

ENROLLED SENATE
BILL NO. 807

By: Laughlin of the Senate

and

Nance of the House

An Act relating to criminal procedure; amending 22 O.S. 2001, Sections 996, 996.1, 996.2 and 996.3, which relate to the Delayed Sentencing Program for Young Adults; referencing certain act as the Regimented Inmate Discipline Program; modifying definitions; stating duration of certain program and components of program environment; clarifying authority of court to sentence to certain program; stating sentencing options following completion of certain program; decreasing time to file certain accountability plan with court clerk; expanding types of confinement for purpose of certain plan; stating procedure for filing objection to certain plan; directing court hearing for disposition of objections; deleting provision authorizing extension of certain placement under certain program; requiring compliance with accountability plan; authorizing various placement options while offender is in custody of the Department of Corrections; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 996, is amended to read as follows:

Section 996. Sections ~~±~~ 996 through ~~4~~ 996.3 of this ~~act~~ title shall be known and may be cited as the "Delayed Sentencing Program for Young Adults". This act is also recognized as the Regimented Inmate Discipline (RID) Program.

SECTION 2. AMENDATORY 22 O.S. 2001, Section 996.1, is amended to read as follows:

Section 996.1 As used in the Delayed Sentencing Program for Young Adults:

"Offender" means any adult eighteen (18) through twenty-one (21) years of age charged with a felony offense or a juvenile who has been certified to stand trial as an adult, ~~who has committed a felony offense, who has not previously been convicted of two or more felonies~~ for a felony offense, and who has not been convicted of

assault and battery with a dangerous weapon, aggravated assault and battery on a law officer, poisoning with intent to kill, shooting with intent to kill, assault with intent to kill, using a vehicle to facilitate the intentional discharge of any kind of firearm in violation of Section 652 of Title 21 of the Oklahoma Statutes, assault with intent to commit a felony, murder in the first degree, murder in the second degree, manslaughter in the first degree, manslaughter in the second degree, kidnapping, burglary in the first degree, kidnapping for extortion, maiming, robbery, child beating, wiring any equipment, vehicle, or structure with explosives, forcible sodomy, rape in the first degree or rape by instrumentation, lewd or indecent proposition or lewd or indecent act with a child under sixteen (16) years of age, use of a firearm or offensive weapon to commit or attempt to commit a felony, pointing firearms, rioting, or arson in the first degree.

SECTION 3. AMENDATORY 22 O.S. 2001, Section 996.2, is amended to read as follows:

Section 996.2 The Department of Corrections shall establish ~~procedures to~~ and carry out the provisions of the Delayed Sentencing Program for Young Adults. The Program shall be not less than one hundred eighty (180) days nor more than one (1) year and shall provide a structured environment of intense confinement, supervision, treatment, discipline, and vocational or educational components designed specifically for the offender.

SECTION 4. AMENDATORY 22 O.S. 2001, Section 996.3, is amended to read as follows:

Section 996.3 A. Upon a verdict of guilty or a plea of guilty or nolo contendere of an offender, the court shall delay sentencing for a period ~~of up to one hundred twenty (120)~~ not less than one hundred eighty (180) days nor more than one (1) year after the plea of guilty or finding of guilt is entered and order the offender to the Delayed Sentencing Program for Young Adults under the custody of the Department of Corrections. For purposes of the Delayed Sentencing Program for Young Adults, the term "custody" shall include probation or confinement during the term of the Program. The court may initially commit the offender for either probation or confinement pending the completion of the Delayed Sentencing Program.

After the completion of ~~said program~~ the Program the court shall:

1. Defer judgment pursuant to the provisions of Section 991c of ~~Title 22 of the Oklahoma Statutes~~ this title; or

2. Sentence ~~said~~ the offender to any sentence provided by law in the custody of the Department of Corrections; or

3. Suspend the execution of sentence pursuant to Section 991a of ~~Title 22 of the Oklahoma Statutes~~ this title. In addition to other conditions of probation allowed by statute, the court may include special conditions of probation as set forth in the plan

provided to the court if sentencing is deferred or if all or part of the sentence is suspended; or

4. Sentence the offender to community sentencing; or

5. Dismiss the criminal charges and proceedings.

B. Within ~~one hundred twenty (120)~~ thirty (30) days after the offender is committed to the Delayed Sentencing Program for Young Adults, the Department of Corrections shall prepare and file with the court clerk a specialized offender accountability plan for ~~said~~ the offender which shall comply with and be in lieu of the presentence investigation provided for in Section 982 of ~~Title 22 of the Oklahoma Statutes~~ this title. The plan shall include information, evaluations, and data directed by the sentencing court, and may include, but not be limited to, the investigation report of probation officers, an assessment of security risks and offender needs and a recommended specific course of action, including, where applicable, psychological counseling, psychiatric treatment, medical treatment, education or vocational training, work, restitution, and such other programs, which will offer the best opportunity for rehabilitation of ~~said~~ the offender. If the plan recommends confinement, the plan shall state specifically the type of confinement that the Department of Corrections proposes to utilize and the amount of time the offender will spend in that confinement, including but not limited to boot camp, substance abuse treatment, and vocational or educational placement.

Upon filing the plan, copies shall be provided by the Department of Corrections to the district attorney, the offender, ~~and~~ the offender's attorney. ~~These copies shall be provided at least twenty (20) days prior to the sentencing date set by,~~ and the court. If the district attorney, the offender or the offender's attorney objects to ~~said~~ the plan, ~~he~~ the objecting party may file ~~his~~ a written ~~objections~~ objection with the court within ten (10) days of the ~~sentencing date~~ receipt of the plan. Upon the filing of any objection, the court shall conduct a hearing within ten (10) days of the filing of the objection and decide a plan of action for the offender under the Delayed Sentencing Program for Young Adults or sentence the offender as otherwise provided by law.

C. An order by the court placing an offender in the Delayed Sentencing Program for Young Adults shall be accepted by the Department of Corrections as a commitment to the custody of the Department pursuant to the provisions of Section 521 of Title 57 of the Oklahoma Statutes, for the sole purpose of committing an offender for assessment and evaluation and complying with the accountability plan.

D. ~~The period of delayed sentencing may be extended upon execution of a waiver of the one hundred twenty day period by the offender for the purpose of completing the Delayed Sentencing Program for Young Adults prior to sentencing. Provided however, in no event shall the extension exceed a period of sixty (60) days and said extension shall be approved by the court at which time the court shall set a new sentencing date in accordance with the programmed completion date~~ If no objection has been made to the

plan, the offender shall remain in the custody of the Department either under probation or confinement to comply with the terms and conditions of the plan. The offender may be housed either in a minimum or medium security facility, halfway house, community corrections facility, or any combination as needed to comply with the plan and meet offender criminogenic needs.

SECTION 5. This act shall become effective July 1, 2003.

SECTION 6. 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 19th day of May, 2003.

Presiding Officer of the Senate

Passed the House of Representatives the 21st day of May, 2003.

Presiding Officer of the House
of Representatives