An Act

ENROLLED SENATE
BILL NO. 77

By: Howard of the Senate

and

Moore of the House

An Act relating to the Youthful Offender Act; amending Section 7, Chapter 375, O.S.L. 2022 (10A O.S. Supp. 2022, Section 2-5-207A), which relates to motion for imposition of adult sentence; updating statutory reference; making the issuance of court order to pay certain fee permissive; updating statutory language; and declaring an emergency.

SUBJECT: Youthful Offender Act

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

SECTION 1. AMENDATORY Section 7, Chapter 375, O.S.L. 2022 (10A O.S. Supp. 2022, Section 2-5-207A), is amended to read as follows:

Section 2-5-207A. A. Whenever the district attorney determines there is good cause to believe that the person charged as a youthful offender would not reasonably complete a plan of rehabilitation or the public would not be adequately protected if the person were to be sentenced as a youthful offender, the district attorney may file a motion for the imposition of an adult sentence. The district attorney may elect when to file the motion for the imposition of an adult sentence as set forth as follows:

1. The district attorney may file the motion for the imposition of an adult sentence no later than fourteen (14) days prior to the start of the preliminary hearing. If the motion is properly filed

prior to preliminary hearing, the court shall rule on such motion prior to a ruling to bind the person over for trial. Once the motion for imposition of an adult sentence is heard by the court, such motion cannot be filed again and argued to the trial court after arraignment.

2. The district attorney may file the motion for the imposition of an adult sentence no later than thirty (30) days following formal arraignment. If the motion is properly filed, such motion will be heard and ruled upon by the trial court.

3. If the accused's attorney indicates to the court that the accused wishes to plead guilty or nolo contendere to the charge or charges, the court shall notify the district attorney. The district attorney shall have ten (10) days after notification to file the motion for the imposition of an adult sentence. If the motion is properly filed, such motion will be heard and ruled upon by the trial court.

B. If a motion for imposition of an adult sentence was properly filed, the court shall order a certification study to be prepared by the Office of Juvenile Affairs, unless waived by the accused with approval of the court unless previously prepared pursuant to Section ~~6~~ 2-5-206A of this ~~act~~ title. Upon ordering the certification study, the court ~~shall~~ may order the parent, guardian, next friend, or other person legally obligated to care for and support the accused, to pay a fee to the Office of Juvenile Affairs of not less than One Hundred Dollars ($100.00), nor more than One Thousand Dollars ~~($1000.00)~~ ($1,000.00). The court shall set a reasonable date for the payment of the fee due to the Office of Juvenile Affairs for the completion of the certification study. In hardship cases, the court may establish a payment schedule.

C. When ruling on a motion for the imposition of an adult sentence, the court shall consider the following guidelines with greatest weight to be given to paragraphs 1, 2, and 3:

1. Whether the alleged offense was committed in an aggressive, violent, premeditated, or willful manner, and the accused's level of involvement in the offense;

2. Whether the offense was against persons and, if personal injury resulted, the degree of personal injury, and the statement or statements of the victim or victims;

3. The record and past history of the accused person including previous contacts with law enforcement agencies and juvenile or criminal courts, prior periods of probation, and commitments to juvenile facilities or placements;

4. The sophistication, age, and maturity of the person and the capability of distinguishing right from wrong as determined by consideration of the person's psychological evaluation, home, environmental situation, emotional attitude, and pattern of living;

5. The prospects for adequate protection of the public if the accused person is processed through the juvenile justice system as either a delinquent or youthful offender;

6. The reasonable likelihood of rehabilitation if the accused is found to have committed the offense, using programs and facilities currently available to the court through the juvenile justice system; and

7. Whether the offense occurred while the accused person was escaping or on escape status from a facility or placement for youthful offenders or delinquent children.

D. After the hearing and consideration of the report of the investigation, the court shall certify the person as eligible for the imposition of an adult sentence only if the court finds by clear and convincing evidence that there is good cause to believe that the accused would not reasonably complete a plan of rehabilitation or that the public would not be adequately protected if the accused were to be sentenced as a youthful offender.

E. The court, in its decision on a motion for the imposition of an adult sentence, shall issue a written order and prepare detailed findings of fact and conclusions of law as to each of the considerations in subsections C and D of this section, and shall state that the court has considered each of the guidelines in reaching its decision.

F. The order granting or denying the motion for the imposition of an adult sentence shall be a final order, appealable to the Court of Criminal Appeals when entered.

G. An order granting the district attorney's motion for the imposition of an adult sentence shall not be reviewable by the trial court.

SECTION 2. 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 14th day of February, 2023.

Presiding Officer of the Senate

Passed the House of Representatives the 19th day of April, 2023.

Presiding Officer of the House
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this 20th

day of April, 20 23, at 12:56 o'clock p. M.

By: Summer Curry

Approved by the Governor of the State of Oklahoma this 26th

day of April, 20 23, at 5:15 o'clock p. M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 26th

day of April, 20 23, at 5:57 o'clock P. M.

By: Brian Bingman