

## **SENATE FLOOR VERSION**

March 4, 2025

3 COMMITTEE SUBSTITUTE  
FOR  
4 SENATE BILL NO. 870

4 | SENATE BILL NO. 870 By: Rader

An Act relating to children; creating the Accountability, Transparency, and Protection for Exploited Youth Act; providing short title; requiring certain individuals to report sexual misconduct or exploitation; creating felony offense; providing for penalties; requiring investigation reports to be forwarded to certain individuals; requiring certain notification by the district attorney; providing for certain civil liability and damages; stating certain negligence; providing for civil penalties; requiring the Office of Juvenile Affairs to provide annual training; directing the Office of Juvenile System Oversight to submit certain report; amending 10A O.S. 2021, Sections 2-6-102 and 2-6-110, which relate to juvenile records; striking reference to repealed section; permitting disclosure of certain records under certain circumstances; authorizing certain individuals to access certain records; limiting disclosure of documents; directing certain individuals to comply with confidentiality obligations; permitting a party to request judicial review; updating statutory reference; providing for codification; and providing an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified  
23 in the Oklahoma Statutes as Section 2-8-301 of Title 10A, unless  
24 there is created a duplication in numbering, reads as follows:

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

3           SECTION 2.        NEW LAW        A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2-8-302 of Title 10A, unless  
5 there is created a duplication in numbering, reads as follows:

6              A. Any employee, contractor, volunteer, or third party working  
7 in or around a state-run juvenile facility, private contractor, or  
8 group home under the supervision of the Office of Juvenile Affairs  
9 or any county facility which detains juveniles, who becomes aware  
10 of, witnesses, or suspects any form of sexual misconduct, coercive  
11 relationships, or exploitation between staff, volunteers, or  
12 contractors and juveniles, shall be required to immediately report  
13 the incident to both the facility supervisor and the Office of  
14 Juvenile System Oversight for independent investigation.

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

20              C. Investigation reports shall be forwarded to the district  
21 attorney in the district where the abuse took place. The Office of  
22 Juvenile System Oversight shall notify in writing the juvenile  
23 victim's family and the Senate and House of Representatives members

1 for the district in which the juvenile victim lives that the  
2 investigation has been forwarded to the district attorney.

3       The district attorney shall notify in writing the juvenile  
4 victim's family and the Senate and House of Representatives members  
5 for the district in which the juvenile victim lives when a decision  
6 has been made to either file or decline to file charges.

7       SECTION 3.       NEW LAW       A new section of law to be codified  
8 in the Oklahoma Statutes as Section 2-8-303 of Title 10A, unless  
9 there is created a duplication in numbering, reads as follows:

10      A. Any employee, officer, contractor, or volunteer who  
11 knowingly fails to report incidents of sexual misconduct or coercive  
12 behavior shall be deemed to be acting outside the scope of  
13 employment and therefore be subject to civil liability exempt from  
14 The Governmental Tort Claims Act including, but not limited to,  
15 damages for physical, emotional, and psychological harm caused to  
16 the juvenile.

17      B. The Office of Juvenile Affairs and any contracted entity or  
18 group home operating under the Office's supervision shall be liable  
19 for damages if a court of competent jurisdiction finds that the  
20 employee, officer, contractor, or volunteer was negligent in  
21 preventing, investigating, or responding to reports of sexual  
22 misconduct. Liability for acts committed in violation of this  
23 section shall be exempt from the liability limitations under The  
24 Governmental Tort Claims Act.

1       C. Negligence under this act shall include failure to properly  
2 train employees on mandatory reporting, failure to respond to  
3 previous reports, failure to terminate employees who abuse  
4 juveniles, or failure to take action to safeguard juveniles from  
5 known risks.

6       D. Juvenile victims, their parents or legal guardians, or next  
7 friends may file civil actions seeking damages pursuant to the  
8 provisions of this section.

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

13       SECTION 4.       NEW LAW       A new section of law to be codified  
14 in the Oklahoma Statutes as Section 2-8-304 of Title 10A, unless  
15 there is created a duplication in numbering, reads as follows:

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

23       B. The Office of Juvenile System Oversight shall electronically  
24 submit an annual report to the President Pro Tempore of the Senate

1 and the Speaker of the House of Representatives that outlines the  
2 number of investigations, findings, and any corrective actions  
3 taken.

4 SECTION 5. 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. 3. To a juvenile who is fourteen (14) years of age or older  
10      and 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. 4. 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. 5. To arrest records of a juvenile arrested for committing  
18      an act, which if committed by an adult, would be a felony offense;

19           7. 6. To a violation of the Prevention of Youth Access to  
20      Tobacco Act; ~~or~~

21           8. 7. Whenever a juvenile is accepted for placement or  
22      treatment in a facility or private treatment facility within this  
23      state as a result of or following a conviction or adjudication for  
24      an out-of-state offense that would qualify the juvenile as a

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

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

- 16                    (1)    law enforcement officers investigating the  
17                      incident,
- 18                    (2)    the minor's legal guardians or parents,
- 19                    (3)    attorneys representing the minor in civil or  
20                      criminal proceedings,
- 21                    (4)    court-appointed advocates in connection with  
22                      proceedings relating to the minor's welfare, and
- 23                    (5)    officers of the court who are conducting  
24                      investigations to assist the minor.

- 1           b. Access under this paragraph shall be limited to files  
2           and records directly related to the incident of sexual  
3           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 under 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

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  
24

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 6. AMENDATORY 10A O.S. 2021, Section 2-6-110, is  
7 amended to read as follows:

8 Section 2-6-110. The Office of Juvenile Affairs shall, in  
9 cooperation with sheriffs in this state, develop procedures for  
10 providing timely and relevant information to sheriffs concerning  
11 juvenile court records and agency records of persons who have met  
12 the criteria specified in paragraph 5 4 of subsection C of Section  
13 2-6-102 of this title. The procedures shall be designed to provide  
14 the type of information useful and relevant to establishing security  
15 level requirements for persons in the custody of a sheriff. The  
16 provisions of this section shall not require the disclosure of any  
17 records or information which is required by law to be kept  
18 confidential.

19 SECTION 7. This act shall become effective November 1, 2025.

20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY  
March 4, 2025 - DO PASS AS AMENDED BY CS