

An Act

ENROLLED SENATE
BILL NO. 900

By: Thompson of the Senate

and

Downing of the House

An Act relating to youthful offenders; amending 22 O.S. 2011, Section 996.1, as last amended by Section 1, Chapter 98, O.S.L. 2014 (22 O.S. Supp. 2017, Section 996.1), which relates to definitions; modifying definition; amending 22 O.S. 2011, Section 996.3, which relates to the powers of the court; directing certain action upon completion of the program; and declaring an emergency.

SUBJECT: Delayed Sentencing Program for Young Adults

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 996.1, as last amended by Section 1, Chapter 98, O.S.L. 2014 (22 O.S. Supp. 2017, Section 996.1), is amended to read as follows:

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

"Offender" means any adult eighteen (18) through twenty-one (21) years of age as of the date of a verdict of guilty or a plea of guilty or nolo contendere for a nonviolent felony offense or a juvenile who has been certified to stand trial as an adult for a nonviolent felony offense, who has no charges pending for a violent offense and who has not been convicted, or adjudicated as a juvenile delinquent or youthful offender, of:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

39. Unlawful manufacturing, attempting to unlawfully manufacture or aggravated manufacturing of any controlled dangerous substance as defined by subsection G of Section 2-401 and paragraph

3 of subsection G of Section 2-401 of Title 63 of the Oklahoma Statutes;

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

SECTION 2. AMENDATORY 22 O.S. 2011, Section 996.3, is amended to read as follows:

Section 996.3. A. Upon a verdict of guilty or a plea of guilty or nolo contendere of an offender, the court shall delay sentencing for a period not less than one hundred eighty (180) days nor more than one (1) year after the plea of guilty or finding of guilt is entered and order the offender to the Delayed Sentencing Program for Young Adults under the custody of the Department of Corrections. For purposes of the Delayed Sentencing Program for Young Adults, the term "custody" shall include probation or confinement during the term of the Program. The court may initially commit the offender for either probation or confinement pending the completion of the Delayed Sentencing Program.

After the completion of the Program the court shall:

1. Defer judgment pursuant to the provisions of Section 991c of this title;
2. Sentence the offender to any sentence provided by law in the custody of the Department of Corrections;
3. Suspend the execution of sentence pursuant to Section 991a of this title. In addition to other conditions of probation allowed by statute, the court may include special conditions of probation as set forth in the plan provided to the court if sentencing is deferred or if all or part of the sentence is suspended;
4. Sentence the offender to community sentencing; or
5. Dismiss the criminal charges and proceedings.

B. Within ninety (90) days after the offender is committed to the Delayed Sentencing Program for Young Adults, the Department of Corrections shall prepare and file with the court clerk a

specialized offender accountability plan for the offender which shall comply with and be in lieu of the presentence investigation provided for in Section 982 of this title. The plan shall include information, evaluations, and data directed by the sentencing court, and may include, but not be limited to, the investigation report of probation officers, an assessment of security risks and offender needs and a recommended specific course of action, including, where applicable, psychological counseling, psychiatric treatment, medical treatment, education or vocational training, work, restitution, and such other programs, which will offer the best opportunity for rehabilitation of the offender. If the plan recommends confinement, the plan shall state specifically the type of confinement that the Department of Corrections proposes to utilize and the amount of time the offender will spend in that confinement, including but not limited to boot camp, substance abuse treatment, and vocational or educational placement.

Upon filing the plan, copies shall be provided by the Department of Corrections to the district attorney, the offender, the offender's attorney, and the court. If the district attorney, the offender or the offender's attorney objects to the plan, the objecting party may file a written objection with the court within ten (10) days of the receipt of the plan. Upon the filing of any objection, the court shall conduct a hearing within ten (10) days of the filing of the objection and decide a plan of action for the offender under the Delayed Sentencing Program for Young Adults or sentence the offender as otherwise provided by law.

C. An order by the court placing an offender in the Delayed Sentencing Program for Young Adults shall be accepted by the Department of Corrections as a commitment to the custody of the Department pursuant to the provisions of Section 521 of Title 57 of the Oklahoma Statutes, for the sole purpose of committing an offender for assessment and evaluation and complying with the accountability plan.

D. If no objection has been made to the plan, the offender shall remain in the custody of the Department either under probation or confinement to comply with the terms and conditions of the plan. The offender may be housed either in a minimum or medium security facility, halfway house, community corrections facility, or any combination as needed to comply with the plan and meet offender

criminogenic needs. Upon completion of the program, the Department shall notify the Sheriff of the county from where the order by the court placing an offender in the Delayed Sentencing Program for Young Adults was filed and the Sheriff shall take custody of the offender.

E. Any offender previously admitted to the Delayed Sentencing Program for Young Adults shall be ineligible for the Delayed Sentencing Program for Young Adults for subsequent offenses.

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

Passed the Senate the 12th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 24th day of April, 2018.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____