ENGROSSED HOUSE AMENDMENT
TO
ENGROSSED SENATE BILL NO. 1914 By: Griffin of the Senate

and

Nelson of the House

An Act relating to arrest of juveniles; amending 10A O.S. 2011, Sections 2-2-402, as amended by Section 10, Chapter 404, O.S.L. 2013, and 2-2-503, as amended by Section 14, Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2013, Sections 2-2-402 and 2-2-503), which relate to adjudicative hearings and disposition orders; prohibiting consideration of certain juvenile matters for certain purposes; and declaring an emergency.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"An Act relating to arrest of juveniles; amending 10A O.S. 2011, Section 2-2-402, as amended by Section 10, Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2013, Section 2-2-402), which relates to adjudicative hearings; prohibiting consideration of certain juvenile matters for certain purposes; and declaring an emergency.

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-2-402, as amended by Section 10, Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2013, Section 2-2-402), is amended to read as follows:

Section 2-2-402. A. All cases of children shall be heard separately from the trial of cases against adults. The adjudicative hearings shall be conducted according to the rules of evidence, and may be adjourned from time to time.

1. Except as provided by paragraph 2 of this subsection, the hearings shall be private; however, all persons having a direct interest in the case as provided in this paragraph shall be admitted. Any victim, relative, legal guardian of a victim, or a person designated by the victim who is not subject to the rule of sequestration as a witness of a delinquent act shall be considered to have a direct interest in the case, shall be notified of all court hearings involving that particular delinquent act, and shall be admitted to the proceedings. The court shall, however, remove all persons not having a direct interest in the case or that are not the parents or legal guardian of the child from any hearing where evidence of the medical or behavioral health condition of the child or specific instances of deprivation are being presented. Stenographic notes or other transcript of the hearings shall be kept as in other cases, but they shall not be open to inspection except by order of the court or as otherwise provided by law.

2. Hearings related to the second or subsequent delinquency adjudication of a child shall be public proceedings. The adjudications relied upon to determine whether a hearing is a public proceeding pursuant to this paragraph shall not have arisen out of the same transaction or occurrence or series of events closely related in time and location. Upon its own motion or the motion of any of the parties to the hearing and for good cause shown, the court may order specific testimony or evidence to be heard in private; provided, the court shall not exclude any relative, legal guardian of a victim, or a person designated by the victim who is not subject to the rule of sequestration as a witness from the hearing during testimony of the victim. For the purposes of this paragraph, "good cause" shall mean a showing that it would be substantially harmful to the mental or physical well-being of the child if such testimony or evidence were presented at a public hearing. The judge may, for good cause shown, open the court hearings to educate members of the public about juvenile justice issues; however, the identities of the juvenile respondents shall not be published in any reports or articles of general circulation.

B. The child may remain silent as a matter of right in delinquency hearings and in need of supervision hearings, and before the child testifies, the child shall be so advised.

C. A decision determining a child to come within the purview of the Oklahoma Juvenile Code shall be based on sworn testimony and the

child shall have the opportunity for cross-examination unless the facts are stipulated or unless the child enters into a stipulation that the allegations of the petition are true or that sufficient evidence exists to meet the burden of proof required for the court to sustain the allegations of the petition. In proceedings pursuant to the Oklahoma Juvenile Code, the court may allow mileage as in civil actions to witnesses and reimbursement for expert witnesses but such shall not be tendered in advance of the hearing. If a child is alleged to be delinquent and the facts are stipulated, the judge shall ascertain from the child if the child agrees with the stipulation and if the child understands the consequences of stipulating the facts.

D. If the court finds that the allegations of a petition alleging a child to be delinquent or in need of supervision are supported by the evidence, the court shall sustain the petition, and shall make an order of adjudication setting forth whether the child is delinquent or in need of supervision and shall adjudge the child as a ward of the court.

E. If the court finds that the allegations of the petition are not supported by the evidence, the court shall order the petition dismissed and shall order the child discharged from any detention or restriction previously ordered. The parents, legal guardian or other legal custodian of the child shall also be discharged from any restriction or other previous temporary order.

F. Any arrest or detention under the Oklahoma Juvenile Code or any adjudication in a juvenile proceeding shall not be considered an arrest, detention or conviction for purposes of civil rights, or any statute, regulation, license, questionnaire, application, or for any other public purposes, unless otherwise provided by law.

SECTION 2. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval."

Passed the House of Representatives the 16th day of April, 2014.

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Presiding Officer of the House of Representatives

Passed the Senate the ____ day of _____, 2014.

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Presiding Officer of the Senate