

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1403

By: Anderson

4
5
6 AS INTRODUCED

7 An Act relating to children; amending 10 O.S. 2001,
8 Sections 7306-2.4 and 7306-2.9, as amended by
9 Sections 3 and 7, Chapter 286, O.S.L. 2006, 7306-
10 2.10, as last amended by Section 1, Chapter 191,
11 O.S.L. 2007, Section 1, Chapter 144, O.S.L. 2006, and
12 7306-2.11, as amended by Section 9, Chapter 286,
13 O.S.L. 2006 (10 O.S. Supp. 2007, Sections 7306-2.4,
14 7306-2.9, 7306-2.10, 7306-2.10a and 7306-2.11), which
15 relate to juvenile offenders; deleting requirement
16 for a review hearing in certain circumstance;
17 modifying procedures related to the sentencing of a
18 youthful offender; modifying certain dispositional
19 orders; providing for certain age limit in
20 sentencing; modifying authority for the court to
21 issue certain orders; requiring certain supervision;
22 stating legislative intent; permitting the Office of
23 Juvenile Affairs to make certain recommendations;
24 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.

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

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

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

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

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

21 D. Upon arrest and detention of a person subject to the
22 provisions of Section 7306-2.5 or 7306-2.6 of this title, the person
23 has the same right to be released on bail as would an adult in the
24 same circumstances and, if detained, may be detained in a county

1 jail if separated by sight and sound from the adult population as
2 otherwise authorized by law. If no such county jail is available,
3 then such person may be detained at a juvenile detention facility.
4 The sheriff, chief of police, or juvenile or adult detention
5 facility operator shall forthwith notify the Department of Juvenile
6 Justice of any such arrest and detention.

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

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

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

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

1 G. Except as otherwise provided in the Youthful Offender Act, a
2 person who has been certified as a youthful offender shall be
3 prosecuted as a youthful offender in all subsequent criminal
4 proceedings until the youthful offender has attained eighteen (18)
5 years of age.

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

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

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

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

1 1. A youthful offender presentence investigation shall be
2 conducted unless waived by the youthful offender with approval of
3 the court or unless an investigation is conducted pursuant to
4 subsection C of Section 7306-2.8 of this title. Any presentence
5 investigation required shall be conducted by the ~~Department of~~
6 ~~Juvenile Justice~~ Office of Juvenile Affairs; and

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

- 9 a. whether the offense was committed in an aggressive,
10 violent, premeditated or willful manner,
- 11 b. whether the offense was against persons and, if
12 personal injury resulted, the degree of personal
13 injury,
- 14 c. the record and past history of the person, including
15 previous contacts with law enforcement agencies and
16 juvenile or criminal courts, prior periods of
17 probation and commitments to juvenile institutions,
- 18 d. the sophistication and maturity of the person and the
19 person's capability of distinguishing right from wrong
20 as determined by consideration of the person's
21 psychological evaluation, home, environmental
22 situation, emotional attitude and pattern of living,

- 1 e. the prospects for adequate protection of the public if
2 the person is processed through the youthful offender
3 system or the juvenile system,
- 4 f. the reasonable likelihood of rehabilitation of the
5 person if found to have committed the offense, by the
6 use of procedures and facilities currently available
7 to the juvenile, and
- 8 g. whether the offense occurred while the person was
9 escaping or on escape status from an institution for
10 youthful offenders or delinquent children.

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

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

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

21 and such youthful offender shall be subject to the same type of
22 sentencing procedures and duration of sentence, except for capital
23 offenses, including suspension or deferment, as an adult convicted
24 of a felony offense, except that any sentence imposed upon the

1 youthful offender shall be served in the custody of the Office of
2 Juvenile Affairs until the expiration of the sentence or the
3 youthful offender reaches eighteen (18) years of age, whichever
4 first occurs. If an individual sentenced as a youthful offender
5 attains eighteen (18) years of age prior to the expiration of the
6 sentence, such individual shall be returned to the sentencing court.
7 At that time, the sentencing court shall make one of the following
8 determinations:

