

1 STATE OF OKLAHOMA

2 1st Session of the 51st Legislature (2007)

3 SENATE BILL 619

By: Adelson

4
5
6 AS INTRODUCED

7 An Act relating to children; defining terms;
8 requiring certain evaluation; specifying location of
9 certain evaluation; requiring that certain
10 information be provided; requiring submission of
11 certain report; directing court to determine
12 competency in certain circumstances; prohibiting
13 certain findings of incompetency; exempting or
14 suspending certain juveniles from specified
15 proceedings; requiring certain notice; placing time
16 limit on certain hearing; authorizing court to resume
17 certain proceedings; directing certain examination;
18 directing retention of certain juveniles; specifying
19 instructions to be given in certain circumstance;
20 stating certain right; providing for cross-
21 examination; listing questions to be addressed in
22 certain circumstance; directing certain court order;
23 requiring periodic reports in certain circumstance;
24 requiring written plan for services be filed in
certain circumstance; directing placement of certain
juveniles; requiring certain appointment; authorizing
certain treatment; requiring subsequent hearings in
certain circumstance; requiring that the commitment
of certain juveniles occur under specified
provisions; providing for codification; and providing
an effective date.

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

22 SECTION 1. NEW LAW A new section of law to be codified
23 in the Oklahoma Statutes as Section 7301-2.1 of Title 10, unless
24 there is created a duplication in numbering, reads as follows:

1 As used in Sections 1 through 11 of this act:

2 1. "Competent" or "competency" means the present ability of a
3 person arrested for or charged with a crime to understand the nature
4 of the charges and proceedings brought against him or her and to
5 effectively and rationally assist in his or her defense;

6 2. "Incompetent" or "incompetency" means the present inability
7 of a person arrested for or charged with a crime to understand the
8 nature of the charges and proceedings brought against him or her and
9 to effectively and rationally assist in his or her defense;

10 3. "Dangerous" means a person who poses a substantial risk of
11 harm to self or others as defined in subparagraph a or b of
12 paragraph 18 of Section 1-103 of Title 43A of the Oklahoma Statutes;

13 4. "Criminal proceeding" means every stage of a criminal
14 prosecution after arrest and before judgment, including, but not
15 limited to, interrogation, lineup, preliminary hearing, motion
16 dockets, discovery, pretrial hearings and trial;

17 5. "Juvenile" means a minor under the age of eighteen (18)
18 years of age;

19 6. "Qualified juvenile forensic examiner" means any of the
20 following who also meet the criteria set forth and required by the
21 Commissioner of the Department of Mental Health and Substance Abuse
22 Services:

- 23 a. psychiatrist with juvenile forensic training and
24 experience,

1 b. psychologist with juvenile forensic training and
2 experience, or

3 c. a licensed mental health professional whose juvenile
4 forensic training and experience enable the licensed
5 mental health professional to form expert opinions
6 regarding mental illness, competency and dangerousness
7 in juveniles and who has been approved to render such
8 opinions by the court.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 7301-2.2 of Title 10, unless
11 there is created a duplication in numbering, reads as follows:

12 A. If, at any time in a delinquency proceeding and before the
13 end of trial, the court finds that there is probable cause to
14 believe that the juvenile lacks substantial capacity to understand
15 the proceedings against the juvenile, or to assist the juvenile's
16 attorney in the juvenile's own defense, the court shall order that a
17 competency evaluation be performed by at least one licensed mental
18 health professional as defined in Title 43A, who is qualified by
19 training and experience in the forensic evaluation of juveniles.

20 B. The evaluation shall be performed on an outpatient basis
21 unless the court specifically finds that the juvenile is currently
22 hospitalized in a psychiatric hospital.

1 C. The court shall require the district attorney to provide to
2 the evaluators appointed under subsection A any information relevant
3 to the evaluation, including, but not limited to:

4 1. A copy of the warrant or petition;

5 2. The names and addresses of the district attorney, the
6 attorney for the juvenile, and the judge ordering the evaluation;
7 and

8 3. Information about the alleged offense.

