

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1831

By: Miller (Ray)

AS INTRODUCED

An Act relating to children; amending 10 O.S. 2001, Section 7302-5.4, which relates to discharge of children adjudicated delinquent; modifying discharge procedure; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7302-5.4, is amended to read as follows:

Section 7302-5.4 A. Except as otherwise provided by law, all children adjudicated delinquent and committed to the Department of Juvenile Justice shall be discharged at such time as the Department determines there is a reasonable probability that it is no longer necessary, either for the rehabilitation and treatment of the child, or for the protection of the public, that the Department retain legal custody. The Department shall not release any adjudicated delinquent to the custody of their parent or guardian without prior notification to the judge assigned to the court case of the juvenile. Upon notification, the judge may recommend an alternative placement of the juvenile other than with the parent or guardian of the juvenile. Following a hearing, the court may also order that a child adjudged delinquent and committed to the Department shall be discharged by the Department provided the child is on parole status and the court deems the discharge in the best interest of the child and public. The Department shall give a fifteen-day notice to the court and the district attorney before discharging from legal custody any child committed and confined in a secure facility.

B. Except as otherwise provided by law, all children adjudged delinquent and committed to the Department of Justice and not discharged under subsection A of this section shall be discharged when the child becomes eighteen (18) years of age, unless the Department is authorized by the court to retain custody of the child until nineteen (19) years of age. Upon the court's own motion or motion of the Department or the district attorney, the court, after notice to the delinquent child and to the parents and attorney of said child, may authorize the Department to retain custody of the child until he reaches nineteen (19) years of age. If the court sustains a motion to retain custody, the delinquent child during the extended period shall be considered as a child for purposes of receiving services from the Department. If a criminal offense is committed by the individual during the extended period, said offense shall be considered as having been committed by an adult. Except to the extent necessary to effectuate the purposes of this section, an individual after age eighteen (18) years is considered an adult for purposes of other applicable law.

C. The Department of Juvenile Justice shall not place a child under ten (10) years of age in an institution maintained for delinquent children.

D. The court may retain jurisdiction over a child adjudged delinquent beyond the age of seventeen (17) years to the extent necessary for the child to complete payment of restitution or court costs. The court may institute contempt proceedings pursuant to Sections 565 through 567 of Title 21 of the Oklahoma Statutes against any person adjudged delinquent and ordered to pay restitution or court costs who neglects or refuses to pay such restitution or court costs.

E. Following a hearing, the court may order that any child shall be discharged by the Department of Juvenile Justice of the Office of Juvenile Affairs provided the child is on parole status

and the court deems the discharge in the best interest of the child and public. The Department of Juvenile Justice shall give a fifteen-day notice to the district attorney before discharging from legal custody any child committed and confined in a secure facility.

SECTION 2. This act shall become effective November 1, 2005.

50-1-5490 SBH 01/09/05