

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 112

By: Young of the Senate

and

Virgin of the House

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9 COMMITTEE SUBSTITUTE

10 [crimes and punishments - sentences for juveniles -
11 mitigating circumstances - codification - effective
12 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. The following sentences shall not be imposed on any person
18 who was less than eighteen (18) years of age at the time the
19 criminal offense was committed:

- 20 1. Life imprisonment without the possibility of parole; or
21 2. A mandatory minimum sentence carrying a term of imprisonment
22 that exceeds twenty (20) years.

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

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

- 6 1. Age at the time of the offense;
- 7 2. Level of maturity and the ability to appreciate the risks
8 and consequences of the conduct;
- 9 3. Culpability;
- 10 4. Family and community environment;
- 11 5. Intellectual capacity;
- 12 6. Peer or familial pressure;
- 13 7. Ability to participate meaningfully in his or her defense;
- 14 8. Capacity for rehabilitation;
- 15 9. School records and special education evaluations;
- 16 10. Trauma history;
- 17 11. Community involvement;
- 18 12. Involvement in the child welfare system; and
- 19 13. Any other mitigating factors or circumstances.

20 SECTION 2. This act shall become effective November 1, 2019.

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