

SB 807

Senate Bill No. 807
As Amended

SENATE BILL NO. 807 - By: LAUGHLIN of the Senate and NANCE of the House.

[criminal procedure - definitions - accountability plan -
Delayed Sentencing Program For Young Adults - Regimented
Inmate Discipline (RID) Program - effective date -
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 ~~1~~ 996 through ~~4~~ Section 996.3 of this act ~~act~~ title shall be known and may be cited as the "~~Delayed Sentencing Program for Young Adults~~ 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~~ Regimented Inmate Discipline (RID) Program:

"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~~

(Bold face denotes Committee Amendments)

1 ~~felonies~~ for a felony offense, and who has not been convicted of
2 assault and battery with a dangerous weapon, aggravated assault and
3 battery on a law officer, poisoning with intent to kill, shooting
4 with intent to kill, assault with intent to kill, using a vehicle to
5 facilitate the intentional discharge of any kind of firearm in
6 violation of Section 652 of Title 21 of the Oklahoma Statutes,
7 assault with intent to commit a felony, murder in the first degree,
8 murder in the second degree, manslaughter in the first degree,
9 manslaughter in the second degree, kidnapping, burglary in the first
10 degree, kidnapping for extortion, maiming, robbery, child beating,
11 wiring any equipment, vehicle, or structure with explosives,
12 forcible sodomy, rape in the first degree or rape by
13 instrumentation, lewd or indecent proposition or lewd or indecent
14 act with a child under sixteen (16) years of age, use of a firearm
15 or offensive weapon to commit or attempt to commit a felony,
16 pointing firearms, rioting, or arson in the first degree.

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

19 Section 996.2 The Department of Corrections shall establish
20 ~~procedures to~~ and carry out the provisions of the ~~Delayed Sentencing~~
21 ~~Program for Young Adults~~ Regimented Inmate Discipline (RID) Program.
22 The Program shall be not less than one hundred eighty (180) days nor
23 more than one (1) year and shall provide a structured environment of

1 intense confinement, supervision, treatment, discipline, and
2 vocational or educational components designed specifically for an
3 offender.

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

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

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

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

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

1 3. Suspend the execution of sentence pursuant to Section 991a
2 of ~~Title 22 of the Oklahoma Statutes~~ this title. In addition to
3 other conditions of probation allowed by statute, the court may
4 include special conditions of probation as set forth in the plan
5 provided to the court if sentencing is deferred or if all or part of
6 the sentence is suspended;

7 4. Sentence the offender to community sentencing; or

8 5. Dismiss the criminal charges and proceedings.

9 B. Within ~~one hundred twenty (120)~~ thirty (30) days after the
10 offender is committed to the ~~Delayed Sentencing Program for Young~~
11 ~~Adults~~, the Department of Corrections shall prepare and file with
12 the court clerk a specialized offender accountability plan for ~~said~~
13 the offender which shall comply with and be in lieu of the
14 presentence investigation provided for in Section 982 of ~~Title 22 of~~
15 ~~the Oklahoma Statutes~~ this title. The plan shall include
16 information, evaluations, and data directed by the sentencing court,
17 and may include but not be limited to, the investigation report of
18 probation officers, an assessment of security risks and offender
19 needs and a recommended specific course of action, including, where
20 applicable, psychological counseling, psychiatric treatment, medical
21 treatment, education or vocational training, work, restitution, and
22 such other programs, which will offer the best opportunity for
23 rehabilitation of ~~said~~ the offender. If the plan recommends

1 confinement, the plan shall state specifically the type of
2 confinement that the Department of Corrections proposes to utilize
3 and the amount of time the offender will spend in that confinement,
4 including but not limited to boot camp, substance abuse treatment,
5 and vocational or educational placement.

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

18 C. An order by the court placing an offender in the ~~Delayed~~
19 ~~Sentencing Program for Young Adults~~ RID Program shall be accepted by
20 the Department of Corrections as a commitment to the custody of the
21 Department pursuant to the provisions of Section 521 of Title 57 of
22 the Oklahoma Statutes, for the sole purpose of committing an

1 offender for assessment and evaluation and complying with the
2 accountability plan.

3 D. ~~The period of delayed sentencing may be extended upon~~
4 ~~execution of a waiver of the one-hundred-twenty-day period by the~~
5 ~~offender for the purpose of completing the Delayed Sentencing~~
6 ~~Program for Young Adults prior to sentencing. Provided however, in~~
7 ~~no event shall the extension exceed a period of sixty (60) days and~~
8 ~~said extension shall be approved by the court at which time the~~
9 ~~court shall set a new sentencing date in accordance with the~~
10 ~~programmed completion date~~ If no objection has been made to the
11 plan, the offender shall remain in the custody of the Department
12 either under probation or confinement to comply with the terms and
13 conditions of the plan. The offender may be housed either in a
14 minimum or medium security facility, halfway house, community
15 corrections facility, or any combination as needed to comply with
16 the plan and meet offender criminogenic needs.

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

18 SECTION 6. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

22 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-19-03 - DO
23 PASS, As Amended and Coauthored.