

3 Senate Bill No. 1928

4 SENATE BILL NO. 1928 - By: Newberry of the Senate and Jordan of the  
5 House.

6 An Act relating to crimes and punishments; amending 21 O.S.  
7 2001, Sections 443, as last amended by Section 1, Chapter  
8 161, O.S.L. 2006 (21 O.S. Supp. 2009, Section 443) and 444,  
9 which relate to escapes; deleting language referring to  
10 persons detained in juvenile detention facilities; making  
11 certain juveniles or youthful offenders who escape guilty of  
12 a felony; providing for punishment; providing for conditions  
13 constituting an escape; defining term; providing an  
14 effective date; and declaring an emergency.

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

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

19 Section 443. A. Any person having been imprisoned in a county  
20 or city jail ~~or detained in a juvenile detention facility~~ awaiting  
21 charges on a felony offense or prisoner awaiting trial or having  
22 been sentenced on a felony charge to the custody of the Department  
23 of Corrections or any other prisoner having been lawfully detained  
24 who ~~escapes from a juvenile detention facility while actually~~  
25 ~~confined therein or~~ escapes from a county or city jail, either while  
26 actually confined therein, while permitted to be at large as a  
27 trusty, or while awaiting transportation to a Department of  
28 Corrections facility for execution of sentence, shall be guilty of a

1 felony punishable by imprisonment of not less than one (1) year nor  
2 more than seven (7) years.

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

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

20 D. For the purposes of this section, if the individual who  
21 escapes has felony convictions for offenses other than the offense  
22 for which the person was serving imprisonment at the time of the  
23 escape, those previous felony convictions may be used for

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

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

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

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

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

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

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-16-10 - DO  
23 PASS, As Coauthored.