

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 54th Legislature (2014)

4 COMMITTEE SUBSTITUTE
5 FOR ENGROSSED
6 SENATE BILL NO. 1914

By: Griffin of the Senate

and

Nelson of the House

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11 COMMITTEE SUBSTITUTE

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

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

20 SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-2-402, as
21 amended by Section 10, Chapter 404, O.S.L. 2013 (10A O.S. Supp.
22 2013, Section 2-2-402), is amended to read as follows:

23 Section 2-2-402. A. All cases of children shall be heard
24 separately from the trial of cases against adults. The adjudicative

1 hearings shall be conducted according to the rules of evidence, and
2 may be adjourned from time to time.

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

19 2. Hearings related to the second or subsequent delinquency
20 adjudication of a child shall be public proceedings. The
21 adjudications relied upon to determine whether a hearing is a public
22 proceeding pursuant to this paragraph shall not have arisen out of
23 the same transaction or occurrence or series of events closely
24 related in time and location. Upon its own motion or the motion of

1 any of the parties to the hearing and for good cause shown, the
2 court may order specific testimony or evidence to be heard in
3 private; provided, the court shall not exclude any relative, legal
4 guardian of a victim, or a person designated by the victim who is
5 not subject to the rule of sequestration as a witness from the
6 hearing during testimony of the victim. For the purposes of this
7 paragraph, "good cause" shall mean a showing that it would be
8 substantially harmful to the mental or physical well-being of the
9 child if such testimony or evidence were presented at a public
10 hearing. The judge may, for good cause shown, open the court
11 hearings to educate members of the public about juvenile justice
12 issues; however, the identities of the juvenile respondents shall
13 not be published in any reports or articles of general circulation.

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

17 C. A decision determining a child to come within the purview of
18 the Oklahoma Juvenile Code shall be based on sworn testimony and the
19 child shall have the opportunity for cross-examination unless the
20 facts are stipulated or unless the child enters into a stipulation
21 that the allegations of the petition are true or that sufficient
22 evidence exists to meet the burden of proof required for the court
23 to sustain the allegations of the petition. In proceedings pursuant
24 to the Oklahoma Juvenile Code, the court may allow mileage as in

1 civil actions to witnesses and reimbursement for expert witnesses
2 but such shall not be tendered in advance of the hearing. If a
3 child is alleged to be delinquent and the facts are stipulated, the
4 judge shall ascertain from the child if the child agrees with the
5 stipulation and if the child understands the consequences of
6 stipulating the facts.

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

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

19 F. Any arrest or detention under the Oklahoma Juvenile Code or
20 any adjudication in a juvenile proceeding shall not be considered an
21 arrest, detention or conviction for purposes of civil rights, or any
22 statute, regulation, license, questionnaire, application, or for any
23 other public purposes, unless otherwise provided by law.
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1 SECTION 2. It being immediately necessary for the preservation
2 of the public peace, health and safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/09/2014 - DO
7 PASS, As Amended.

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