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February 6, 2018

By: Griffin

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

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

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

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

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

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

4 3. Has not been previously adjudicated a delinquent.

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

9 B. During such period of deferral, the court may require the
10 following:

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

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

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

22 4. An alternative diversion program; or

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

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

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

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

18 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
19 February 6, 2018 - DO PASS
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