

1 ENGROSSED SENATE
2 BILL NO. 1928

By: Newberry of the Senate
and
Jordan of the House

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7 [escapes - juvenile detention - felony - effective
8 date -
9 emergency]

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 443, as last amended by Section 1, Chapter 161, O.S.L. 2006 (21 O.S. Supp. 2009, Section 443), is amended to read as follows:

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 of Corrections or any other prisoner having been lawfully detained who ~~escapes from a juvenile detention facility while actually confined therein or~~ escapes from a county or city jail, either while actually confined therein, while permitted to be at large as a

1 | trusty, or while awaiting transportation to a Department of
2 | Corrections facility for execution of sentence, shall be guilty of a
3 | felony punishable by imprisonment of not less than one (1) year nor
4 | more than seven (7) years.

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

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

22 | D. For the purposes of this section, if the individual who
23 | escapes has felony convictions for offenses other than the offense
24 | for which the person was serving imprisonment at the time of the

1 escape, those previous felony convictions may be used for
2 enhancement of punishment pursuant to the provisions of Section 434
3 of this title. The fact that any such convictions may have been
4 used to enhance punishment in the sentence for the offense for which
5 the person was imprisoned at the time of the escape shall not
6 prevent such convictions from being used to enhance punishment for
7 the escape.

8 SECTION 2. AMENDATORY 21 O.S. 2001, Section 444, is
9 amended to read as follows:

10 Section 444. A. It is unlawful for any person, after being
11 lawfully arrested or detained by a peace officer, to escape or
12 attempt to escape from such peace officer.

13 B. Any person who escapes or attempts to escape after being
14 lawfully arrested or detained for custody for a misdemeanor offense
15 shall be guilty of a misdemeanor.

16 C. Any person who escapes or attempts to escape after being
17 lawfully arrested or detained for custody for a felony offense shall
18 be guilty of a felony.

19 D. Any juvenile or youthful offender lawfully placed in a state
20 certified juvenile detention facility or state certified secure
21 juvenile facility who escapes from the facility while actually
22 confined therein, who escapes while escorted by a transportation
23 officer, or who escapes while permitted to be on an authorized pass
24 or work program outside the facility shall be guilty of a felony

1 punishable by imprisonment for not less than one (1) year nor more
2 than seven (7) years. For purposes of this subsection:

3 1. A juvenile or youthful offender permitted to be on an
4 authorized pass or work program shall be considered to have escaped
5 if the juvenile or youthful offender cannot be located within a
6 twenty-four hour period or if the juvenile or youthful offender
7 fails to report to the facility at the specified time, and shall
8 include any juvenile or youthful offender escaping by absconding
9 from an electronic monitoring device or absconding after removing an
10 electronic monitoring device from the body of the juvenile or
11 youthful offender; and

12 2. "Escape" means a juvenile or youthful offender in lawful
13 custody who has absented himself or herself without official
14 permission from a facility or secure placement during transport to
15 or from such facility or failure to return from a pass issued by a
16 facility.

17 SECTION 3. This act shall become effective July 1, 2010.

18 SECTION 4. It being immediately necessary for the preservation
19 of the public peace, health and safety, an emergency is hereby
20 declared to exist, by reason whereof this act shall take effect and
21 be in full force from and after its passage and approval.

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