- 9 a. whether the youthful offender shall be returned to the
10 Office of Juvenile Affairs to complete a treatment
11 program, provided that the treatment program shall not
12 exceed the youthful offender's attainment of eighteen
13 (18) years of age and five (5) months. At the
14 conclusion of the treatment program, the individual
15 shall be returned to the sentencing court for a
16 determination under subparagraph b, c, or d of this
17 paragraph,
- 18 b. whether the youthful offender shall be incarcerated in
19 an institution operated by the Department of
20 Corrections,
- 21 c. whether the youthful offender shall be placed on
22 probation with the Department of Corrections, or
- 23 d. whether the youthful offender shall be discharged from
24 custody.

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

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

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

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

- 20 a. the Office of Juvenile Affairs or designated
21 representative, if the youthful offender is under
22 eighteen (18) years of age, or
23
24

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

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

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

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

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

17 Section 7306-2.10 A. Whenever a youthful offender is placed in
18 the custody of or under the supervision of the Office of Juvenile
19 Affairs, the Office shall within thirty (30) days prepare and file
20 with the court a written rehabilitation plan for the youthful
21 offender. The rehabilitation plan shall be tailored to the needs
22 and goals of the youthful offender while ensuring protection of the
23 public while the offender is in the custody or supervision of the
24

1 Office of Juvenile Affairs. The rehabilitation plan shall include,
2 but not be limited to:

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

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

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

13 B. ~~Whenever a youthful offender is placed in the custody or~~
14 ~~under the supervision of the Office of Juvenile Affairs as provided~~
15 ~~by the Youthful Offender Act, the court shall conduct a semiannual~~
16 ~~review of the offender based upon written reports of the youth's~~
17 ~~conduct, progress and condition. Written reports concerning the~~
18 ~~conduct, progress and condition of a youthful offender shall be~~
19 ~~submitted to the court prior to scheduled reviews by the Department~~
20 ~~of Juvenile Justice. Such reports shall include a written report of~~
21 ~~the youthful offender with respect to the rehabilitation plan.~~
22 ~~Copies of such reports shall be provided by the agency to the~~
23 ~~youthful offender, the youthful offender's counsel, parent or~~
24 ~~guardian if the youthful offender is less than eighteen (18) years~~

1 ~~of age, and the district attorney. The court shall consider any~~
2 ~~timely written response to the agency report before concluding its~~
3 ~~review.~~

4 C. ~~In addition to the semiannual reviews of the youthful~~
5 ~~offender required in subsection B of this section, the~~ The court
6 shall schedule an annual review hearing in open court for every
7 youthful offender in the custody ~~or supervision~~ of the Office of
8 Juvenile Affairs. Such hearing may be scheduled either upon the
9 court's own motion or upon a motion filed by the Office of Juvenile
10 Affairs. Each annual review hearing shall be scheduled and
11 completed within the thirty-day period immediately preceding the
12 date ~~of~~ the sentence was imposed upon the youthful offender's
13 ~~birthday~~ offender. Notice shall be given to the youthful offender,
14 the youthful offender's counsel, parent or guardian ~~if the youthful~~
15 ~~offender is less than eighteen (18) years of age,~~ the district
16 attorney, and the ~~Department of Juvenile Justice~~ Office of Juvenile
17 Affairs at the time the motion for review is made or filed. The
18 court, at its discretion, may schedule other review hearings as the
19 court deems necessary, after notice to the parties. The court shall
20 hold a review hearing for good cause shown, upon any motion filed by
21 the district attorney, the ~~Department of Juvenile Justice~~ Office of
22 Juvenile Affairs, or the youthful offender for the purpose of making
23 a determination to:
24

