

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 60th Legislature (2025)

4                   HOUSE BILL 1680

By: Roe of the House

5                   and

6                   **Coleman** of the Senate

10                  AS INTRODUCED

11                  [ **children - detention - fee amount - effective date**

12                  ]

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

18                  SECTION 1.       AMENDATORY       10A O.S. 2021, Section 2-3-103, as

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

21                  Section 2-3-103. A. Provision shall be made for the temporary  
22                  detention of children in a juvenile detention facility or the court  
23                  may arrange for the care and custody of such children temporarily in  
24                  private homes, subject to the supervision of the court, or the court

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

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

1 | transporting juveniles who are detained in or destined for a secure  
2 | detention center as follows:

3 |       1. A fee for the cost of personal services at the rate of  
4 | ~~Seventeen Dollars (\$17.00)~~ Thirty-two Dollars (\$32.00) per hour;

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

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

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

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

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

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

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

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

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

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

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

- 13               a. that the contractor has the qualifications,  
14                   experience, and personnel necessary to implement the  
15                   terms of the contract,
- 16               b. that the financial condition of the contractor is such  
17                   that the term of the contract can be fulfilled,
- 18               c. that the ability of the contractor to obtain insurance  
19                   or provide self-insurance to indemnify the county  
20                   against possible lawsuits and to compensate the county  
21                   for any property damage or expenses incurred due to  
22                   the private operation of the juvenile detention  
23                   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 of Health shall promulgate rules providing  
13 for the routine recording and reporting of the use of any adult  
14 jail, lockup or other adult facility for the detention of any person  
15 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

21       2. Records of detention shall be reviewed during each routine  
22 inspection of adult jails, lockups or other adult detention  
23 facilities inspected by the State Department of Health and a  
24 statistical report of said detentions shall be submitted to the

1 Office of Juvenile Affairs at least every six (6) months in a form  
2 approved by the Board of Juvenile Affairs.

3 SECTION 2. This act shall become effective November 1, 2025.

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5 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated  
02/27/2025 - DO PASS, As Amended and Coauthored.

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