9 The court shall require the attorney for the juvenile to provide
10 to the evaluator only the psychiatric records, medical and
11 developmental information, and other information that is deemed
12 relevant to the evaluation of competency. The moving party shall
13 provide the evaluator a summary of the reasons for the evaluation
14 request. All information required by this subsection shall be
15 provided to the evaluator within four (4) days, excluding weekends
16 and holidays, of the issuance of the court order requiring the
17 evaluation and when applicable, shall be submitted prior to
18 admission to the facility providing the inpatient evaluation.

19 D. Upon completion of the evaluation, the evaluator shall
20 submit the report in writing to the court and the attorneys of
21 record concerning:

22 1. The juvenile's capacity to understand the proceedings
23 against the juvenile;

1 2. The juvenile's ability to assist the juvenile's attorney;
2 and

3 3. A plan for treatment and competency restoration and need for
4 services, including a description of the suggested necessary
5 services and least restrictive setting to assist the juvenile in
6 restoration to competency, placement suggestions, and suggested
7 court review schedule, not to exceed ninety (90) days between each
8 review.

9 No statements of the juvenile relating to the alleged offense
10 shall be included in the report.

11 E. After receiving the report described in subsection D, the
12 court shall promptly determine whether the juvenile is competent to
13 stand trial for adjudication or disposition. A hearing on the
14 juvenile's competency is not required unless one is requested by the
15 district attorney or the attorney for the juvenile or when otherwise
16 required under state law. The juvenile shall have the right to
17 notice of the hearing and the right to personally participate in and
18 introduce evidence at the hearing. No statements or admissions by
19 the juvenile in a competency hearing shall be admissible or used
20 against the juvenile in any criminal or civil context, except for
21 the determination of competency.

22 F. If the juvenile is otherwise able to understand the charges
23 against the juvenile and assist in defense, a finding of
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1 incompetency shall not be made based solely on any or all of the
2 following:

- 3 1. The juvenile's age or developmental factors;
- 4 2. The juvenile's claim to be unable to remember the time
5 period surrounding the alleged offense; or
- 6 3. The fact that the juvenile is under the influence of
7 medication.

8 SECTION 3. NEW LAW A new section of law to be codified
9 in the Oklahoma Statutes as Section 7301-2.3 of Title 10, unless
10 there is created a duplication in numbering, reads as follows:

11 A. No juvenile shall be subject to any criminal procedures
12 after the juvenile is determined to be incompetent except as
13 provided in Sections Sections 1 through 11 of this act. The
14 question of the incompetency of a juvenile may be raised by the
15 attorney for the juvenile whose competency is in question, or the
16 district attorney, by a motion for determination of competency. The
17 motion for determination of competency shall allege that the
18 juvenile is incompetent to undergo further proceedings, and shall
19 state facts sufficient to raise a doubt as to the competency of the
20 juvenile. The court, at any time, may initiate a competency
21 determination on its own motion, without a motion, if the court has
22 a doubt as to the competency of the juvenile.

23 If the court so initiates such a motion, it may appoint the
24 district attorney for the purpose of proceeding with the motion. If

1 the district attorney opposes the motion of the court and by reason
2 of a conflict of interest could not represent the court as movant,
3 then the court shall appoint private counsel. The private counsel
4 shall be reasonably compensated by the court fund.

5 B. A copy of the motion for determination of competency and a
6 notice, as hereinafter described, shall be served personally on the
7 juvenile and the parent or legal guardian of the juvenile, at least
8 one (1) day before the first hearing on the motion for a competency
9 determination. The notice shall contain the following information:

10 1. The definition provided by Section 1 of this act of
11 competency and incompetency;

12 2. That, upon request, the hearing on the motion may be
13 conducted as provided in Section 2 of this act;

14 3. That the petitioner and any witnesses identified in the
15 application may offer testimony under oath at the hearings on the
16 petition and that the juvenile may not be called to testify against
17 the juvenile's will;

18 4. That if the juvenile whose competency is in question does
19 not have an attorney, the court will appoint an attorney for the
20 juvenile who shall represent the juvenile until final disposition of
21 the case;

22 5. That if the juvenile whose competency is in question is
23 indigent or poor, the court will pay the attorney fees; and
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1 6. That the juvenile whose competency is in question shall be
2 afforded such other rights as are guaranteed by state and federal
3 law. The notice shall be served upon the juvenile whose competency
4 is in question, upon the juvenile's parent or legal guardian, the
5 juvenile's attorney, the district attorney, and also upon the person
6 with whom the juvenile whose competency is in question may reside,
7 or at whose house the juvenile may be, and any other person ordered
8 to be served by the Court. The person making such service shall
9 make affidavit of the same and file such notice, with proof of
10 service, with the district court. This notice may be served in any
11 part of this state.

