

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 HOUSE BILL 3024

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 parole for juveniles; directing court to consider
10 mitigating circumstances; providing for codification;
11 and providing an effective date.

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

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

16 A. A sentence of life imprisonment without the possibility of
17 parole may not be imposed on a person who is convicted of an offense
18 punishable by life imprisonment without the possibility of parole
19 and was less than eighteen (18) years of age at the time the offense
20 was committed.

21 B. In addition to other factors required by law to be
22 considered prior to imposition of a sentence, when determining the
23 appropriate sentence for a person who has been certified as an adult
24 pursuant to certification procedures authorized in the Oklahoma

1 Juvenile Code and who has been subsequently tried and convicted of a
2 felony offense as an adult, the court shall consider the following
3 mitigating circumstances:

- 4 1. Age at the time of the offense;
- 5 2. Immaturity, impetuosity and the ability to appreciate the
6 risks and consequences of the conduct;
- 7 3. Family and community environment;
- 8 4. Intellectual capacity;
- 9 5. The outcomes of a comprehensive mental health evaluation
10 conducted by a mental health professional licensed to treat
11 adolescents in the State of Oklahoma; provided, the provisions of
12 this paragraph shall not be construed to require a comprehensive
13 mental health evaluation be conducted on the person;
- 14 6. Peer or familial pressure;
- 15 7. Level of participation in the offense;
- 16 8. Ability to participate meaningfully in his or her defense;
- 17 9. Capacity for rehabilitation;
- 18 10. School records and special education evaluations;
- 19 11. Trauma history;
- 20 12. Faith and community involvement;
- 21 13. Involvement in the child welfare system; and
- 22 14. Any other mitigating factors or circumstances.

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

56-2-8997 GRS 01/04/18