

3 Senate Bill No. 1799  
4 As Amended

5 SENATE BILL NO. 1799 - By: RILEY and EASON McINTYRE of the Senate  
6 and MORGAN (Danny) of the House.

7 [ juveniles - rehabilitation plan - youthful offenders -  
8 facilities - effective date ]

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

10 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7306-2.10,  
11 is amended to read as follows:

12 Section 7306-2.10 A. Whenever a youthful offender is placed in  
13 the custody of or under the supervision of the Office of Juvenile  
14 Affairs, the Office shall within thirty (30) days prepare and file  
15 with the court a written rehabilitation plan for the youthful  
16 offender. The rehabilitation plan shall include but not be limited  
17 to:

18 1. When the youthful offender is placed in the custody of the  
19 Office of Juvenile Affairs, the placement of the youthful offender;

20 2. Clearly stated, measurable objectives which the youthful  
21 offender is expected to achieve; and

22 3. The services that will be provided to the youthful offender  
23 by the Department of Juvenile Justice to assist the youthful  
24 offender to achieve the objectives.

1           B. Whenever a youthful offender is placed in the custody or  
2 under the supervision of the Office of Juvenile Affairs as provided  
3 by the Youthful Offender Act, the court shall conduct a semiannual  
4 review based upon written reports of the youth's conduct, progress  
5 and condition. Written reports concerning the conduct, progress and  
6 condition of a youthful offender shall be submitted to the court  
7 prior to scheduled reviews by the Department of Juvenile Justice.  
8 Such reports shall include a written report of the youthful offender  
9 with respect to the rehabilitation plan. Copies of those reports  
10 shall be provided by the agency to the youthful offender, ~~his~~ the  
11 youthful offender's counsel, parent or guardian if the youthful  
12 offender is less than eighteen (18) years of age, and the district  
13 attorney. The court shall consider any timely written response to  
14 the agency report before concluding its review.

15           C. The court shall schedule an annual review hearing in open  
16 court, after notice, at its discretion and may schedule such other  
17 hearings, after notice, as the court deems necessary. The court  
18 shall hold a review hearing for good cause shown, upon the motion of  
19 the district attorney, the Department of Juvenile Justice, or the  
20 youthful offender for the purpose of making a determination as to:

21           1. The discharge of the youthful offender from the supervision  
22 or custody of the Department of Juvenile Justice; or

1           2. A change in the custody status of the youthful offender.  
2 For the purpose of this section, "change in the custody status"  
3 means a revocation of an order of probation or supervision,  
4 revocation of parole, or a transfer of custody or supervision to the  
5 Department of Corrections.

6           D. If the youthful offender has not been previously discharged,  
7 the court shall hold a review hearing within the thirty (30) days  
8 immediately preceding the date the youthful offender becomes  
9 eighteen (18) years of age or ~~nineteen (19)~~ twenty-five (25) years  
10 of age, if extended by law.

11           E. A review hearing shall be conducted in open court after  
12 notice to the youth, ~~his~~ the youth's counsel, parent or guardian if  
13 the youthful offender is less than eighteen (18) years of age, the  
14 Department of Juvenile Justice, and the appropriate district  
15 attorney.

16           F. At the conclusion of any review hearing in open court and  
17 after consideration of all reports and other evidence properly  
18 submitted to the court, the court may:

19           1. Order the youthful offender discharged from the supervision  
20 or custody of the Department of Juvenile Justice without a court  
21 judgment of guilt, and order the verdict or plea of guilty or plea  
22 of nolo contendere expunged from the record as provided in  
23 paragraphs 1 through 5 of subsection C of Section 991c of Title 22

1 of the Oklahoma Statutes and dismiss the charge with prejudice to  
2 any further action if the court finds that the youthful offender has  
3 reasonably completed the rehabilitation plan and objectives and that  
4 such dismissal will not jeopardize public safety. If a youthful  
5 offender has been discharged without a court order judgment of guilt  
6 and the charge has been dismissed with prejudice as provided in this  
7 paragraph, upon the motion of the youthful offender and three (3)  
8 years after such discharge and dismissal, the court may, in  
9 addition, order any law enforcement agency to produce all files and  
10 records pertaining to the arrest and conviction of the youthful  
11 offender and shall order the clerk of the court to destroy the  
12 entire file and record of the case, including docket sheets, index  
13 entries, court records, summonses, warrants or records in the office  
14 of the clerk or which have been produced by a law enforcement agency  
15 in which the name of the youthful offender is mentioned. The court  
16 may order probation officers and counselors of the Office of  
17 Juvenile Affairs to destroy all records, reports, and social and  
18 clinical studies relating to the youthful offender that are in the  
19 possession of the Office of Juvenile Affairs, except when the  
20 documents are necessary to maintain state or federal funding;

