

STATE OF OKLAHOMA

2nd Session of the 56th Legislature (2018)

HOUSE BILL 2834

By: Young

AS INTRODUCED

An Act relating to crimes and punishments;
prohibiting sentences of life imprisonment without
parole and mandatory minimum sentences for juveniles;
directing court to consider mitigating circumstances;
providing for codification; and providing an
effective date.

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

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

A. The following sentences shall not be imposed on any person
who was less than eighteen (18) years of age at the time the
criminal offense was committed:

1. A sentence of life imprisonment without the possibility of
parole; and

2. Any mandatory minimum sentence.

B. In addition to other factors required by law to be
considered prior to imposition of a sentence, when determining the

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

6 1. Age at the time of the offense;

7 2. Level of maturity and the ability to appreciate the risks
8 and consequences of the conduct;

9 3. Culpability;

10 4. Family and community environment;

11 5. Intellectual capacity;

12 6. Peer or familial pressure;

13 7. Ability to participate meaningfully in his or her defense;

14 8. Capacity for rehabilitation;

15 9. School records and special education evaluations;

16 10. Trauma history;

17 11. Faith and community involvement;

18 12. Involvement in the child welfare system; and

19 13. Any other mitigating factors or circumstances.

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

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