12 C. Any criminal proceedings against a juvenile whose competency
13 is in question shall be suspended pending the determination of the
14 competency of the juvenile.

15 SECTION 4. NEW LAW A new section of law to be codified
16 in the Oklahoma Statutes as Section 7301-2.4 of Title 10, unless
17 there is created a duplication in numbering, reads as follows:

18 A. Upon filing of a motion for determination of competency, the
19 court shall set a hearing date, which shall be as soon as
20 practicable, but at least one (1) day after service, and not more
21 than thirty (30) days after service of notice as provided by Section
22 3 of this act.

23 B. The court shall hold a hearing on the date provided. At the
24 hearing, the court shall examine the motion for determination of

1 competency to determine if it alleges facts sufficient to raise a
2 doubt as to the competency of the juvenile. Any additional evidence
3 tending to create a doubt as to the competency of the juvenile may
4 be presented at this hearing.

5 C. If the court finds there is no doubt as to the competency of
6 the juvenile, it shall order the criminal proceedings to resume.

7 D. 1. a. if the court finds there is a doubt as to the
8 competency of the juvenile, it shall order the person
9 to be examined by the Department of Mental Health and
10 Substance Abuse Services.

11 b. in addition, the Developmental Disabilities Services
12 Division of the Department of Human Services shall be
13 notified by the District Attorney and may be ordered
14 by the court to have a psychologist or other
15 appropriate clinician participate with professionals
16 assigned by any other public or private agency in any
17 competency evaluation wherein mental retardation or
18 other developmental disability may be involved. The
19 psychologist or clinician employed, by contract or
20 otherwise, by the Department of Human Services may
21 issue a separate opinion and recommendation to the
22 court.

23 2. The person shall be examined by a qualified juvenile
24 forensic examiner on an outpatient basis prior to referral for any

1 necessary inpatient evaluation, as ordered by the court. The
2 outpatient examination may be conducted in the community, the jail
3 or detention facility where the person is held.

4 3. If the court determines that the person whose competency is
5 in question may be dangerous as defined in Section 1 of this act, it
6 shall order the juvenile retained in a secure facility, not in
7 conflict with Section 2 of this act, until the completion of the
8 competency hearing provided in Section 2 of this act.

9 E. The qualified juvenile forensic examiner(s) shall receive
10 instructions that they shall examine the juvenile to determine:

11 1. If the juvenile is able to appreciate the nature of the
12 charges made against him or her;

13 2. If the juvenile is able to consult with the lawyer and
14 rationally assist in the preparation of the defense of the juvenile;

15 3. If the juvenile is unable to appreciate the nature of the
16 charges or to consult and rationally assist in the preparation of
17 the defense, whether the juvenile can attain competency within a
18 reasonable period of time as defined in Section 1 of this act if
19 provided with a course of treatment, therapy or training;

20 4. If the juvenile is incompetent due to a mental illness as
21 defined by Title 43A of the Oklahoma Statutes;

22 5. If the juvenile is incompetent because he or she is mentally
23 retarded or developmentally disabled as defined in Title 10 of the
24 Oklahoma Statutes;

1 6. If the answers to questions 4 and 5 are no, why the juvenile
2 is incompetent;

3 7. If the juvenile were released, whether the juvenile would
4 presently be dangerous as defined in Section 1 of this act; and

5 8. If the juvenile's age or other developmental factors are the
6 basis for incompetency.

7 F. Upon completion of the competency evaluation, the Department
8 of Mental Health and Substance Abuse Services and the Department of
9 Human Services shall notify the court of its individual findings on
10 the juvenile in compliance with Section 2 of this act.

11 SECTION 5. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 7301-2.5 of Title 10, unless
13 there is created a duplication in numbering, reads as follows:

14 A. A hearing to determine the competency of the juvenile whose
15 competency is in question shall be held within thirty (30) days
16 after the qualified juvenile forensic examiner(s) have made the
17 determination required in Section 4 of this act.

