

1 ENGROSSED SENATE
2 BILL NO. 1889

By: Lamb of the Senate

3 and

4 Blackwell of the House
5
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7 An Act relating to children; amending 10 O.S. 2001,
8 Section 7306-2.9, as amended by Section 7, Chapter
9 286, O.S.L. 2006 (10 O.S. Supp. 2007, Section 7306-
10 2.9), which relates to youthful offenders;
11 authorizing detainment of youthful offenders in
12 county jails under certain circumstances; providing
13 for compensation to jail operator; assigning
14 liability of medical treatment costs to the Office of
15 Juvenile Affairs; and providing an effective date.

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

17 SECTION 1. AMENDATORY 10 O.S. 2001, Section 7306-2.9, as
18 amended by Section 7, Chapter 286, O.S.L. 2006 (10 O.S. Supp. 2007,
19 Section 7306-2.9), is amended to read as follows:

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

23 1. A youthful offender presentence investigation shall be
24 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

1 investigation required shall be conducted by the Department of
2 Juvenile Justice; and

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

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

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

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

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

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

22 f. the reasonable likelihood of rehabilitation of the
23 person if found to have committed the offense, by the
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1 use of procedures and facilities currently available
2 to the juvenile, and

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

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

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

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

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

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

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1 D. A youthful offender who has been sentenced into the custody
2 of the Office of Juvenile Affairs may be detained in a county jail
3 pending placement in an Office of Juvenile Affairs juvenile
4 correctional facility, provided the county jail meets the jail
5 standards promulgated by the State Department of Health for juvenile
6 offenders. A youthful offender who is eighteen (18) years of age or
7 older may be held in the general population of the county jail. The
8 Office of Juvenile Affairs shall compensate the county jail operator
9 at a rate that is equal to the actual cost of providing food and
10 care to the youthful offender during the period that the youthful
11 offender was held in the county jail. At any time a youthful
12 offender is detained in a county jail, the Office of Juvenile
13 Affairs shall be liable for the cost of necessary medical treatment
14 for the youthful offender.

15 SECTION 2. This act shall become effective November 1, 2008.

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