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

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

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

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

24

1 ~~1. An initial motion for extension of jurisdiction and custody~~
2 ~~or supervision of a youthful offender in the Department of Juvenile~~
3 ~~Justice must be filed and notice given to all parties not later than~~
4 ~~thirty (30) days immediately preceding the date of the youthful~~
5 ~~offender's eighteenth birthday. A motion to extend jurisdiction~~
6 ~~when ordered by the court, after notice and hearing, shall extend~~
7 ~~jurisdiction and custody or supervision over the youthful offender~~
8 ~~for a one year period of time, and such order may be renewed in the~~
9 ~~same manner as the initial motion; provided, all motions for renewal~~
10 ~~of an existing order of extension shall be filed not later than~~
11 ~~thirty (30) days immediately preceding the date of the expiration of~~
12 ~~such order. Failure to timely file a motion to extend jurisdiction,~~
13 ~~or timely renew such order, or to prevail on such motion at the~~
14 ~~hearing, shall operate to discharge the youthful offender from the~~
15 ~~jurisdiction and custody or supervision of the Department of~~
16 ~~Juvenile Justice on the immediate next date of the youthful~~
17 ~~offender's birthday. The maximum term for all extensions of~~
18 ~~jurisdiction and custody or supervision for a youthful offender,~~
19 ~~including all subsequent renewals of such court orders, shall not~~
20 ~~exceed the date of the youthful offender's twentieth birthday;~~
21 ~~provided, however, at such time as a separate youthful offender~~
22 ~~facility is established, constructed and operational, the court may~~
23 ~~consider a motion to renew a previous court order for extension for~~
24 ~~a one year period not to exceed the date of the youthful offender's~~

1 ~~twenty-first birthday. The initial court order for extension, and~~
2 ~~every subsequent renewal of such court order, shall be calculated~~
3 ~~from the immediate next birth date to the birth date in the~~
4 ~~following calendar year. The court shall schedule a hearing upon a~~
5 ~~properly filed motion as provided in subsection C of this section.~~

6 ~~2. If the youthful offender has not been previously discharged~~
7 ~~from the jurisdiction and custody or supervision of the Department~~
8 ~~of Juvenile Justice by operation of law or upon any motion for~~
9 ~~discharge, and a motion to transfer custody and supervision of the~~
10 ~~youthful offender to the Department of Corrections is filed, the~~
11 ~~court shall schedule and hold a review hearing following notice to~~
12 ~~the parties. A motion to transfer custody of a youthful offender to~~
13 ~~the Department of Corrections may be made at any time, but not later~~
14 ~~than thirty (30) days immediately preceding the date of the youthful~~
15 ~~offender's eighteenth birthday, or thirty (30) days immediately~~
16 ~~preceding the expiration of any valid court order to extend~~
17 ~~jurisdiction, or thirty (30) days immediately preceding the maximum~~
18 ~~term of jurisdiction authorized by law for custody of a youthful~~
19 ~~offender in the Department of Juvenile Justice, or any time during~~
20 ~~the term of any court order for extension of jurisdiction in the~~
21 ~~Department of Juvenile Justice.~~

22 ~~E. At a review hearing based upon any motion to extend~~
23 ~~jurisdiction and custody or supervision of a youthful offender, or~~
24 ~~to transfer custody of a youthful offender to the Department of~~

1 ~~Corrections, the court shall not be authorized to grant any~~
2 ~~postponement, delay or continuance of the matter which has the~~
3 ~~effect of continuing jurisdiction and custody or supervision of the~~
4 ~~youthful offender in the Department of Juvenile Justice beyond the~~
5 ~~youthful offender's eighteenth birthday, except when jurisdiction~~
6 ~~has been lawfully extended as provided by law, and in such case, the~~
7 ~~court shall not grant any postponement, delay or continuance of the~~
8 ~~matter beyond the immediate next birthday of the youthful offender~~
9 ~~upon which the motion was based and timely filed.~~

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

13 1. Order the youthful offender discharged from the ~~supervision~~
14 ~~or custody of the Department of Juvenile Justice~~ Office of Juvenile
15 Affairs without a court judgment of guilt, and order the verdict or
16 plea of guilty or plea of nolo contendere expunged from the record
17 as provided in paragraphs 1 through 5 of subsection C of Section
18 991c of Title 22 of the Oklahoma Statutes and dismiss the charge
19 with prejudice to any further action, if the court finds that the
20 youthful offender has reasonably completed the rehabilitation plan
21 and objectives and that such dismissal will not jeopardize public
22 safety. If a youthful offender has been discharged without a court
23 ~~order~~ judgment of guilt and the charge has been dismissed with
24 prejudice as provided in this paragraph, upon the motion of the