18 B. The court, at the hearing, shall determine by a
19 preponderance of the evidence if the juvenile is incompetent. Such
20 determination shall include consideration of all reports prepared by
21 the qualified juvenile forensic examiner(s). The juvenile shall be
22 presumed to be competent for the purposes of the allocation of the
23 burden of proof and burden of going forward with the evidence.

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1 C. The juvenile whose competency is in question shall have the
2 right to be present at the hearing on the petition unless the court
3 finds that the presence of the juvenile makes it impossible to
4 conduct the hearing in a safe or reasonable manner. The court may
5 not decide in advance of the hearing, solely on the basis of the
6 certificate of the examining doctor or doctors, that the juvenile
7 whose competency is in question should not be allowed to appear. It
8 shall be made to appear to the court based on clear and convincing
9 evidence that alternatives to exclusion were attempted before the
10 court renders the juvenile's removal for that purpose or the
11 juvenile's appearance at such hearing improper and unsafe.

12 D. All witnesses shall be subject to cross-examination in the
13 same manner as is provided by law. If so stipulated by counsel for
14 a juvenile whose competency is in question, the district attorney
15 and the court, testimony may be given by telephone or other
16 electronic transmitting device approved by the court. No statement,
17 admission or confession made by the juvenile whose competency is in
18 question obtained during the examination for competency may be used
19 for any purpose except for proceedings under this section. No such
20 statement, admission or confession may be used against such juvenile
21 in any criminal or civil action whether pending at the time the
22 hearing is held or filed against such juvenile at any later time,
23 directly, indirectly or in any manner or form

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1 E. The court shall make the required findings listed in Section
2 6 of this act.

3 SECTION 6. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 7301-2.6 of Title 10, unless
5 there is created a duplication in numbering, reads as follows:

6 The Court shall answer the following questions in determining
7 the disposition of the juvenile whose competency is in question.

8 1. Is the juvenile incompetent to undergo further criminal
9 proceedings at this time? If the answer is no, criminal proceedings
10 shall be resumed. If the answer is yes, the following questions
11 must be answered.

12 a. is the juvenile able to appreciate the nature of the
13 charges made against the juvenile?

14 b. is the juvenile able to consult with the lawyer and
15 rationally assist in the preparation of the defense of
16 the juvenile?

17 c. can the incompetency of the juvenile be corrected
18 within a reasonable period of time, as defined by
19 Section 1 of this act, through treatment, therapy or
20 training?

21 d. is the juvenile incompetent because the juvenile is
22 mentally retarded as defined in Section 1408 of Title
23 10 of the Oklahoma Statutes?

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- 1 e. is the juvenile incompetent due to a mental illness as
2 defined in Title 43A of the Oklahoma Statutes?
3 f. is the juvenile's age or other developmental factors
4 the basis for incompetency?
5 g. if the answers to questions d, e, and f are no, why is
6 the juvenile incompetent?
7 h. is the juvenile presently dangerous as defined in
8 Section 1 of this act if released?

9 SECTION 7. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 7301-2.7 of Title 10, unless
11 there is created a duplication in numbering, reads as follows:

12 A. Upon the finding by the court as provided by Section 6 of
13 this act, the court shall issue the appropriate order regarding the
14 juvenile as follows:

15 1. If the juvenile is found to be competent, the criminal
16 proceedings shall be resumed;

17 2. If the juvenile is found to be incompetent because the
18 juvenile has a mental illness as defined in Title 43A of the
19 Oklahoma Statutes, the court shall issue the appropriate order as set
20 forth in this act;

21 3. If the juvenile is found to be incompetent because the
22 juvenile is mentally retarded or otherwise developmentally disabled
23 as defined in Title 10 of the Oklahoma Statutes, the court shall
24 issue the appropriate order as set forth in this act; and

1 4. If the juvenile is found to be incompetent for reasons other
2 than the juvenile has a severe mental illness as defined in Title
3 43A of the Oklahoma Statutes, or for reasons other than the juvenile
4 is mentally retarded or developmentally disabled as defined in Title
5 10 of the Oklahoma Statutes, the court shall issue the appropriate
6 order as set forth in this act.

