

1 ENGROSSED SENATE  
2 BILL NO. 1794

By: Lerblance, Johnson  
(Constance) and Garrison of  
the Senate

3  
4 and

Cannaday of the House  
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8 An Act relating to the criminal procedure; amending  
22 O.S. 2001, Section 996.3, as last amended by  
9 Section 2, Chapter 426, O.S.L. 2005 (22 O.S. Supp.  
2009, Section 996.3), which relates to the Delayed  
10 Sentencing Program for Young Adults; requiring court  
to inform offender of certain program; and providing  
11 an effective date.  
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14 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

15 SECTION 1. AMENDATORY 22 O.S. 2001, Section 996.3, as  
16 last amended by Section 2, Chapter 426, O.S.L. 2005 (22 O.S. Supp.  
17 2009, Section 996.3), is amended to read as follows:

18 Section 996.3 A. Upon a verdict of guilty or a plea of guilty  
19 or nolo contendere of an offender, the court shall delay sentencing  
20 for a period not less than one hundred eighty (180) days nor more  
21 than one (1) year after the plea of guilty or finding of guilt is  
22 entered and order the offender to the Delayed Sentencing Program for  
23 Young Adults under the custody of the Department of Corrections.

24 The court shall inform the offender about the Delayed Sentencing

1 Program for Young Adults and the offender's eligibility for such  
2 program before the offender enters a plea. For purposes of the  
3 Delayed Sentencing Program for Young Adults, the term "custody"  
4 shall include probation or confinement during the term of the  
5 Program. The court may initially commit the offender for either  
6 probation or confinement pending the completion of the Delayed  
7 Sentencing Program.

8 After the completion of the Program the court shall:

9 1. Defer judgment pursuant to the provisions of Section 991c of  
10 this title;

11 2. Sentence the offender to any sentence provided by law in the  
12 custody of the Department of Corrections;

13 3. Suspend the execution of sentence pursuant to Section 991a  
14 of this title. In addition to other conditions of probation allowed  
15 by statute, the court may include special conditions of probation as  
16 set forth in the plan provided to the court if sentencing is  
17 deferred or if all or part of the sentence is suspended;

18 4. Sentence the offender to community sentencing; or

19 5. Dismiss the criminal charges and proceedings.

20 B. Within ninety (90) days after the offender is committed to  
21 the Delayed Sentencing Program for Young Adults, the Department of  
22 Corrections shall prepare and file with the court clerk a  
23 specialized offender accountability plan for the offender which  
24 shall comply with and be in lieu of the presentence investigation

1 provided for in Section 982 of this title. The plan shall include  
2 information, evaluations, and data directed by the sentencing court,  
3 and may include, but not be limited to, the investigation report of  
4 probation officers, an assessment of security risks and offender  
5 needs and a recommended specific course of action, including, where  
6 applicable, psychological counseling, psychiatric treatment, medical  
7 treatment, education or vocational training, work, restitution, and  
8 such other programs, which will offer the best opportunity for  
9 rehabilitation of the offender. If the plan recommends confinement,  
10 the plan shall state specifically the type of confinement that the  
11 Department of Corrections proposes to utilize and the amount of time  
12 the offender will spend in that confinement, including but not  
13 limited to boot camp, substance abuse treatment, and vocational or  
14 educational placement.

15       Upon filing the plan, copies shall be provided by the Department  
16 of Corrections to the district attorney, the offender, the  
17 offender's attorney, and the court. If the district attorney, the  
18 offender or the offender's attorney objects to the plan, the  
19 objecting party may file a written objection with the court within  
20 ten (10) days of the receipt of the plan. Upon the filing of any  
21 objection, the court shall conduct a hearing within ten (10) days of  
22 the filing of the objection and decide a plan of action for the  
23 offender under the Delayed Sentencing Program for Young Adults or  
24 sentence the offender as otherwise provided by law.

1 C. An order by the court placing an offender in the Delayed  
2 Sentencing Program for Young Adults shall be accepted by the  
3 Department of Corrections as a commitment to the custody of the  
4 Department pursuant to the provisions of Section 521 of Title 57 of  
5 the Oklahoma Statutes, for the sole purpose of committing an  
6 offender for assessment and evaluation and complying with the  
7 accountability plan.

8 D. If no objection has been made to the plan, the offender  
9 shall remain in the custody of the Department either under probation  
10 or confinement to comply with the terms and conditions of the plan.  
11 The offender may be housed either in a minimum or medium security  
12 facility, halfway house, community corrections facility, or any  
13 combination as needed to comply with the plan and meet offender  
14 criminogenic needs.

15 SECTION 2. This act shall become effective November 1, 2010.  
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