

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 SENATE BILL 1928

By: Newberry

4  
5 AS INTRODUCED

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

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

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

21 Section 443. A. Any person having been imprisoned in a county  
22 or city jail ~~or detained in a juvenile detention facility~~ awaiting  
23 charges on a felony offense or prisoner awaiting trial or having  
24 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

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

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

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

23 D. For the purposes of this section, if the individual who  
24 escapes has felony convictions for offenses other than the offense

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

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

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

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

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

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

1 or work program outside the facility shall be guilty of a felony  
2 punishable by imprisonment for not less than one (1) year nor more  
3 than seven (7) years. For purposes of this subsection:

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

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

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

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

23  
24 52-2-2878

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