7 SECTION 8. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 7301-2.8 of Title 10, unless
9 there is created a duplication in numbering, reads as follows:

10 A. If the juvenile is found to be incompetent due to a mental
11 illness as defined in Title 43A of the Oklahoma Statutes, the court
12 shall suspend the criminal proceedings. Competency training, other
13 forms of treatment, therapy, and services shall be provided by the
14 Department of Mental Health and Substance Abuse Services in the
15 community, secure facility, detention center, jail, or other lockup
16 facility.

17 B. If the juvenile is found to be incompetent primarily because
18 he or she is mentally retarded or developmentally disabled as
19 defined in Title 10 of the Oklahoma Statutes, the court shall
20 suspend the criminal proceedings. Competency training, other forms
21 of treatment, therapy, and services shall be provided by the
22 Department of Human Services in the community, secure facility,
23 detention center, jail, or other lockup facility.

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1 C. The agency responsible with treating the juvenile shall
2 report to the court at least every ninety (90) days as to the status
3 of the juvenile including, but not limited to, the type of
4 placement, services provided, level of supervision, the medical and
5 psychological health of the juvenile, whether the juvenile would be
6 dangerous if conditionally released into a nonsecure environment,
7 the assistance and services that would be required for such
8 conditional release and whether the juvenile has achieved
9 competency.

10 If the juvenile is determined by the treating agency to have
11 regained competency or that conditional release to a private
12 guardian or other caretaker is appropriate, a hearing shall be
13 scheduled within twenty (20) days. If the juvenile is found to be
14 competent by the court after such rehearing, criminal proceedings
15 shall be resumed. If the court finds conditional release to be
16 appropriate, the court shall make an appropriate order for
17 conditional release; and

18 D. If the juvenile is found to be incompetent for reasons other
19 than the juvenile has a severe mental illness as defined in Title
20 43A of the Oklahoma Statutes and is found to be not dangerous as
21 defined by Section 1 of this act, the court shall suspend the
22 criminal proceedings and either refer the person to the Department
23 of Human Services for consideration of voluntary assistance or
24 conditionally release the person as set forth in this section.

1 1. For any juvenile recommended for conditional release, a
2 written plan for services shall be prepared by the Department of
3 Human Services and filed with the court. In its order of
4 conditional release, the court shall specify the conditions of
5 release and shall direct the appropriate agencies or persons to
6 submit annual reports regarding the juvenile's compliance with the
7 conditions of release and progress:

- 8 a. to be eligible for conditional release, the juvenile
9 and the parent or guardian of the juvenile, as defined
10 in Section 5-502 of Title 43A of the Oklahoma
11 Statutes, shall agree, in writing, that during the
12 period the juvenile is granted conditional release and
13 is subject to the provisions thereof, there shall be
14 free transmission of all pertinent information,
15 including clinical information regarding the juvenile,
16 among the juvenile's treatment providers, the
17 appropriate district attorneys, law enforcement and
18 court personnel. To affect this agreement, the
19 juvenile or the parent or guardian of the juvenile
20 shall execute any releases required by law to allow
21 for the dissemination of this information,
- 22 b. the court's order placing the juvenile on conditional
23 release shall include notice that the juvenile's
24 conditional release may be revoked upon good cause,

1 c. the district attorney, as well as any agency or
2 individual involved in providing services with regard
3 to the juvenile's conditional release, may prepare and
4 file an affidavit under oath if the district attorney,
5 agency, or individual believes that the juvenile has
6 failed to comply with the conditions of release. The
7 court shall then conduct a hearing to determine if the
8 juvenile has violated the conditions of release.
9 Notice of the hearing shall be issued, at least
10 twenty-four (24) hours before the hearing, to the
11 Department of Human Services, the juvenile, the parent
12 or legal guardian as defined in Section 5-502 of Title
13 43A of the Oklahoma Statutes, trial counsel for the
14 juvenile, and the client advocate general of the
15 Department of Human Services. After reviewing the
16 evidence concerning any alleged violation of the
17 conditions of the release, the juvenile's progress,
18 treatment alternatives, and the need for public
19 safety, the court may order no change to the
20 conditions for the juvenile's release or modify the
21 conditions of release, and
22 d. the juvenile placed on conditional release shall
23 remain in a conditional release status until the
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1 reviewing court issues a full release from all
2 conditions.

