

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1541

By: Virgin

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5
6 AS INTRODUCED

7 An Act relating to sentencing juveniles; prohibiting
8 sentences of life imprisonment without parole for
9 juveniles; directing court to consider mitigating
10 circumstances; providing for codification; and
11 providing an effective date.

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

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 69 of Title 21, unless there is
16 created a duplication in numbering, reads as follows:

17 A. A sentence of life imprisonment without the possibility of
18 parole may not be imposed on a person who is convicted of an offense
19 punishable by life imprisonment without the possibility of parole
20 and was less than eighteen (18) years of age at the time the offense
21 was committed.

22 B. In addition to other factors required by law to be
23 considered prior to imposition of a sentence, when determining the
24 appropriate sentence for a person who has been certified as an adult

1 pursuant to certification procedures authorized in the Oklahoma
2 Juvenile Code and who has been subsequently tried and convicted of a
3 felony offense as an adult, the court shall consider the following
4 mitigating circumstances:

- 5 1. Age at the time of the offense;
- 6 2. Immaturity, impetuosity and the ability to appreciate the
7 risks and consequences of the conduct;
- 8 3. Family and community environment;
- 9 4. Intellectual capacity;
- 10 5. The outcomes of a comprehensive mental health evaluation
11 conducted by a mental health professional licensed to treat
12 adolescents in the State of Oklahoma; provided, the provisions of
13 this section shall not be construed to require a comprehensive
14 mental health evaluation be conducted on the person;
- 15 6. Peer or familial pressure;
- 16 7. Level of participation in the offense;
- 17 8. Ability to participate meaningfully in his or her defense;
- 18 9. Capacity for rehabilitation;
- 19 10. School records and special education evaluations;
- 20 11. Trauma history;
- 21 12. Faith and community involvement;
- 22 13. Involvement in the child welfare system; and
- 23 14. Any other mitigating factors or circumstances.

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SECTION 2. This act shall become effective November 1, 2017.

56-1-6166 GRS 12/20/16