

3 Senate Bill No. 759
4 As Amended

5 SENATE BILL NO. 759 - By: LAUGHLIN of the Senate and BLACKWELL of
6 the House.

7 [criminal procedure - Delayed Sentencing Program for Young
8 Adults - effective date -
9 emergency]

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

11 SECTION 1. AMENDATORY 22 O.S. 2001, Section 996.1, as
12 amended by Section 2, Chapter 323, O.S.L. 2003 (22 O.S. Supp. 2004,
13 Section 996.1), is amended to read as follows:

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

16 "Offender" means any adult eighteen (18) through twenty-one (21)
17 years of age charged with a felony offense or a juvenile who has
18 been certified to stand trial as an adult for a nonviolent felony
19 offense, and who has not been convicted of assault and battery with
20 a dangerous weapon, aggravated assault and battery on a law officer,
21 poisoning with intent to kill, shooting with intent to kill, assault
22 with intent to kill, using a vehicle to facilitate the intentional
23 discharge of any kind of firearm in violation of Section 652 of
24 Title 21 of the Oklahoma Statutes, assault with intent to commit a
25 felony, murder in the first degree, murder in the second degree,

1 manslaughter in the first degree, manslaughter in the second degree,
2 kidnapping, burglary in the first degree, kidnapping for extortion,
3 maiming, robbery, child beating, wiring any equipment, vehicle, or
4 structure with explosives, forcible sodomy, rape in the first degree
5 or rape by instrumentation, lewd or indecent proposition or lewd or
6 indecent act with a child under sixteen (16) years of age, use of a
7 firearm or offensive weapon to commit or attempt to commit a felony,
8 pointing firearms, rioting, or arson in the first degree.

9 SECTION 2. AMENDATORY 22 O.S. 2001, Section 996.3, as
10 amended by Section 4, Chapter 323, O.S.L. 2003 (22 O.S. Supp. 2004,
11 Section 996.3), is amended to read as follows:

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

23 After the completion of the Program the court shall:

1 1. Defer judgment pursuant to the provisions of Section 991c of
2 this title; ~~or~~

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

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

10 4. Sentence the offender to community sentencing; or

11 5. Dismiss the criminal charges and proceedings.

12 B. Within ~~thirty (30)~~ ninety (90) days after the offender is
13 committed to the Delayed Sentencing Program for Young Adults, the
14 Department of Corrections shall prepare and file with the court
15 clerk a specialized offender accountability plan for the offender
16 which shall comply with and be in lieu of the presentence
17 investigation provided for in Section 982 of this title. The plan
18 shall include information, evaluations, and data directed by the
19 sentencing court, and may include, but not be limited to, the
20 investigation report of probation officers, an assessment of
21 security risks and offender needs and a recommended specific course
22 of action, including, where applicable, psychological counseling,
23 psychiatric treatment, medical treatment, education or vocational

1 training, work, restitution, and such other programs, which will
2 offer the best opportunity for rehabilitation of the offender. If
3 the plan recommends confinement, the plan shall state specifically
4 the type of confinement that the Department of Corrections proposes
5 to utilize and the amount of time the offender will spend in that
6 confinement, including but not limited to boot camp, substance abuse
7 treatment, and vocational or educational placement.

8 Upon filing the plan, copies shall be provided by the Department
9 of Corrections to the district attorney, the offender, the
10 offender's attorney, and the court. If the district attorney, the
11 offender or the offender's attorney objects to the plan, the
12 objecting party may file a written objection with the court within
13 ten (10) days of the 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 Delayed Sentencing Program for Young Adults or
17 sentence the offender as otherwise provided by law.

18 C. An order by the court placing an offender in the Delayed
19 Sentencing Program for Young Adults shall be accepted by the
20 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. If no objection has been made to the plan, the offender
4 shall remain in the custody of the Department either under probation
5 or confinement to comply with the terms and conditions of the plan.
6 The offender may be housed either in a minimum or medium security
7 facility, halfway house, community corrections facility, or any
8 combination as needed to comply with the plan and meet offender
9 criminogenic needs.

10 SECTION 3. This act shall become effective July 1, 2005.

11 SECTION 4. It being immediately necessary for the preservation
12 of the public peace, health and safety, an emergency is hereby
13 declared to exist, by reason whereof this act shall take effect and
14 be in full force from and after its passage and approval.

15 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO
16 PASS, As Amended and Coauthored.