

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1928 By: Newberry of the Senate
3 and
4 Jordan of the House
5
6

7 (escapes - juvenile detention - felony - effective
8 date -
9 emergency)

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12 AMENDMENT NO. 1. Strike the stricken title, enacting clause and
entire bill and insert

13 "An Act relating to crimes and punishments; amending
14 21 O.S. 2001, Section 443, as last amended by
Section 1, Chapter 161, O.S.L. 2006 (21 O.S. Supp.
15 2009, Section 443), which relates to escapes;
16 deleting references to juvenile detention
facilities; making certain acts by juveniles or
17 youthful offenders unlawful; providing penalty;
providing conditions that constitute an escape; and
18 defining term.

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

21 SECTION 1. AMENDATORY 21 O.S. 2001, Section 443, as last
22 amended by Section 1, Chapter 161, O.S.L. 2006 (21 O.S. Supp. 2009,
23 Section 443), is amended to read as follows:
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1 Section 443. A. Any person having been imprisoned in a county
2 or city jail ~~or detained in a juvenile detention facility~~ awaiting
3 charges on a felony offense or prisoner awaiting trial or having
4 been sentenced on a felony charge to the custody of the Department
5 of Corrections or any other prisoner having been lawfully detained
6 who ~~escapes from a juvenile detention facility while actually~~
7 ~~confined therein or~~ escapes from a county or city jail, either while
8 actually confined therein, while permitted to be at large as a
9 trusty, or while awaiting transportation to a Department of
10 Corrections facility for execution of sentence, shall be guilty of a
11 felony punishable by imprisonment of not less than one (1) year nor
12 more than seven (7) years.

13 B. Any person who is an inmate in the custody of the Department
14 of Corrections who escapes from said custody, either while actually
15 confined in a correctional facility, while assigned to an
16 alternative to incarceration authorized by law, while assigned to
17 the Preparole Conditional Supervision Program as authorized by
18 Section 365 of Title 57 of the Oklahoma Statutes or while permitted
19 to be at large as a trusty, shall be guilty of a felony punishable
20 by imprisonment of not less than two (2) years nor more than seven
21 (7) years.

22 C. For the purposes of this section, an inmate assigned to an
23 alternative to incarceration authorized by law or to the Preparole
24 Conditional Supervision Program shall be considered to have escaped

1 if the inmate cannot be located within a twenty-four hour period or
2 if he or she fails to report to a correctional facility or
3 institution, as directed. This includes any person escaping by
4 absconding from an electronic monitoring device or absconding after
5 removing an electronic monitoring device from their body.

6 D. For the purposes of this section, if the individual who
7 escapes has felony convictions for offenses other than the offense
8 for which the person was serving imprisonment at the time of the
9 escape, those previous felony convictions may be used for
10 enhancement of punishment pursuant to the provisions of Section 434
11 of this title. The fact that any such convictions may have been
12 used to enhance punishment in the sentence for the offense for which
13 the person was imprisoned at the time of the escape shall not
14 prevent such convictions from being used to enhance punishment for
15 the escape.

16 E. Any juvenile or youthful offender lawfully placed in a
17 state-certified juvenile detention facility or state-certified
18 secure juvenile facility who escapes from the facility while
19 actually confined therein, who escapes while escorted by a
20 transportation officer, or who escapes while permitted to be on an
21 authorized pass or work program outside the facility shall be guilty
22 of a felony punishable by imprisonment for not less than one (1)
23 year nor more than three (3) years. For purposes of this
24 subsection:

