

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                               STATE OF OKLAHOMA

3                               2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3295

By: Newton of the House

and

**Brooks** of the Senate

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10                               COMMITTEE SUBSTITUTE

11           An Act relating to criminal procedure; amending 22  
12           O.S. 2011, Section 996.1, as last amended by Section  
13           1, Chapter 157, O.S.L. 2018 (22 O.S. Supp. 2019,  
14           Section 996.1), which relates to the Delayed  
15           Sentencing Program for Young Adults; increasing  
16           certain age limitation; clarifying scope of  
17           definition; and providing an effective date.

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

19           SECTION 1.           AMENDATORY           22 O.S. 2011, Section 996.1, as  
20           last amended by Section 1, Chapter 157, O.S.L. 2018 (22 O.S. Supp.  
21           2019, Section 996.1), is amended to read as follows:

22           Section 996.1. As used in the Delayed Sentencing Program for  
23           Young Adults:

24           "Offender" means any adult eighteen (18) through ~~twenty-one (21)~~  
          twenty-five (25) years of age as of the date of a verdict of guilty

1 or a plea of guilty or nolo contendere for a nonviolent felony  
2 offense or a juvenile who has been certified to stand trial as an  
3 adult for a nonviolent felony offense, who has no charges pending  
4 for a violent offense and who has not been ~~convicted~~ sentenced, or  
5 adjudicated as a juvenile delinquent or youthful offender, of:

6 1. Assault, battery, or assault and battery with a dangerous or  
7 deadly weapon as defined by Sections 645 and subsection C of 652 of  
8 Title 21 of the Oklahoma Statutes, or Section 2-219 of Title 43A of  
9 the Oklahoma Statutes;

10 2. Aggravated assault and battery on a police officer, sheriff,  
11 highway patrolman, or any other officer of the law as defined by  
12 Sections 650, subsection C of 650.2, 650.5, subsection B of 650.6,  
13 or subsection C of 650.7 of Title 21 of the Oklahoma Statutes;

14 3. Poisoning with intent to kill as defined by Section 651 of  
15 Title 21 of the Oklahoma Statutes;

16 4. Shooting with intent to kill as defined by Section 652 of  
17 Title 21 of the Oklahoma Statutes;

18 5. Assault with intent to kill as defined by Section 653 of  
19 Title 21 of the Oklahoma Statutes;

20 6. Using a vehicle to facilitate the intentional discharge of  
21 any kind of firearm in violation of Section 652 of Title 21 of the  
22 Oklahoma Statutes;

1        7. Discharging any firearm or other deadly weapon at or into  
2 any dwelling as defined in Section 1289.17A of Title 21 of the  
3 Oklahoma Statutes;

4        8. Assault with intent to commit a felony as defined by Section  
5 681 of Title 21 of the Oklahoma Statutes;

6        9. Assaults while masked or disguised as defined by Section  
7 1303 of Title 21 of the Oklahoma Statutes;

8        10. Murder in the first degree as defined by Section 701.7 of  
9 Title 21 of the Oklahoma Statutes;

10       11. Murder in the second degree as defined by Section 701.8 of  
11 Title 21 of the Oklahoma Statutes;

12       12. Manslaughter in the first degree as defined by Sections  
13 711, 712, ~~713~~ or 714 of Title 21 of the Oklahoma Statutes;

14       13. Manslaughter in the second degree as defined by Sections  
15 716 or 717 of Title 21 of the Oklahoma Statutes;

16       14. Kidnapping as defined by Section 741 of Title 21 of the  
17 Oklahoma Statutes;

18       15. Burglary in the first degree as defined by Section 1431 of  
19 Title 21 of the Oklahoma Statutes;

20       16. Kidnapping for extortion as defined by Section 745 of Title  
21 21 of the Oklahoma Statutes;

22       17. Maiming as defined by Section 751 of Title 21 of the  
23 Oklahoma Statutes;

1        18. Robbery as defined by Section 791 of Title 21 of the  
2 Oklahoma Statutes;

3        19. Robbery in the first degree as defined by Section 797 of  
4 Title 21 of the Oklahoma Statutes;

5        20. Robbery in the second degree as defined by Section 797 of  
6 Title 21 of the Oklahoma Statutes;

7        21. Armed robbery as defined by Section 801 of Title 21 of the  
8 Oklahoma Statutes;

9        22. Robbery by two (2) or more persons as defined by Section  
10 800 of Title 21 of the Oklahoma Statutes;

11       23. Robbery with dangerous weapon or imitation firearm as  
12 defined by Section 801 of Title 21 of the Oklahoma Statutes;

13       24. Any crime against a child provided for in Section 843.5 of  
14 Title 21 of the Oklahoma Statutes;

15       25. Wiring equipment, vehicle or structure with explosives as  
16 defined by Section 849 of Title 21 of the Oklahoma Statutes;

17       26. Forcible sodomy as defined by Section 888 of Title 21 of  
18 the Oklahoma Statutes;

19       27. Rape in the first degree as defined by Sections 1111 and  
20 1114 of Title 21 of the Oklahoma Statutes;

21       28. Rape by instrumentation as defined by Section 1111.1 of  
22 Title 21 of the Oklahoma Statutes;

1        29. Lewd or indecent proposition or lewd or indecent act with a  
2 child as defined by Section 1123 of Title 21 of the Oklahoma  
3 Statutes;

4        30. Use of a firearm or offensive weapon to commit or attempt  
5 to commit a felony as defined by Section 1287 of Title 21 of the  
6 Oklahoma Statutes;

7        31. Pointing firearms as defined by Section 1289.16 of Title 21  
8 of the Oklahoma Statutes;

9        32. Rioting as defined by Sections 1311 or 1321.8 of Title 21  
10 of the Oklahoma Statutes;

11       33. Inciting to riot as defined by Section 1320.2 of Title 21  
12 of the Oklahoma Statutes;

13       34. Arson in the first degree as defined by Section 1401 of  
14 Title 21 of the Oklahoma Statutes;

15       35. Endangering human life during arson as defined by Section  
16 1405 of Title 21 of the Oklahoma Statutes;

17       36. Procure, produce, distribute, or possess juvenile  
18 pornography as defined by Section 1021.2 of Title 21 of the Oklahoma  
19 Statutes;

20       37. Parental consent to juvenile pornography as defined by  
21 Section 1021.3 of Title 21 of the Oklahoma Statutes;

22       38. Distributing obscene material or child pornography as  
23 defined by Section 1040.13 of Title 21 of the Oklahoma Statutes;

1        39. Unlawful manufacturing, attempting to unlawfully  
2 manufacture or aggravated manufacturing of any controlled dangerous  
3 substance as defined by subsection G of Section 2-401 ~~and paragraph~~  
4 ~~3 of subsection G of Section 2-401~~ of Title 63 of the Oklahoma  
5 Statutes; or

6        40. Any violation of the Trafficking in Illegal Drugs Act as  
7 defined by Section 2-415 of Title 63 of the Oklahoma Statutes.

8        SECTION 2. This act shall become effective November 1, 2020.

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10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/26/2020 - DO  
11 PASS, As Amended and Coauthored.