgment and discretion of the
17 Executive Director shall be deemed necessary in the performance or
18 carrying out of any of the purposes, objectives, responsibilities,
19 or statutory provisions relating to the Office of Juvenile Affairs,
20 or to assist the Executive Director of the Office of Juvenile
21 Affairs in the performance of official duties and functions;

22 3. Establish internal policies and procedures for the proper
23 and efficient administration of the Office of Juvenile Affairs; and
24

1 4. Exercise all incidental powers which are necessary and
2 proper to implement the purposes of the Office of Juvenile Affairs
3 pursuant to the Oklahoma Juvenile Code; and

4 5. Establish parity in pay between residential care specialists
5 working in the Office of Juvenile Affairs and correctional officers
6 working in the Oklahoma Department of Corrections.

7 D. The Executive Director shall employ an attorney to be
8 designated the "General Counsel" who shall be the legal advisor for
9 the Office of Juvenile Affairs. Except as provided in this
10 subsection, the General Counsel is authorized to appear for and
11 represent the Board and Office in any litigation that may arise in
12 the discharge of the duties of the Board and Office.

13 It shall continue to be the duty of the Attorney General to give
14 an official opinion to the Executive Director of the Office of
15 Juvenile Affairs and the Office of Juvenile Affairs and to prosecute
16 and defend actions therefor, if requested to do so. The Attorney
17 General may levy and collect costs, expenses of litigation and a
18 reasonable attorney fee for such legal services from the Office.
19 The Office shall not contract for representation by private legal
20 counsel unless approved by the Attorney General. Such contract for
21 private legal counsel shall be in the best interests of the state.
22 The Attorney General shall be notified by the Office of Juvenile
23 Affairs or its counsel of all lawsuits against the Office of
24 Juvenile Affairs or officers or employees thereof, that seek

1 injunctive relief which would impose obligations requiring the
2 expenditure of funds in excess of unencumbered monies in the
3 agency's appropriations or beyond the current fiscal year. The
4 Attorney General shall review any such cases and may represent the
5 interests of the state, if the Attorney General considers it to be
6 in the best interest of the state to do so, in which case the
7 Attorney General shall be paid as provided in this subsection.
8 Representation of multiple defendants in such actions may, at the
9 discretion of the Attorney General, be divided with counsel for the
10 Office as necessary to avoid conflicts of interest.

11 E. The Executive Director of the Office of Juvenile Affairs
12 shall have the authority to commission certified employees within
13 the Office of Juvenile Affairs as peace officers. The authority of
14 employees so commissioned shall only include the authority to
15 investigate crimes committed against the Office or crimes committed
16 in the course of any program administered by the Office. Employees
17 so commissioned shall also have the authority to serve and execute
18 process, bench warrants, and other court orders in any judicial or
19 administrative proceeding in which the agency is a party or
20 participant. Use and possession of firearms for this purpose only
21 shall be permitted. To become qualified as peace officers for the
22 commission, employees shall first obtain a certificate as provided
23 for in Section 3311 of Title 70 of the Oklahoma Statutes.

24

1 F. The Executive Director of the Office of Juvenile Affairs,
2 based upon rules established by the Board of Juvenile Affairs, shall
3 have the authority to appoint and commission campus police for
4 secure juvenile facilities and their adjacent grounds under the
5 jurisdiction of the Office of Juvenile Affairs in the same manner
6 and with the same powers as campus police appointed by governing
7 boards of state institutions for higher education under the
8 provisions of Section 360.15 et seq. of Title 74 of the Oklahoma
9 Statutes.

10 G. In the event of the Executive Director's temporary absence,
11 the Executive Director may delegate the exercise of such powers and
12 duties to a designee during the Executive Director's absence. In
13 the event of a vacancy in the position of Executive Director, the
14 Governor shall appoint a new Executive Director. The Board may
15 designate an interim or acting Executive Director who is authorized
16 to exercise such powers and duties until a permanent Executive
17 Director is employed.

18 SECTION 2. This act shall become effective November 1, 2024.
19

20 59-2-10283 CMA 02/19/24
21
22
23
24