1 youthful offender and the passage of three (3) years after the date
2 of such discharge and dismissal, the court may, in addition, order
3 any law enforcement agency over which the court has jurisdiction to
4 produce all files and records pertaining to the arrest and
5 conviction of the youthful offender, and shall order the clerk of
6 the court to destroy the entire file and record of the case,
7 including docket sheets, index entries, court records, summonses,
8 warrants or records in the office of the clerk or which have been
9 produced by a law enforcement agency in which the name of the
10 youthful offender is mentioned. The court may order probation
11 officers and counselors of the Office of Juvenile Affairs to destroy
12 all records, reports, and social and clinical studies relating to
13 the youthful offender that are in the possession of the Office of
14 Juvenile Affairs, except when the documents are necessary to
15 maintain state or federal funding;

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

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

20 ~~4.~~ Place the youthful offender in a sanction program operated
21 or contracted for by the Office of Juvenile Affairs community
22 placement, if the youthful offender fails to comply with a written
23 plan of rehabilitation or fails substantially to achieve reasonable
24

1 treatment objectives while in community or other nonsecure programs;
2 or

3 ~~5. Proceed as provided in Section 991a of Title 22 of the~~
4 ~~Oklahoma Statutes to impose the sentence as provided by law for an~~
5 ~~adult punishment of the offense committed, subject to the authority~~
6 ~~of the court to suspend or delay sentence, defer judgment or~~
7 ~~otherwise structure, limit or modify a sentence as provided in Title~~
8 ~~22 of the Oklahoma Statutes, including transfer of;~~

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

- 12 a. after certification as a youthful offender, seriously
13 injured or endangered the life or health of another
14 person by such person's violent behavior,
- 15 b. escaped from ~~a training school~~ the facility from which
16 the youthful offender is being held,
- 17 c. committed a felony crime while in the custody or under
18 the supervision of the ~~Department of Juvenile Justice~~
19 Office of Juvenile Affairs as shown by a judgment
20 entered following a verdict of guilty, a plea of
21 guilty or nolo contendere, or as shown by clear and
22 convincing evidence,
- 23 d. ~~failed substantially to comply with the previously~~
24 ~~adopted written plan of rehabilitation or failed to~~

1 ~~substantially complete the reasonable treatment~~
2 ~~objectives~~ committed battery or assault and battery on
3 a state employee or contractor of a juvenile facility
4 while in the custody of such facility, ~~or~~

5 e. ~~committed battery or assault and battery on a state~~
6 ~~employee or contractor of a juvenile facility while in~~
7 ~~the custody of such facility~~ caused disruption in the
8 facility, smuggled contraband into the facility,
9 caused contraband to be smuggled into the facility, or
10 engaged in other types of behavior which have
11 endangered the life or health of other residents or
12 staff of the facility, or

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

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

20 ~~6. Grant the motion for extension of jurisdiction or its~~
21 ~~subsequent renewal and authorize the Department of Juvenile Justice~~
22 ~~to retain custody or supervision of the youthful offender for an~~
23 ~~additional one-year period of time; provided the evidence supports~~
24 ~~the fact that the youthful offender has substantially complied with~~

1 ~~the previously adopted plan of rehabilitation and needs additional~~
2 ~~time to complete the plan.~~
3 ~~During this period of extended jurisdiction, the court may proceed~~
4 ~~to hold review hearings as provided in this section, and may proceed~~
5 ~~at any such hearing as provided in paragraph 5 of subsection F of~~
6 ~~this section or dismiss the charge as provided in paragraph 1 of~~
7 ~~subsection F of this section.~~

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

23 ~~H. C. An order transferring custody of a youthful offender to~~
24 ~~the Department of Corrections shall be deemed an adult conviction~~

1 and shall be recorded as such in the court records and criminal
2 history records of the offender. Such order shall be a final order,
3 appealable when entered. In addition to a judgment and sentence for
4 an adult conviction, the court shall provide to the Department of
5 Corrections a detailed memorandum or historical statement of the
6 Youthful Offender Act as applied to the offender being transferred
7 to the Department of Corrections, including the date of the offense,
8 the date of the adjudication as a youthful offender, ~~the date of all~~
9 ~~jurisdictional extensions and renewals of such orders,~~ the date of
10 the filing of the motion to transfer custody of the offender to the
11 adult criminal system, and the date of the imposition of the adult
12 sentence.

