ENGROSSED SENATE
BILL NO. 1403 By: Anderson of the Senate

and

Duncan of the House

An Act relating to children; amending 10 O.S. 2001, Sections 7306-2.4 and 7306-2.9, as amended by Sections 3 and 7, Chapter 286, O.S.L. 2006, 7306-2.10, as last amended by Section 1, Chapter 191, O.S.L. 2007, Section 1, Chapter 144, O.S.L. 2006, and 7306-2.11, as amended by Section 9, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2007, Sections 7306-2.4, 7306-2.9, 7306-2.10, 7306-2.10a and 7306-2.11), which relate to juvenile offenders; deleting requirement for a review hearing in certain circumstance; modifying procedures related to the sentencing of a youthful offender; modifying certain dispositional orders; providing for certain age limit in sentencing; modifying authority for the court to issue certain orders; requiring certain supervision; stating legislative intent; permitting the Office of Juvenile Affairs to make certain recommendations; deleting requirement for certain review and report; modifying certain time limit; modifying language; deleting certain options for determination by the court; modifying authority to transfer youthful offenders in certain circumstances; deleting requirement for disclosure of certain date; permitting the Office of Juvenile Affairs to place youthful offenders in certain institutions or facilities for delinquents; deleting requirement for certain access; and providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7306-2.4, as amended by Section 3, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2007, Section 7306-2.4), is amended to read as follows:

Section 7306-2.4 A. A child who is arrested for an offense pursuant to subsection A or B of Section 7306-2.6 of this title, or who is certified as a youthful offender pursuant to Section 7306-2.5 of this title, shall be charged by information in the same manner as provided for adults.

B. When a person is certified to stand trial as an adult or a youthful offender as provided by the Youthful Offender Act, the accused person shall have all the statutory and constitutional rights and protections of an adult accused of a crime. All proceedings shall be as for a criminal action and the provisions of Title 22 of the Oklahoma Statutes shall apply, except as provided for in the Youthful Offender Act. All youthful offender court records for such a person shall be considered adult records and shall not be subject to the provisions of Article VII of the Oklahoma Juvenile Code.

C. Proceedings against a youthful offender shall be heard by any judge of the district court.

D. Upon arrest and detention of a person subject to the provisions of Section 7306-2.5 or 7306-2.6 of this title, the person has the same right to be released on bail as would an adult in the same circumstances and, if detained, may be detained in a county jail if separated by sight and sound from the adult population as otherwise authorized by law. If no such county jail is available, then such person may be detained at a juvenile detention facility.

The sheriff, chief of police, or juvenile or adult detention facility operator shall forthwith notify the Department of Juvenile Justice of any such arrest and detention.

E. Upon a verdict of guilty or entry of a plea of guilty or nolo contendere by a youthful offender who has been certified for the imposition of an adult sentence as provided by Section 7306-2.8 of this title, the person may be detained as an adult and, if incarcerated, may be incarcerated with the adult population.

F. A child or youthful offender shall be tried as an adult in all subsequent criminal prosecutions, and shall not be subject to the jurisdiction of the juvenile court as a juvenile delinquent or youthful offender processes in any further proceedings if:

1. The child or youthful offender has been certified to stand trial as an adult pursuant to any certification procedure provided by law and is subsequently convicted of the alleged offense or against whom the imposition of judgment and sentence has been deferred; or

2. The youthful offender has been certified for the imposition of an adult sentence as provided by Section 7306-2.8 of this title and is subsequently convicted of the alleged offense or against whom the imposition of judgment and sentencing has been deferred.

G. Except as otherwise provided in the Youthful Offender Act, a person who has been certified as a youthful offender shall be prosecuted as a youthful offender in all subsequent criminal

proceedings until the youthful offender has attained eighteen (18) years of age.

All proceedings for the commission of a crime committed after a youthful offender has reached eighteen (18) years of age shall be adult proceedings.

