

ENROLLED SENATE
BILL NO. 905

BY: HENDRICK of the SENATE

and

VAUGHN (Ray) and JOHNSON
(Rob) 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 6th day of April, 1992.

Speaker of the House of Representatives