

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1741

By: Billy

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 996.3, as amended by Section 4, Chapter 323, O.S.L. 2003 (22 O.S. Supp. 2004, Section 996.3), which relates to delayed sentencing program; modifying language; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 996.3, as amended by Section 4, Chapter 323, O.S.L. 2003 (22 O.S. Supp. 2004, 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 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 the Program the court shall:

1. Defer judgment pursuant to the provisions of Section 991c of this title; or
2. Sentence 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 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 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 the offender which shall comply with and be in lieu of the presentence investigation provided for in Section 982 of 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 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, the ~~offender's~~ attorney for the offender, and the court. If the district attorney, the offender or the ~~offender's~~ attorney for the offender objects to the plan, the objecting party may file a written objection with the court within ten (10) days of the 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. 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 2. This act shall become effective November 1, 2005.

50-1-6473          GRS          01/19/05