

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 SENATE BILL 1911 By: Murdock

6 AS INTRODUCED

7 An Act relating to the Youthful Offender Act;
8 amending 10A O.S. 2021, Section 2-5-205, as amended
9 by Section 5, Chapter 375, O.S.L. 2022 (10A O.S.
10 Supp. 2025, Section 2-5-205), which relates to
11 certification as a youthful offender; prohibiting
certification as a youthful offender for persons
charged with certain sex offenses; updating statutory
references; updating statutory language; providing an
effective date; and declaring an emergency.

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

14 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-5-205, as
15 amended by Section 5, Chapter 375, O.S.L. 2022 (10A O.S. Supp. 2025,
16 Section 2-5-205), is amended to read as follows:

17 Section 2-5-205. A. Any person thirteen (13) or fourteen (14)
18 years of age who is charged with murder in the first degree shall be
19 held accountable for the act as if the person were an adult;
20 provided, the person may be certified as a youthful offender or a
21 juvenile as provided by this section, unless the person is subject
22 to the provisions of subsection H of Section 2-5-204 of this title.

23 B. Any person fifteen (15), sixteen (16), or seventeen (17)
24 years of age who is charged with murder in the first degree shall be

1 held accountable for his or her act as if the person was an adult
2 and shall not be subject to the provisions of the Youthful Offender
3 Act or the provisions of the Oklahoma Juvenile Code for
4 certification as a juvenile. The person shall have all the
5 statutory rights and protections of an adult accused of a crime.
6 All proceedings shall be as for a criminal action and the provisions
7 of Title 22 of the Oklahoma Statutes shall apply. A person having
8 been convicted as an adult pursuant to this ~~paragraph~~ subsection
9 shall be tried as an adult for every subsequent offense.

10 C. Any person fifteen (15), sixteen (16),~~1~~ or seventeen (17)
11 years of age who is charged with:

- 12 1. Murder in the second degree;
- 13 2. Kidnapping or attempt thereof;
- 14 3. Manslaughter in the first degree;
- 15 4. Robbery with a dangerous weapon or a firearm or attempt
16 thereof;
- 17 5. Robbery in the first degree or attempt thereof;
- 18 6. Robbery committed by two or more persons;
- 19 7. ~~Rape by instrumentation or attempt thereof;~~
- 20 8. Forcible sodomy;
- 21 9. 8. Lewd acts or proposals to a child under sixteen (16)
22 years of age or any offense in violation of subsection A of Section
23 1123 of Title 21 of the Oklahoma Statutes;
- 24 10. 9. Domestic abuse by strangulation;

1 11. 10. Arson in the first degree or attempt thereof; or
2 12. 11. Any offense in violation of Section 652 of Title 21 of
3 the Oklahoma Statutes,
4 shall be held accountable for such acts as a youthful offender;
5 provided, the person may be certified as a juvenile or as an adult
6 as provided by the provisions of the Youthful Offender Act.

7 D. ~~At the sole discretion of the district attorney, any~~ Any
8 person fifteen (15), sixteen (16), or seventeen (17) years of age
9 who is charged with rape in the first or second degree or attempt
10 thereof ~~may, or rape by instrumentation or attempt thereof, shall~~ be
11 held accountable for his or her act as if the person was an adult ~~or~~
12 ~~as a youthful offender.~~ When charged as an adult, the person shall
13 have all the statutory rights and protections of an adult accused of
14 a crime. All proceedings shall be as for a criminal action and the
15 provisions of Title 22 of the Oklahoma Statutes shall apply. A
16 person having been convicted as an adult pursuant to this subsection
17 shall be tried as an adult for every subsequent offense. ~~When~~
18 ~~charged as a youthful offender, the person shall be held accountable~~
19 ~~for such acts as a youthful offender; provided, the person may be~~
20 ~~certified as a juvenile or as an adult as provided by the Youthful~~
21 ~~Offender Act.~~

22 E. Any person sixteen (16) or seventeen (17) years of age who
23 is charged with:

1 1. Burglary in the first degree or attempted burglary in the
2 first degree;

3 2. Battery or assault and battery on a state employee or
4 contractor while in the custody or supervision of the Office of
5 Juvenile Affairs;

6 3. Aggravated assault and battery of a police officer;

7 4. Intimidating a witness;

8 5. Trafficking in or manufacturing illegal drugs;

9 6. Assault and battery with a deadly weapon;

10 7. Maiming;

11 8. Residential burglary in the second degree after two or more
12 adjudications that are separated in time for delinquency for
13 committing burglary in the first degree or residential burglary in
14 the second degree; or

15 9. ~~Rape in the second degree; or~~

16 10. Use of a firearm while in commission of a felony,
17 may be held accountable for such acts as a youthful offender;
18 provided, the person may be certified as a juvenile or as an adult
19 as provided by the Youthful Offender Act.

20 F. 1. For any charges listed in ~~sections~~ subsection A, C, D,
21 or E of this section, the district attorney may elect to file a
22 petition alleging the person to be delinquent or may file an
23 information charging the person as a youthful offender. The

1 district attorney shall immediately notify the Office of Juvenile
2 Affairs upon the filing of any youthful offender charges.