3 2. If the juvenile is determined by the Department of Human
4 Services to have regained competency, a hearing shall be scheduled
5 within twenty (20) days:

6 a. if the juvenile is found to be competent by the court
7 after such rehearing, criminal proceedings shall be
8 resumed,

9 b. if the juvenile is found to continue to be
10 incompetent, the juvenile shall be returned to either
11 conditional release or referred to the Department of
12 Human Services for consideration of voluntary
13 assistance.

14 SECTION 9. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 7301-2.9 of Title 10, unless
16 there is created a duplication in numbering, reads as follows:

17 A. If the juvenile is found to be incompetent for reasons other
18 than he or she has a mental illness as defined by Title 43A of the
19 Oklahoma Statutes, or reasons other than the juvenile is mentally
20 retarded or developmentally disabled as defined by Title 10 of the
21 Oklahoma Statutes, but is also found to be dangerous as defined by
22 Section 1 of this act, the court shall suspend the criminal
23 proceedings and refer the matter to the Department of Human Services
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1 and Department of Mental Health and Substance Abuse Services for
2 determination of appropriate placement.

3 B. The Department of Human Services and the Department of
4 Mental Health and Substance Abuse Services shall jointly establish
5 procedures by the effective date of this act to determine the
6 appropriate placement of juveniles who are found to be incompetent
7 to stand trial for reasons other than the juvenile has a severe
8 mental illness as defined by Title 43A of the Oklahoma Statutes, or
9 the juvenile is mentally retarded or developmentally disabled as
10 defined by Title 10 of the Oklahoma Statutes. Both agencies shall
11 then submit their joint recommendation to the court for
12 determination of appropriate placement.

13 SECTION 10. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 7301-2.10 of Title 10, unless
15 there is created a duplication in numbering, reads as follows:

16 A. If the juvenile is found incompetent, but capable of
17 achieving competency within a reasonable period of time as defined
18 by this act, the court shall order the juvenile to undergo such
19 treatment, therapy or training which is calculated to allow the
20 juvenile to achieve competence, not inconsistent with this act. The
21 court shall further order any additional treatment, therapy, or
22 training, as recommended by the evaluators and the juvenile's
23 treatment team, for the juvenile that addresses any other issues
24 that may have led the juvenile to be incompetent.

1 B. The juvenile shall remain under the jurisdiction of the
2 court during this time. The court shall appoint a medical
3 supervisor for a course of treatment. The medical supervisor of
4 treatment may be any person or agency that agrees to supervise the
5 course of treatment. The proposed treatment may be either inpatient
6 or outpatient care depending on the facilities and resources
7 available to the court and the type of disability sought to be
8 corrected by the court's order. The court shall require the
9 supervisor to provide periodic progress reports to the court, no
10 less than every ninety (90) days, and may pay for the services of
11 the medical supervisor from court funds. All competency treatment
12 for a juvenile who is incompetent due to a severe mental illness
13 shall be conducted on an outpatient basis by the Department of
14 Mental Health and Substance Abuse Services and shall take place in
15 the community, at a mental health facility on an outpatient basis,
16 in a correction or detention facility, group home, or other jail or
17 lockup facility.

18 C. The court shall allow the juvenile to receive treatment from
19 private facilities if such facilities are willing. Neither the
20 state nor the court fund is required to directly pay for such care.

21 SECTION 11. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 7301-2.11 of Title 10, unless
23 there is created a duplication in numbering, reads as follows:

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1 If the medical supervisor reports that the juvenile appears to
2 have achieved competency after a finding of incompetency, the court
3 shall hold another competency hearing to determine if the juvenile
4 has achieved competency. If competency has been achieved, the
5 criminal proceedings shall be resumed.

6 SECTION 12. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 7301-2.12 of Title 10, unless
8 there is created a duplication in numbering, reads as follows:

9 Commitment of incompetent juveniles to the Department of Mental
10 Health and Substance Abuse Services shall only occur through the
11 provisions contained in Title 43A.

12 SECTION 13. This act shall become effective November 1, 2007.

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