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

24

1 SECTION 4. AMENDATORY Section 1, Chapter 144, O.S.L.
2 2006 (10 O.S. Supp. 2007, Section 7306-2.10a), is amended to read as
3 follows:

4 Section 7306-2.10a When committing a person who is, or has
5 been, certified as a youthful offender and is certified eligible for
6 the imposition as an adult sentence pursuant to Section 7306-2.8 of
7 ~~Title 10 of the Oklahoma Statutes~~ this title, or certified as a
8 youthful offender and is being ~~bridged or~~ transferred to the
9 Department of Corrections for custody or supervision pursuant to
10 Section 7306-2.10 of ~~Title 10 of the Oklahoma Statutes~~ this title,
11 or sentenced as an adult after previously being certified as a
12 youthful offender, the judgment and sentence shall clearly identify
13 such person as a youthful offender, or previous youthful offender,
14 and detail the history of the applications of the Youthful Offender
15 Act to such person that resulted in the current commitment to the
16 Department of Corrections.

17 SECTION 5. AMENDATORY 10 O.S. 2001, Section 7306-2.11,
18 as amended by Section 9, Chapter 286, O.S.L. 2006 (10 O.S. Supp.
19 2007, Section 7306-2.11), is amended to read as follows:

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

23
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1 1. Place the youthful offender in a state training school or
2 other institution or facility maintained by the state for
3 delinquents or youthful offenders;

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

6 3. Place the youthful offender under community supervision
7 prior to or after a period of placement in one or more of the
8 facilities referred to in paragraphs 1 and 2 of this subsection.

9 ~~The Department of Juvenile Justice~~ Office of Juvenile Affairs may
10 place a youthful offender in his or her own home, or an independent
11 living or other similar living arrangement within the community of
12 the residence of the youthful offender only upon the approval of the
13 court; provided, the court shall not prohibit the reintegration of
14 the youthful offender into the community except upon finding that
15 the youthful offender has not reasonably completed the
16 rehabilitation plan objectives established as preconditions for
17 reintegration into the community or that the public would not be
18 adequately protected if the youthful offender is reintegrated into
19 the community; or

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

24

1 B. ~~The Department of Juvenile Justice~~ Office of Juvenile
2 Affairs shall be responsible for the care and control of a youthful
3 offender placed in the custody of the Office of Juvenile Affairs,
4 and shall have the duty and the authority to provide food, clothing,
5 shelter, ordinary medical care, education, discipline and in an
6 emergency to authorize surgery or other extraordinary care. ~~Said~~
7 The medical care, surgery and extraordinary care shall be charged to
8 the appropriate agency where the youthful offender qualifies for
9 ~~said~~ the care under law, rule, regulation or administrative order or
10 decision. Nothing in this section shall abrogate the right of a
11 youthful offender to any benefits provided through public funds nor
12 the parent's statutory duty or responsibility to provide said
13 necessities; further, no person, agency or institution shall be
14 liable in a civil suit for damages for authorizing or not
15 authorizing surgery or extraordinary care in an emergency, as
16 determined by competent medical authority. A youthful offender
17 placed in the custody of the Office of Juvenile Affairs who has
18 attained ~~the age of~~ eighteen (18) years of age or older may
19 authorize and consent to the medical care sought on behalf of the
20 youthful offender by the Office of Juvenile Affairs and to be
21 provided to the youthful offender by a qualified health care
22 professional. No state employee shall be liable for the costs of
23 any medical care or mental health services provided to any child in
24 the custody of the Office of Juvenile Affairs.

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

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

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

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

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

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