~~H. When a person who has been sentenced as a youthful offender is placed in the custody or under the supervision of the Office of Juvenile Affairs, if the youthful offender has not been previously discharged by the court from the custody or supervision of the Office of Juvenile Affairs, within the thirty (30) days immediately preceding the date on which the youthful offender becomes eighteen (18) years of age, or if extended by the court, nineteen (19) years of age, the court shall hold a review hearing and shall make further orders regarding the youthful offender as provided by Section 7306-2.10 of this title.~~

SECTION 2. AMENDATORY 10 O.S. 2001, Section 7306-2.9, as amended by Section 7, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2007, Section 7306-2.9), is amended to read as follows:

Section 7306-2.9 A. Upon a verdict of guilty or a plea of guilty or nolo contendere of a youthful offender and prior to the imposition of a youthful offender sentence by the court:

1. A youthful offender presentence investigation shall be conducted unless waived by the youthful offender with approval of the court or unless an investigation is conducted pursuant to

subsection C of Section 7306-2.8 of this title. Any presentence investigation required shall be conducted by the ~~Department of Juvenile Justice~~ Office of Juvenile Affairs; and

2. The court shall conduct a hearing and shall consider, with the greatest weight given to subparagraphs a, b and c:

a. whether the offense was committed in an aggressive, violent, premeditated or willful manner,

b. whether the offense was against persons and, if personal injury resulted, the degree of personal injury,

c. the record and past history of the person, including previous contacts with law enforcement agencies and juvenile or criminal courts, prior periods of probation and commitments to juvenile institutions,

d. the sophistication and maturity of the person and the person's capability of distinguishing right from wrong as determined by consideration of the person's psychological evaluation, home, environmental situation, emotional attitude and pattern of living,

e. the prospects for adequate protection of the public if the person is processed through the youthful offender system or the juvenile system,

f. the reasonable likelihood of rehabilitation of the person if found to have committed the offense, by the

use of procedures and facilities currently available to the juvenile, and

g. whether the offense occurred while the person was escaping or on escape status from an institution for youthful offenders or delinquent children.

B. 1. After the hearing and consideration of the report of the presentence investigation, the court shall impose sentence as a youthful offender, ~~within the range prescribed by law for adult felony convictions except capital offenses and shall make one of the following dispositional orders regarding a youthful offender:~~

~~a. place the youthful offender under the supervision of the Office of Juvenile Affairs through its Department of Juvenile Justice, or~~

~~b. place the youthful offender in the custody of the Office of Juvenile Affairs~~

and such youthful offender shall be subject to the same type of sentencing procedures and duration of sentence, except for capital offenses, including suspension or deferment, as an adult convicted of a felony offense, except that any sentence imposed upon the youthful offender shall be served in the custody of the Office of Juvenile Affairs until the expiration of the sentence or the youthful offender reaches eighteen (18) years of age, whichever first occurs. If an individual sentenced as a youthful offender attains eighteen (18) years of age prior to the expiration of the

sentence, such individual shall be returned to the sentencing court. At that time, the sentencing court shall make one of the following determinations:

a. whether the youthful offender shall be returned to the Office of Juvenile Affairs to complete a treatment program, provided that the treatment program shall not exceed the youthful offender's attainment of eighteen (18) years of age and five (5) months. At the conclusion of the treatment program, the individual shall be returned to the sentencing court for a determination under subparagraph b, c, or d of this paragraph,

b. whether the youthful offender shall be incarcerated in an institution operated by the Department of Corrections,

c. whether the youthful offender shall be placed on probation with the Department of Corrections, or

d. whether the youthful offender shall be discharged from custody.

2. ~~In addition to or in lieu of the placement of the youthful offender in the custody of or under the supervision of the Office of Juvenile Affairs, the court may issue orders with regard to the youthful offender as provided by law for the disposition of an adjudicated juvenile delinquent.~~

~~C. It is the intent of the Oklahoma Legislature that youthful offenders be held insofar as is practical separate from the juvenile delinquent population~~ The sentence imposed shall not exceed the maximum sentence already imposed in the originating sentence.

3. If a youthful offender has attained eighteen (18) years of age but less than eighteen (18) years of age and five (5) months prior to sentencing, that individual shall be returned to the sentencing court upon attaining the age of eighteen (18) years and five (5) months if that individual has been sentenced to a period of placement or treatment with the Office of Juvenile Affairs. The court shall have the same dispositional options as provided in subparagraphs a and c of paragraph 1 of this subsection.

