

An Act

ENROLLED SENATE
BILL NO. 1066

By: Griffin of the Senate

and

Lawson of the House

An Act relating to juvenile delinquency; amending 10A O.S. 2011, Section 2-2-404, as amended by Section 11, Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2017, Section 2-2-404), which relates to deferral of delinquency proceedings; authorizing extension under certain circumstances; and providing an effective date.

SUBJECT: Juvenile delinquency

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

SECTION 1. AMENDATORY 10A O.S. 2011, Section 2-2-404, as amended by Section 11, Chapter 404, O.S.L. 2013 (10A O.S. Supp. 2017, Section 2-2-404), is amended to read as follows:

Section 2-2-404. A. A court may defer delinquency adjudication proceedings for one hundred eighty (180) days, plus an additional one hundred eighty (180) days as provided in subsection C of this section, if the child:

1. Is alleged to have committed or attempted to commit a delinquent offense that if committed by an adult would be a misdemeanor or a felony;

2. Enters into a stipulation that the allegations are true or that sufficient evidence exists to meet the burden of proof required for the court to sustain the allegations of the petition; and

3. Has not been previously adjudicated a delinquent.

If the child is alleged to have committed or attempted to commit a delinquent offense that if committed by an adult would be a felony, the deferral shall be upon agreement of the district attorney.

B. During such period of deferral, the court may require the following:

1. Participation in or referral to counseling, a period of community service, drug or alcohol education or treatment, vocational training or any other legal activity which would be beneficial to the child and the family of the child;

2. Require the child to undergo a behavioral health evaluation and, if warranted by the mental condition of the child, undergo appropriate care or treatment;

3. Restitution providing for monetary payment by the parents or child, or both, to the victim who was physically injured or who suffered loss of or damage to property as a result of the conduct alleged;

4. An alternative diversion program; or

5. Any other programs and services that may be provided through public or private agencies and as approved by the court.

C. The court shall dismiss the case with prejudice at the conclusion of the deferral period if the child presents satisfactory evidence that the requirements of the court have been successfully completed. The court may order a one hundred eighty-day extension of the deferral period if the court determines that the child has made satisfactory progress and that such extension is necessary to accomplish treatment goals and objectives.

D. As used in this section, "alternative diversion program" means a program for juveniles who have been identified by law enforcement personnel, the district attorney, or the court as having committed acts which are not serious enough to warrant adjudication through the juvenile court process, but which do indicate a need for intervention to prevent further development toward juvenile delinquency. The program shall be administered, pursuant to contract with the Office of Juvenile Affairs, by organizations designated as youth services agencies by law.

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

Passed the Senate the 13th day of March, 2018.

Presiding Officer of the Senate

Passed the House of Representatives the 18th 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: _____