

THE HOUSE OF REPRESENTATIVES
Wednesday, March 24, 2010

Committee Substitute for
ENGROSSED
Senate Bill No. 1928

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 1928 - By:
NEWBERRY of the Senate and JORDAN of the House.

An Act relating to crimes and punishments; amending 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), which relates to escapes; deleting references to juvenile detention facilities; making certain acts by juveniles or youthful offenders unlawful; providing penalty; providing conditions that constitute an escape; defining term; providing an effective date; and declaring an emergency.

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

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

4 Section 443. A. Any person having been imprisoned in a county or city jail or
5 ~~detained in a juvenile detention facility~~ awaiting charges on a felony offense or prisoner
6 awaiting trial or having been sentenced on a felony charge to the custody of the
7 Department of Corrections or any other prisoner having been lawfully detained who
8 ~~escapes from a juvenile detention facility while actually confined therein or escapes from~~
9 a county or city jail, either while actually confined therein, while permitted to be at large

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

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

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

17 D. For the purposes of this section, if the individual who escapes has felony
18 convictions for offenses other than the offense for which the person was serving
19 imprisonment at the time of the escape, those previous felony convictions may be used for
20 enhancement of punishment pursuant to the provisions of Section 434 of this title. The
21 fact that any such convictions may have been used to enhance punishment in the
22 sentence for the offense for which the person was imprisoned at the time of the escape

1 shall not prevent such convictions from being used to enhance punishment for the
2 escape.

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

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

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

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

1 SECTION 3. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-23-10 - DO PASS,
5 As Amended.