4. Any period of probation required by the sentencing court to be served shall be supervised by:

a. the Office of Juvenile Affairs or designated representative, if the youthful offender is under eighteen (18) years of age, or

b. the Department of Corrections or designated representative, upon the youthful offender attaining eighteen (18) years of age.

5. In addition to or in lieu of the placement of the youthful offender in the custody of or under the supervision of the Office of Juvenile Affairs, the court may issue orders with regard to the

youthful offender as provided by law for the disposition of an adjudicated juvenile delinquent.

6. It is the intent of the Oklahoma Legislature that youthful offenders be held insofar as is practical separate from the juvenile delinquent population.

7. The Office of Juvenile Affairs may make recommendations to the court concerning the disposition of the youthful offender.

SECTION 3. AMENDATORY 10 O.S. 2001, Section 7306-2.10, as last amended by Section 1, Chapter 191, O.S.L. 2007 (10 O.S. Supp. 2007, Section 7306-2.10), is amended to read as follows:

Section 7306-2.10 A. Whenever a youthful offender is placed in the custody of or under the supervision of the Office of Juvenile Affairs, the Office shall within thirty (30) days prepare and file with the court a written rehabilitation plan for the youthful offender. The rehabilitation plan shall be tailored to the needs and goals of the youthful offender while ensuring protection of the public while the offender is in the custody or supervision of the Office of Juvenile Affairs. The rehabilitation plan shall include, but not be limited to:

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

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

3. ~~Identify~~ Identification of the specific services and programs that will be provided to the youthful offender by the ~~Department of Juvenile Justice~~ Office of Juvenile Affairs to assist the youthful offender ~~to achieve~~ in achieving the measurable objectives to be reached, including, but not limited to, diagnostic testing consistent with the current standards of medical practice.

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

~~C. In addition to the semiannual reviews of the youthful offender required in subsection B of this section, the~~ The court shall schedule an annual review hearing in open court for every

youthful offender in the custody ~~or supervision~~ of the Office of Juvenile Affairs. Such hearing may be scheduled either upon the court's own motion or upon a motion filed by the Office of Juvenile Affairs. Each annual review hearing shall be scheduled and completed within the thirty-day period immediately preceding the date ~~of~~ the sentence was imposed upon the youthful ~~offender's birthday~~ offender. Notice shall be given to the youthful offender, the youthful offender's counsel, parent or guardian ~~if the youthful offender is less than eighteen (18) years of age~~, the district attorney, and the ~~Department of Juvenile Justice~~ Office of Juvenile Affairs at the time the motion for review is made or filed. The court, at its discretion, may schedule other review hearings as the court deems necessary, after notice to the parties. The court shall hold a review hearing for good cause shown, upon any motion filed by the district attorney, the ~~Department of Juvenile Justice~~ Office of Juvenile Affairs, or the youthful offender for the purpose of making a determination to:

~~1. Discharge the youthful offender from the supervision or custody of the Department of Juvenile Justice;~~

~~2. Change the custody status of the youthful offender. For the purpose of this paragraph, "change the custody status" means a revocation of an order of probation or supervision, revocation of parole, or a transfer of custody or supervision to the Department of Corrections; or~~

~~3. Extend the jurisdiction and custody or supervision over a youthful offender in the Department of Juvenile Justice, or renew an existing court order for such extension. An order granting or denying the extension of jurisdiction and custody or supervision shall be a final appealable order to the Court of Criminal Appeals.~~

~~D. If the youthful offender has not been previously discharged from the jurisdiction and custody or supervision of the Department of Juvenile Justice by operation of law or upon any motion for discharge, a youthful offender shall be discharged from the jurisdiction and custody or supervision of the Department of Juvenile Justice upon reaching his or her eighteenth birthday, except when a motion for extension of jurisdiction and custody or supervision, or a motion to transfer custody of the youthful offender to the Department of Corrections as authorized by subsection C of this section is timely filed as specified in this subsection.~~

