

3 Senate Bill No. 1794

4 SENATE BILL NO. 1794 - By: Lerblance of the Senate and Cannaday of
5 the House.

6 An Act relating to the criminal procedure; amending 22 O.S.
7 2001, Section 996.3, as last amended by Section 2, Chapter
8 426, O.S.L. 2005 (22 O.S. Supp. 2009, Section 996.3), which
9 relates to the Delayed Sentencing Program for Young Adults;
10 requiring court to inform offender of certain program; and
11 providing an effective date.

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

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

16 Section 996.3 A. Upon a verdict of guilty or a plea of guilty
17 or nolo contendere of an offender, the court shall delay sentencing
18 for a period not less than one hundred eighty (180) days nor more
19 than one (1) year after the plea of guilty or finding of guilt is
20 entered and order the offender to the Delayed Sentencing Program for
21 Young Adults under the custody of the Department of Corrections.
22 The court shall inform the offender about the Delayed Sentencing
23 Program for Young Adults and the offender's eligibility for such
24 program before the offender enters a plea. For purposes of the
25 Delayed Sentencing Program for Young Adults, the term "custody"
26 shall include probation or confinement during the term of the

1 Program. The court may initially commit the offender for either
2 probation or confinement pending the completion of the Delayed
3 Sentencing Program.

4 After the completion of the Program the court shall:

5 1. Defer judgment pursuant to the provisions of Section 991c of
6 this title;

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

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

14 4. Sentence the offender to community sentencing; or

15 5. Dismiss the criminal charges and proceedings.

16 B. Within ninety (90) days after the offender is committed to
17 the Delayed Sentencing Program for Young Adults, the Department of
18 Corrections shall prepare and file with the court clerk a
19 specialized offender accountability plan for the offender which
20 shall comply with and be in lieu of the presentence investigation
21 provided for in Section 982 of this title. The plan shall include
22 information, evaluations, and data directed by the sentencing court,
23 and may include, but not be limited to, the investigation report of

1 probation officers, an assessment of security risks and offender
2 needs and a recommended specific course of action, including, where
3 applicable, psychological counseling, psychiatric treatment, medical
4 treatment, education or vocational training, work, restitution, and
5 such other programs, which will offer the best opportunity for
6 rehabilitation of the offender. If the plan recommends confinement,
7 the plan shall state specifically the type of confinement that the
8 Department of Corrections proposes to utilize and the amount of time
9 the offender will spend in that confinement, including but not
10 limited to boot camp, substance abuse treatment, and vocational or
11 educational placement.

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

22 C. An order by the court placing an offender in the Delayed
23 Sentencing Program for Young Adults shall be accepted by the

1 Department of Corrections as a commitment to the custody of the
2 Department pursuant to the provisions of Section 521 of Title 57 of
3 the Oklahoma Statutes, for the sole purpose of committing an
4 offender for assessment and evaluation and complying with the
5 accountability plan.

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

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

14 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-2-10 - DO PASS,
15 As Coauthored.