

ENGROSSED SENATE
BILL NO. 905

BY: HENDRICK of the SENATE

and

VAUGHN (Ray) of the HOUSE

AN ACT RELATING TO CHILDREN ADJUDICATED DELINQUENT;
AMENDING 10 O.S. 1991, SECTION 1139, WHICH RELATES
TO DISCHARGE OF CHILDREN ADJUDICATED DELINQUENT;
PROVIDING ADDITIONAL CONDITION UNDER WHICH COURT
MAY RETAIN JURISDICTION OVER CERTAIN CHILD; AND
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 10 O.S. 1991, Section 1139, is
amended to read as follows:

Section 1139. A. All children adjudicated delinquent and
committed to the Department of Human Services shall be discharged at
such time as the Department determines there is a reasonable
probability that it is no longer necessary, either for the
rehabilitation and treatment of the child, or for the protection of
the public, that the Department retain legal custody. Following a
hearing, the court may also order that a child adjudged delinquent
and committed to the Department shall be discharged by the
Department provided the child is on parole status and the court
deems the discharge in the best interest of the child and public.

B. All children adjudged delinquent and committed to the
Department and not discharged under subsection A of this section
shall be discharged when the child becomes eighteen (18) years of

age, unless the Department is authorized by the court to retain custody of the child until nineteen (19) years of age. Upon motion of the Department the court, after notice to the delinquent child and to the parents and attorney of said child, may authorize the Department to retain custody of the child until he reaches nineteen (19) years of age. If the court sustains the motion of the Department, the delinquent child during the extended period shall be considered as a child for purposes of receiving services from the Department. If a criminal offense is committed by the individual during the extended period, said offense shall be considered as having been committed by an adult. Except to the extent necessary to effectuate the purposes of this section, an individual after age eighteen (18) is considered an adult for purposes of other applicable law.

C. The Department shall not place a child under ten (10) years of age in an institution maintained for delinquent children.

D. The court may retain jurisdiction over a child adjudged delinquent beyond the age of seventeen (17) years to the extent necessary for the child to complete payment of restitution or court costs.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 9th day of March, 1992.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1992.

Speaker

of the House of
Representatives