

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 HOUSE BILL 2717

By: Virgin

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5
6 AS INTRODUCED

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

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:

19 1. Is convicted of an offense punishable by life imprisonment;
20 and

21 2. Was less than eighteen (18) years of age at the time the
22 offense was committed.

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

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

- 6 1. Age at the time of the offense;
- 7 2. Immaturity, impetuosity and the ability to appreciate the
8 risks and consequences of the conduct;
- 9 3. Family and community environment;
- 10 4. Intellectual capacity;
- 11 5. The outcomes of a comprehensive mental health evaluation
12 conducted by a mental health professional licensed to treat
13 adolescents in the State of Oklahoma; provided, that no provision of
14 this section may be construed to require that a comprehensive mental
15 health evaluation be conducted;
- 16 6. Peer or familial pressure;
- 17 7. Level of participation in the offense;
- 18 8. Ability to participate meaningfully in his or her defense;
- 19 9. Capacity for rehabilitation;
- 20 10. School records and special education evaluations;
- 21 11. Trauma history;
- 22 12. Faith and community involvement;
- 23 13. Involvement in the child welfare system; and
- 24 14. Any other mitigating factor or circumstances.

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SECTION 2. This act shall become effective November 1, 2016.

55-2-8252 GRS 01/14/16