~~1. An initial motion for extension of jurisdiction and custody or supervision of a youthful offender in the Department of Juvenile Justice must be filed and notice given to all parties not later than thirty (30) days immediately preceding the date of the youthful offender's eighteenth birthday. A motion to extend jurisdiction when ordered by the court, after notice and hearing, shall extend jurisdiction and custody or supervision over the youthful offender for a one year period of time, and such order may be renewed in the~~

~~same manner as the initial motion; provided, all motions for renewal of an existing order of extension shall be filed not later than thirty (30) days immediately preceding the date of the expiration of such order. Failure to timely file a motion to extend jurisdiction, or timely renew such order, or to prevail on such motion at the hearing, shall operate to discharge the youthful offender from the jurisdiction and custody or supervision of the Department of Juvenile Justice on the immediate next date of the youthful offender's birthday. The maximum term for all extensions of jurisdiction and custody or supervision for a youthful offender, including all subsequent renewals of such court orders, shall not exceed the date of the youthful offender's twentieth birthday; provided, however, at such time as a separate youthful offender facility is established, constructed and operational, the court may consider a motion to renew a previous court order for extension for a one year period not to exceed the date of the youthful offender's twenty-first birthday. The initial court order for extension, and every subsequent renewal of such court order, shall be calculated from the immediate next birth date to the birth date in the following calendar year. The court shall schedule a hearing upon a properly filed motion as provided in subsection C of this section.~~

~~2. If the youthful offender has not been previously discharged from the jurisdiction and custody or supervision of the Department of Juvenile Justice by operation of law or upon any motion for~~

~~discharge, and a motion to transfer custody and supervision of the youthful offender to the Department of Corrections is filed, the court shall schedule and hold a review hearing following notice to the parties. A motion to transfer custody of a youthful offender to the Department of Corrections may be made at any time, but not later than thirty (30) days immediately preceding the date of the youthful offender's eighteenth birthday, or thirty (30) days immediately preceding the expiration of any valid court order to extend jurisdiction, or thirty (30) days immediately preceding the maximum term of jurisdiction authorized by law for custody of a youthful offender in the Department of Juvenile Justice, or any time during the term of any court order for extension of jurisdiction in the Department of Juvenile Justice.~~

~~E. At a review hearing based upon any motion to extend jurisdiction and custody or supervision of a youthful offender, or to transfer custody of a youthful offender to the Department of Corrections, the court shall not be authorized to grant any postponement, delay or continuance of the matter which has the effect of continuing jurisdiction and custody or supervision of the youthful offender in the Department of Juvenile Justice beyond the youthful offender's eighteenth birthday, except when jurisdiction has been lawfully extended as provided by law, and in such case, the court shall not grant any postponement, delay or continuance of the~~

~~matter beyond the immediate next birthday of the youthful offender upon which the motion was based and timely filed.~~

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

1. Order the youthful offender discharged from the ~~supervision or~~ custody of the ~~Department of Juvenile Justice~~ Office of Juvenile Affairs without a court judgment of guilt, and order the verdict or plea of guilty or plea of nolo contendere expunged from the record as provided in paragraphs 1 through 5 of subsection C of Section 991c of Title 22 of the Oklahoma Statutes and dismiss the charge with prejudice to any further action, if the court finds that the youthful offender has reasonably completed the rehabilitation plan and objectives and that such dismissal will not jeopardize public safety. If a youthful offender has been discharged without a court ~~order~~ judgment of guilt and the charge has been dismissed with prejudice as provided in this paragraph, upon the motion of the youthful offender and the passage of three (3) years after the date of such discharge and dismissal, the court may, in addition, order any law enforcement agency over which the court has jurisdiction to produce all files and records pertaining to the arrest and conviction of the youthful offender, and shall order the clerk of the court to destroy the entire file and record of the case, including docket sheets, index entries, court records, summonses,

warrants or records in the office of the clerk or which have been produced by a law enforcement agency in which the name of the youthful offender is mentioned. The court may order probation officers and counselors of the Office of Juvenile Affairs to destroy all records, reports, and social and clinical studies relating to the youthful offender that are in the possession of the Office of Juvenile Affairs, except when the documents are necessary to maintain state or federal funding;

