

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 56th Legislature (2018)

4   ENGROSSED SENATE  
5   BILL NO. 1066

By: Griffin of the Senate

and

Lawson of the House

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10       An Act relating to juvenile delinquency; amending 10A  
11       O.S. 2011, Section 2-2-404, as amended by Section 11,  
12       Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2017,  
13       Section 2-2-404), which relates to deferral of  
14       delinquency proceedings; authorizing extension under  
15       certain circumstances; and providing an effective  
16       date.

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

17       SECTION 1.       AMENDATORY       10A O.S. 2011, Section 2-2-404, as  
18       amended by Section 11, Chapter 404, O.S.L. 2013 (10A O.S. Supp.  
19       2017, Section 2-2-404), is amended to read as follows:

20       Section 2-2-404.   A.   A court may defer delinquency adjudication  
21       proceedings for one hundred eighty (180) days, plus an additional  
22       one hundred eighty (180) days as provided in subsection C of this  
23       section, if the child:

1        1. Is alleged to have committed or attempted to commit a  
2 delinquent offense that if committed by an adult would be a  
3 misdemeanor or a felony;

4        2. Enters into a stipulation that the allegations are true or  
5 that sufficient evidence exists to meet the burden of proof required  
6 for the court to sustain the allegations of the petition; and

7        3. Has not been previously adjudicated a delinquent.

8        If the child is alleged to have committed or attempted to commit  
9 a delinquent offense that if committed by an adult would be a  
10 felony, the deferral shall be upon agreement of the district  
11 attorney.

12        B. During such period of deferral, the court may require the  
13 following:

14        1. Participation in or referral to counseling, a period of  
15 community service, drug or alcohol education or treatment,  
16 vocational training or any other legal activity which would be  
17 beneficial to the child and the family of the child;

18        2. Require the child to undergo a behavioral health evaluation  
19 and, if warranted by the mental condition of the child, undergo  
20 appropriate care or treatment;

21        3. Restitution providing for monetary payment by the parents or  
22 child, or both, to the victim who was physically injured or who  
23 suffered loss of or damage to property as a result of the conduct  
24 alleged;

1        4. An alternative diversion program; or

2        5. Any other programs and services that may be provided through  
3 public or private agencies and as approved by the court.

4        C. The court shall dismiss the case with prejudice at the  
5 conclusion of the deferral period if the child presents satisfactory  
6 evidence that the requirements of the court have been successfully  
7 completed. The court may order a one hundred eighty-day extension  
8 of the deferral period if the court determines that the child has  
9 made satisfactory progress and that such extension is necessary to  
10 accomplish treatment goals and objectives.

11        D. As used in this section, "alternative diversion program"  
12 means a program for juveniles who have been identified by law  
13 enforcement personnel, the district attorney, or the court as having  
14 committed acts which are not serious enough to warrant adjudication  
15 through the juvenile court process, but which do indicate a need for  
16 intervention to prevent further development toward juvenile  
17 delinquency. The program shall be administered, pursuant to  
18 contract with the Office of Juvenile Affairs, by organizations  
19 designated as youth services agencies by law.

20        SECTION 2. This act shall become effective November 1, 2018.

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22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 04/11/2018 - DO  
23 PASS.  
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