3 2. After an information has been filed charging a person as a
4 youthful offender under Sections subsection A, C, D, or E of this
5 section, or as an adult under subsection B of this section, the
6 district attorney may elect to amend or dismiss the information and
7 refile any or all charges in a delinquent petition.

8 3. Upon the filing of an information, the person's complete
9 juvenile record shall be made available to the district attorney and
10 the person's attorney.

11 G. 1. Upon the filing of an information against a person, a
12 warrant shall be issued which shall set forth the rights of the
13 accused, and the rights of the parents, guardian, or next friend of
14 the accused to be present at the preliminary hearing and to have an
15 attorney.

16 2. The warrant shall be personally served together with a
17 certified copy of the information on the accused and on a custodial
18 parent, guardian, or next friend of the accused. The court may
19 inquire of the accused as to the whereabouts of his or her parents,
20 guardian, or next friend in order to avoid unnecessary delay in the
21 proceedings.

22 3. When personal service of a custodial parent, guardian, or
23 next friend of the accused cannot be completed, service may be made
24 by certified mail to the person's last-known address, requesting a

1 return receipt from the addressee only. If delivery is refused,
2 notice may be given by mailing a copy of the accused's warrant
3 information by regular first-class mail to the address where the
4 person to be notified refused delivery of the notice sent by
5 certified mail. Where the address of a custodial parent, guardian,
6 or next friend is not known, or if the mailed copy of the accused's
7 warrant and information is returned for any reason other than
8 refusal of the addressee to accept delivery, after a thorough search
9 of all reasonably available sources to ascertain the whereabouts of
10 a custodial parent, guardian, or next friend has been conducted, the
11 court may order that notice of the hearing be given by publication
12 one time in a newspaper of general circulation in the county. The
13 court may also order other means of service of notice that the court
14 deems advisable or in the interests of justice.

15 4. Before service by publication is ordered, the court shall
16 conduct an inquiry to determine whether a thorough search has been
17 made of all reasonably available sources to ascertain the
18 whereabouts of any person for whom notice by publication is sought.

19 5. The person is presumed to be a youthful offender, and the
20 proceedings shall continue under such presumption unless the court
21 grants the person's motion for certification as a juvenile pursuant
22 to Section ~~6 of this act~~ 2-5-206A of this title or grants the
23 district attorney's motion for imposition of an adult sentence
24 pursuant to Section ~~7 of this act~~ 2-5-207A of this title.

1 H. The court shall commence the preliminary hearing within
2 ninety (90) days of the filing of the information, pursuant to
3 Section 258 of Title 22 of the Oklahoma Statutes, to determine
4 whether a crime was committed and if there is probable cause to
5 believe the accused committed the crime. The requirement for the
6 preliminary hearing to be held within ninety (90) days may be waived
7 by the accused.

8 1. For a person charged under subsection A or B of ~~Section 2-5-205 of this title this section~~, if the preliminary hearing is not
9 commenced within ninety (90) days of the filing date of the
10 information, the district court shall hold a hearing to determine
11 the reasons for delay utilizing the procedure set out in Section
12 812.2 of Title 22 of the Oklahoma Statutes, to ensure the
13 preliminary hearing is expedited, unless the ninety-day requirement
14 has been waived by the accused.

16 2. For a person charged under subsection C, D, or E of ~~Section 2-5-205 of this title this section~~, if the preliminary hearing is
17 not commenced within ninety (90) days of the filing of the
18 information, the district attorney shall be prohibited from seeking
19 an adult sentence unless the ninety-day requirement has been waived
20 by the accused.

22 3. For an accused person charged under subsection A, B, C, D,
23 or E of ~~Section 2-5-205 of this title this section~~, if the
24 whereabouts of the accused are unknown at the time of the filing of

1 the information or if the accused is a fugitive, ~~the State of~~
2 ~~Oklahoma this state~~ shall make reasonable efforts to locate the
3 accused in order to commence the proceedings. An accused who flees
4 the jurisdiction of the court or purposely avoids apprehension for
5 the charges, waives the right to have the preliminary hearing
6 commenced within ninety (90) days of the filing of the information.
7 If the preliminary hearing does not commence within ninety (90) days
8 from the filing of the information due to the absence or inability
9 to locate the accused, the preliminary hearing shall commence within
10 ninety (90) days after the state has actual notice of the in-state
11 location of the accused. If the accused is found out of state, the
12 court shall set the hearing within ninety (90) days after the
13 accused has been returned to ~~the State of Oklahoma this state~~. An
14 accused who fails to cooperate with providing information in
15 locating his or her parent, guardian, or next friend for purposes of
16 notice waives the right to have the preliminary hearing commence
17 within ninety (90) days of the filing of the information.

18 I. At the conclusion of the state's case at the preliminary
19 hearing, if the accused has filed a motion for certification as a
20 juvenile pursuant to subsection A of this section, or if the
21 district attorney has filed a motion for the imposition of an adult
22 sentence pursuant to Section ~~7 of this act~~ 2-5-207A of this title,
23 both the accused and the district attorney may offer evidence in
24 support or in opposition of the pending motion or motions.

1 J. The court shall rule on any properly filed motion for
2 certification as a juvenile or motion for the imposition of an adult
3 sentence before ruling on whether to bind the accused over for
4 trial.

5 SECTION 2. This act shall become effective July 1, 2026.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

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11 60-2-2414 TEK 1/15/2026 8:46:20 AM