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

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

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

~~5. Proceed as provided in Section 991a of Title 22 of the Oklahoma Statutes to impose the sentence as provided by law for an adult punishment of the offense committed, subject to the authority of the court to suspend or delay sentence, defer judgment or otherwise structure, limit or modify a sentence as provided in Title 22 of the Oklahoma Statutes, including transfer of;~~

4. Transfer the youthful offender to the custody or supervision of the Department of Corrections if the court finds by clear and convincing evidence that the youthful offender has:

a. after certification as a youthful offender, seriously injured or endangered the life or health of another person by such person's violent behavior,

b. escaped from ~~a training school~~ the facility from which the youthful offender is being held,

c. committed a felony crime while in the custody or under the supervision of the ~~Department of Juvenile Justice~~ Office of Juvenile Affairs as shown by a judgment entered following a verdict of guilty, a plea of guilty or nolo contendere, or as shown by clear and convincing evidence,

d. ~~failed substantially to comply with the previously adopted written plan of rehabilitation or failed to substantially complete the reasonable treatment objectives~~ committed battery or assault and battery on a state employee or contractor of a juvenile facility while in the custody of such facility, ~~or~~

e. ~~committed battery or assault and battery on a state employee or contractor of a juvenile facility while in the custody of such facility~~ caused disruption in the facility, smuggled contraband into the facility,

caused contraband to be smuggled into the facility, or engaged in other types of behavior which have endangered the life or health of other residents or staff of the facility, or

f. has established a pattern of disruptive behavior not conducive to the established policies and procedures of the program.

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

~~6. Grant the motion for extension of jurisdiction or its subsequent renewal and authorize the Department of Juvenile Justice to retain custody or supervision of the youthful offender for an additional one-year period of time; provided the evidence supports the fact that the youthful offender has substantially complied with the previously adopted plan of rehabilitation and needs additional time to complete the plan.~~

~~During this period of extended jurisdiction, the court may proceed to hold review hearings as provided in this section, and may proceed at any such hearing as provided in paragraph 5 of subsection F of this section or dismiss the charge as provided in paragraph 1 of subsection F of this section.~~

~~G. Under no circumstance shall any youthful offender or other person remain in, or be deemed to be in, the custody or under the supervision of the Department of Juvenile Justice beyond the date of his or her eighteenth birthday without a court ordered extension of jurisdiction properly made and granted as provided by law, and in such cases no youthful offender shall remain in, or be deemed to be in, the custody or under the supervision of such Department for more than one year intervals with the maximum term of jurisdictional extension terminating on or before the person's twentieth birthday; provided, however, at such time as a separate facility for youthful offenders has been established, constructed and is operational and a motion has been properly made and granted for a one year renewal of a previous order for extension of jurisdiction, in such case only shall the maximum term of jurisdiction terminate on or before the date of the youthful offender's twenty-first birthday~~.

~~H.~~ C. An order transferring custody of a youthful offender to the Department of Corrections shall be deemed an adult conviction and shall be recorded as such in the court records and criminal history records of the offender. Such order shall be a final order, appealable when entered. In addition to a judgment and sentence for an adult conviction, the court shall provide to the Department of Corrections a detailed memorandum or historical statement of the Youthful Offender Act as applied to the offender being transferred to the Department of Corrections, including the date of the offense,

the date of the adjudication as a youthful offender, ~~the date of all jurisdictional extensions and renewals of such orders,~~ the date of the filing of the motion to transfer custody of the offender to the adult criminal system, and the date of the imposition of the adult sentence.

~~I.~~ D. The court shall grant time-served credits against the adult sentence imposed for any youthful offender transferred to the Department of Corrections. For the purpose of calculating time served to be applied toward any sentence imposed upon a youthful offender, in the event a youthful offender has been placed in the custody or under the supervision of the Office of Juvenile Affairs, the offender shall receive day-for-day credit for the time spent in the custody or under the supervision of the Office of Juvenile Affairs. Upon commitment to the Department of Corrections, a youthful offender shall also receive other credits as provided by law for an adult inmate.

