

**THE HOUSE OF REPRESENTATIVES**  
**Wednesday, March 25, 2009**

**ENGROSSED**

**Senate Bill No. 270**

ENGROSSED SENATE BILL NO. 270 - By: ANDERSON of the Senate and DUNCAN of the House.

An Act relating to children; amending 10 O.S. 2001, Section 7306-2.9, as last amended by Section 3, Chapter 277, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7306-2.9), which relates to presentence investigations of youthful offenders; modifying conditions for supervision by the Office of Juvenile Affairs; modifying certain options of a sentencing court; and providing an effective date.

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

1           SECTION 1.    AMENDATORY    10 O.S. 2001, Section 7306-2.9, as last amended  
2 by Section 3, Chapter 277, O.S.L. 2008 (10 O.S. Supp. 2008, Section 7306-2.9), is  
3 amended to read as follows:

4           Section 7306-2.9 A. Upon a verdict of guilty or a plea of guilty or nolo contendere of  
5 a youthful offender and prior to the imposition of a youthful offender sentence by the  
6 court:

7           1. A youthful offender presentence investigation shall be conducted unless waived  
8 by the youthful offender with approval of the court or unless an investigation is  
9 conducted pursuant to subsection C of Section 7306-2.8 of this title. Any presentence

1 investigation required by this section shall be conducted by the Office of Juvenile Affairs;  
2 and

3 2. The court shall conduct a hearing and shall consider, with the greatest weight  
4 given to subparagraphs a, b and c:

- 5 a. whether the offense was committed in an aggressive, violent,  
6 premeditated or willful manner,
- 7 b. whether the offense was against persons and, if personal injury  
8 resulted, the degree of personal injury,
- 9 c. the record and past history of the person, including previous contacts  
10 with law enforcement agencies and juvenile or criminal courts, prior  
11 periods of probation and commitments to juvenile institutions,
- 12 d. the sophistication and maturity of the person and the person's  
13 capability of distinguishing right from wrong as determined by  
14 consideration of the person's psychological evaluation, home,  
15 environmental situation, emotional attitude and pattern of living,
- 16 e. the prospects for adequate protection of the public if the person is  
17 processed through the youthful offender system or the juvenile system,
- 18 f. the reasonable likelihood of rehabilitation of the person if found to  
19 have committed the offense, by the use of procedures and facilities  
20 currently available to the juvenile, and

UNDERLINED language denotes Amendments to present Statutes.  
**BOLD FACE CAPITALIZED** language denotes Committee Amendments.  
~~Strike thru~~ language denotes deletion from present Statutes.

1           g.       whether the offense occurred while the person was escaping or on  
2                    escape status from an institution for youthful offenders or delinquent  
3                    children.

4           B. 1. After the hearing and consideration of the report of the presentence  
5 investigation, the court shall impose sentence as a youthful offender, and such youthful  
6 offender shall be subject to the same type of sentencing procedures and duration of  
7 sentence, except for capital offenses, including suspension or deferment, as an adult  
8 convicted of a felony offense, except that any sentence imposed upon the youthful  
9 offender shall be served in the custody or under the supervision of the Office of Juvenile  
10 Affairs until the expiration of the sentence, ~~the youthful offender is paroled,~~ the youthful  
11 offender is discharged, or the youthful offender reaches eighteen (18) years of age,  
12 whichever first occurs. If an individual sentenced as a youthful offender attains eighteen  
13 (18) years of age prior to the expiration of the sentence, such individual shall be returned  
14 to the sentencing court. At that time, the sentencing court shall make one of the  
15 following determinations:

16           a.       whether the youthful offender shall be returned to the Office of  
17                    Juvenile Affairs to complete a treatment program, provided that the  
18                    treatment program shall not exceed the youthful offender's attainment  
19                    of eighteen (18) years of age and five (5) months. At the conclusion of  
20                    the treatment program, the individual shall be returned to the  
21                    sentencing court for a determination under subparagraph b, c or d of  
22                    this paragraph,



1 adjudicated juvenile delinquent as long as the age of the youthful offender does not  
2 exceed eighteen (18) years and five (5) months.

3 6. It is the intent of the Oklahoma Legislature that youthful offenders be held  
4 insofar as is practical separate from the juvenile delinquent population.

5 7. The Office of Juvenile Affairs may make recommendations to the court  
6 concerning the disposition of the youthful offender.

7 C. A youthful offender who is seventeen (17) or eighteen (18) years of age or older  
8 and who has been sentenced to the custody of the Office of Juvenile Affairs may be  
9 detained in a county jail pending placement in an Office of Juvenile Affairs facility,  
10 provided the county jail meets the jail standards promulgated by the State Department  
11 of Health for juvenile offenders. Said youthful offender who is eighteen (18) years of age  
12 or older may be held in the general population of the county jail.

13 SECTION 2. This act shall become effective November 1, 2009.

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-24-09 - DO PASS.