

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 CONFERENCE COMMITTEE SUBSTITUTE
4 FOR ENGROSSED

5 SENATE BILL 1928

6 By: Newberry of the Senate

7 and

8 Jordan of the House

9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to crimes and punishments; amending
11 21 O.S. 2001, Section 443, as last amended by Section
12 1, Chapter 161, O.S.L. 2006 (21 O.S. Supp. 2009,
13 Section 443), which relates to escapes; deleting
14 language referring to persons detained in juvenile
15 detention facilities; making certain juveniles or
16 youthful offenders who escape guilty of a felony;
17 providing for punishment; providing for conditions
18 constituting an escape; defining term; providing an
19 effective date; and declaring an emergency.

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:

24 Section 443. A. Any person having been imprisoned in a county
or city jail ~~or detained in a juvenile detention facility~~ awaiting
charges on a felony offense or prisoner awaiting trial or having
been sentenced on a felony charge to the custody of the Department

1 of Corrections or any other prisoner having been lawfully detained
2 who ~~escapes from a juvenile detention facility while actually~~
3 ~~confined therein or~~ escapes from a county or city jail, either while
4 actually confined therein, while permitted to be at large as a
5 trusty, or while awaiting transportation to a Department of
6 Corrections facility for execution of sentence, shall be guilty of a
7 felony punishable by imprisonment of not less than one (1) year nor
8 more than seven (7) years.

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

18 C. For the purposes of this section, an inmate assigned to an
19 alternative to incarceration authorized by law or to the Preparole
20 Conditional Supervision Program shall be considered to have escaped
21 if the inmate cannot be located within a twenty-four hour period or
22 if he or she fails to report to a correctional facility or
23 institution, as directed. This includes any person escaping by
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1 absconding from an electronic monitoring device or absconding after
2 removing an electronic monitoring device from their body.

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

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

22 1. A juvenile or youthful offender permitted to be on an
23 authorized pass or work program shall be considered to have escaped
24 if the juvenile or youthful offender cannot be located within a

1 twenty-four-hour period or if the juvenile or youthful offender
2 fails to report to the facility at the specified time, and shall
3 include any juvenile or youthful offender escaping by absconding
4 from an electronic monitoring device or absconding after removing an
5 electronic monitoring device from the body of the juvenile or
6 youthful offender; and

7 2. "Escape" means a juvenile or youthful offender in lawful
8 custody who has absented himself or herself without official
9 permission from a facility or secure placement, during transport to
10 or from such facility, or failure to return from a pass issued by a
11 facility.

12 SECTION 2. This act shall become effective July 1, 2010.

13 SECTION 3. It being immediately necessary for the preservation
14 of the public peace, health and safety, an emergency is hereby
15 declared to exist, by reason whereof this act shall take effect and
16 be in full force from and after its passage and approval.

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