21 2. Revoke an order of probation and place the youthful offender  
22 in the custody of the Office of Juvenile Affairs;

1           3. Revoke a community supervision placement by the Department  
2 of Juvenile Justice;

3           4. Place the youthful offender in a sanction program operated  
4 or contracted for by the Office of Juvenile Affairs community  
5 placement, if the youthful offender fails to comply with a written  
6 plan of rehabilitation or fails substantially to achieve reasonable  
7 treatment objectives while in community or other nonsecure programs;

8           5. Proceed as provided in Section 991a of Title 22 of the  
9 Oklahoma Statutes and impose the remainder of the sentence as  
10 provided by law for an adult punishment of the offense committed  
11 subject to the authority of the court to suspend or delay sentence,  
12 defer judgment or otherwise structure, limit or modify a sentence as  
13 provided in Title 22 of the Oklahoma Statutes, including transfer of  
14 the youthful offender to the custody or supervision of the  
15 Department of Corrections for the remainder of the youthful offender  
16 sentence, if the court finds by clear and convincing evidence that  
17 the youthful offender has:

18           a. after conviction as a youthful offender, seriously  
19 injured or endangered the life or health of another  
20 person by ~~his~~ the youthful offender's violent  
21 behavior,

22           b. escaped from a training school,

- 1 c. committed a felony crime while in the custody or under  
2 the supervision of the Department of Juvenile Justice  
3 as shown by a judgment entered following a verdict of  
4 guilty, a plea of guilty or nolo contendere, or as  
5 shown by clear and convincing evidence,
- 6 d. failed substantially to comply with the previously  
7 adopted written plan of rehabilitation,
- 8 e. except as provided by paragraph 6 of this subsection,  
9 been unable, due to the age of the youthful offender,  
10 to substantially comply with a written plan of  
11 rehabilitation, or
- 12 f. failed substantially to comply with a written plan of  
13 rehabilitation or failed substantially to achieve  
14 reasonable treatment objectives and is within thirty  
15 (30) days of ~~his~~ the youthful offender's eighteenth  
16 birthday, ~~or nineteenth birthday if~~ unless custody has  
17 been extended, and is still placed in an institution  
18 or other long-term staff secure facility.

19 The court, in its decision to transfer custody of the youthful  
20 offender to the custody of the Department of Corrections shall  
21 detail findings of fact and conclusions of law addressing the  
22 grounds alleged in the motion of the state; or

1           6. Upon motion of the Department of Juvenile Justice and after  
2 notice to the youthful offender, extend jurisdiction and authorize  
3 the Department to retain custody or supervision of the youthful  
4 offender until the youthful offender reaches ~~twenty (20)~~ twenty-five  
5 (25) years of age, provided at the time of the hearing, the youthful  
6 offender:

- 7           a. is within the thirty (30) days immediately preceding  
8           the nineteenth birthday of the youthful offender, and  
9           b. has substantially complied with the previously adopted  
10           plan of rehabilitation and needs additional time to  
11           complete the plan.

12 During this period of extended jurisdiction, the court may proceed  
13 as provided in paragraph 5 of subsection F of this section or  
14 dismiss the charge as provided in paragraph 1 of subsection F of  
15 this section.

16           G. All persons sentenced as a youthful offender and placed in  
17 the custody or under the supervision of the Department of Juvenile  
18 Justice of the Office of Juvenile Affairs shall be discharged or  
19 transferred to the custody of the Department of Corrections, as  
20 provided in subsection D, when the youthful offender becomes  
21 eighteen (18) years of age unless the Office of Juvenile Affairs is  
22 authorized by the court to retain custody or supervision of the  
23 person until ~~nineteen (19)~~ twenty-five (25) years of age unless

1 otherwise provided by law. At such time as separate youthful  
2 offender facilities are constructed and operational, the Department  
3 of Juvenile Justice of the Office of Juvenile Affairs shall be  
4 authorized to retain a youthful offender until twenty-five (25)  
5 years of age without a court order for such extension.

6 H. An order transferring custody of a youthful offender to the  
7 Department of Corrections shall result in an adult conviction and  
8 shall be a final order, appealable when entered.

9 I. For the purpose of calculating time served to be applied  
10 toward any sentence imposed upon a youthful offender, in the event a  
11 youthful offender has been placed in the custody or under the  
12 supervision of the Office of Juvenile Affairs, ~~he~~ the youthful  
13 offender shall receive credit for the time spent in the custody or  
14 under the supervision of the Office of Juvenile Affairs. Upon  
15 commitment to the Department of Corrections, a youthful offender  
16 shall also receive other credits as provided by law<sup>7</sup> for an adult  
17 inmate.

18 SECTION 2. This act shall become effective November 1, 2006.

19 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-22-06 - DO  
20 PASS, As Amended and Coauthored.