SECTION 4. AMENDATORY Section 1, Chapter 144, O.S.L. 2006 (10 O.S. Supp. 2007, Section 7306-2.10a), is amended to read as follows:

Section 7306-2.10a When committing a person who is, or has been, certified as a youthful offender and is certified eligible for the imposition as an adult sentence pursuant to Section 7306-2.8 of ~~Title 10 of the Oklahoma Statutes~~ this title, or certified as a youthful offender and is being ~~bridged or~~ transferred to the

Department of Corrections for custody or supervision pursuant to Section 7306-2.10 of ~~Title 10 of the Oklahoma Statutes~~ this title, or sentenced as an adult after previously being certified as a youthful offender, the judgment and sentence shall clearly identify such person as a youthful offender, or previous youthful offender, and detail the history of the applications of the Youthful Offender Act to such person that resulted in the current commitment to the Department of Corrections.

SECTION 5. AMENDATORY 10 O.S. 2001, Section 7306-2.11, as amended by Section 9, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2007, Section 7306-2.11), is amended to read as follows:

Section 7306-2.11 A. Whenever a youthful offender is committed to the custody of the Office of Juvenile Affairs, the ~~Department of Juvenile Justice~~ Office of Juvenile Affairs may:

1. Place the youthful offender in a state training school or other institution or facility maintained by the state for delinquents or youthful offenders;

2. Place the youthful offender in a group home or community residential facility for delinquents or youthful offenders;

3. Place the youthful offender under community supervision prior to or after a period of placement in one or more of the facilities referred to in paragraphs 1 and 2 of this subsection. The ~~Department of Juvenile Justice~~ Office of Juvenile Affairs may place a youthful offender in his or her own home, or an independent

living or other similar living arrangement within the community of the residence of the youthful offender only upon the approval of the court; provided, the court shall not prohibit the reintegration of the youthful offender into the community except upon finding that the youthful offender has not reasonably completed the rehabilitation plan objectives established as preconditions for reintegration into the community or that the public would not be adequately protected if the youthful offender is reintegrated into the community; or

4. Place the youthful offender in a sanction program if the youthful offender fails to comply with a written plan of rehabilitation or fails substantially to achieve reasonable treatment objectives while in community or other nonsecure programs.

B. The ~~Department of Juvenile Justice~~ Office of Juvenile Affairs shall be responsible for the care and control of a youthful offender placed in the custody of the Office of Juvenile Affairs, and shall have the duty and the authority to provide food, clothing, shelter, ordinary medical care, education, discipline and in an emergency to authorize surgery or other extraordinary care. ~~Said~~ The medical care, surgery and extraordinary care shall be charged to the appropriate agency where the youthful offender qualifies for ~~said~~ the care under law, rule, regulation or administrative order or decision. Nothing in this section shall abrogate the right of a youthful offender to any benefits provided through public funds nor

the parent's statutory duty or responsibility to provide said necessities; further, no person, agency or institution shall be liable in a civil suit for damages for authorizing or not authorizing surgery or extraordinary care in an emergency, as determined by competent medical authority. A youthful offender placed in the custody of the Office of Juvenile Affairs who has attained ~~the age of~~ eighteen (18) years of age or older may authorize and consent to the medical care sought on behalf of the youthful offender by the Office of Juvenile Affairs and to be provided to the youthful offender by a qualified health care professional. No state employee shall be liable for the costs of any medical care or mental health services provided to any child in the custody of the Office of Juvenile Affairs.

C. A youthful offender in the custody of the Office of Juvenile Affairs shall:

1. Be entitled to all the rights afforded juvenile delinquents pertaining to the conditions and restrictions in facilities where delinquents may be placed, including any due process afforded delinquents in regard to movement from a nonsecure to a secure placement; and

2. ~~Have access to the same or comparable programs and services available to a delinquent in the custody of or under the supervision of the Office of Juvenile Affairs; and~~

~~3.~~ As appropriate to the age and circumstances of the youthful offender, be provided education, employment, and employment skills and vocational and technical or higher education services, apprenticeship programs and similar opportunities.

SECTION 6. This act shall become effective November 1, 2008.

Passed the Senate the 28th day of February, 2008.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2008.

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Presiding Officer of the House of Representatives