

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1593

By: Brooks

4  
5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Juvenile Code;  
8 amending 10A O.S. 2021, Section 2-7-504, which  
9 relates to the retention of custody, jurisdiction,  
10 and the discharge of delinquent children; increasing  
the age for which the Office of Juvenile Affairs may  
retain custody of delinquent children; and providing  
an effective date.

11  
12  
13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-7-504, is  
15 amended to read as follows:

16 Section 2-7-504. A. Except as otherwise provided by law, all  
17 children adjudicated delinquent and committed to the Office of  
18 Juvenile Affairs shall be discharged at such time as the Office  
19 determines there is a reasonable probability that it is no longer  
20 necessary, either for the rehabilitation and treatment of the child,  
21 or for the protection of the public, that the Office retain legal  
22 custody. Following a hearing, the court may also order that a child  
23 adjudged delinquent and committed to the Office shall be discharged  
24 by the Office provided the child is on parole status and the court

1 deems the discharge in the best interest of the child and public.  
2 The Office shall give a fifteen-day notice to the court and the  
3 district attorney before discharging from legal custody any child  
4 committed and confined in a secure facility.

5 B. Except as otherwise provided by law, all children adjudged  
6 delinquent and committed to the Office of Juvenile Affairs and not  
7 discharged under subsection A of this section shall be discharged  
8 when the child becomes eighteen (18) years of age, unless the Office  
9 is authorized by the court to retain custody of the child until  
10 ~~nineteen (19)~~ twenty (20) years of age. Upon the court's own motion  
11 or motion of the Office or the district attorney, which must be  
12 filed prior to the date the child becomes eighteen (18) years of  
13 age, the court, after notice to the delinquent child and to the  
14 parents and attorney of the child, may authorize the Office to  
15 retain custody of the child until the child reaches ~~nineteen (19)~~  
16 twenty (20) years of age in order for the child to complete the  
17 previously adopted plan of rehabilitation or achieve reasonable  
18 treatment objectives. If the court sustains a motion to retain  
19 custody, the delinquent child during the extended period shall be  
20 considered as a child for purposes of receiving services from the  
21 Office and for the purposes of secure detention. If a child is in a  
22 juvenile detention facility pending placement and the court has  
23 ordered or the Office has requested that the Office retain custody  
24 of the child until the child reaches ~~nineteen (19)~~ twenty (20) years

1 of age, the Office shall notify the juvenile detention facility at  
2 least five (5) days prior to the child's eighteenth birthday that  
3 the child will be remaining in the juvenile detention facility  
4 pending placement. If a criminal offense is committed by the  
5 individual during the extended period, the offense shall be  
6 considered as having been committed by an adult. Except to the  
7 extent necessary to effectuate the purposes of this section, an  
8 individual after age eighteen (18) years is considered an adult for  
9 purposes of other applicable law.

10 C. The Office of Juvenile Affairs shall not place a child under  
11 ten (10) years of age in an institution maintained for delinquent  
12 children.

13 D. The court may retain jurisdiction over a child adjudged  
14 delinquent beyond the age of eighteen (18) years to the extent  
15 necessary for the child to complete payment of court costs. The  
16 court may institute contempt proceedings pursuant to Sections 565  
17 through 567 of Title 21 of the Oklahoma Statutes against any person  
18 adjudged delinquent and ordered to pay court costs who neglects or  
19 refuses to pay such court costs. Any child referred to in this  
20 subsection over whom the court retains jurisdiction solely for  
21 payment of court costs shall not be considered to be in the custody  
22 of or under the supervision of the Office of Juvenile Affairs.

23 E. Following a hearing, the court may order that any child  
24 shall be discharged by the Office of Juvenile Affairs provided the

1 child is on parole status and the court deems the discharge in the  
2 best interest of the child and public. The Office of Juvenile  
3 Affairs shall give a fifteen-day notice to the district attorney  
4 before discharging from legal custody any child committed and  
5 confined in a secure facility.

6 SECTION 2. This act shall become effective November 1, 2022.

7  
8 58-2-2509 PW 1/20/2022 1:39:24 PM  
9

10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25