

1 **SENATE FLOOR VERSION**

2 April 4, 2023

3 ENGROSSED HOUSE
4 BILL NO. 1032

By: Lawson, Crosswhite Hader
and Pittman of the House

5 and

6 Daniels of the Senate

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9 An Act relating to children; amending 10A O.S. 2021,
10 Section 2-2-402, which relates to adjudicative
11 hearings; requiring that hearing for child be held
within a certain time frame; providing exception; and
providing an effective date.

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

15 SECTION 1. AMENDATORY 10A O.S. 2021, Section 2-2-402, is
16 amended to read as follows:

17 Section 2-2-402. A. All cases of children shall be heard
18 separately from the trial of cases against adults. The adjudicative
19 hearings shall be conducted according to the rules of evidence, and
20 may be adjourned from time to time.

21 1. Except as provided by paragraph 2 of this subsection, the
22 hearings shall be private; however, all persons having a direct
23 interest in the case as provided in this paragraph shall be
24 admitted. Any victim, relative, legal guardian of a victim, or a

1 person designated by the victim who is not subject to the rule of
2 sequestration as a witness of a delinquent act shall be considered
3 to have a direct interest in the case, shall be notified of all
4 court hearings involving that particular delinquent act, and shall
5 be admitted to the proceedings. The court shall, however, remove
6 all persons not having a direct interest in the case or that are not
7 the parents or legal guardian of the child from any hearing where
8 evidence of the medical or behavioral health condition of the child
9 or specific instances of deprivation are being presented.
10 Stenographic notes or other transcript of the hearings shall be kept
11 as in other cases, but they shall not be open to inspection except
12 by order of the court or as otherwise provided by law.

13 2. Hearings related to the second or subsequent delinquency
14 adjudication of a child shall be public proceedings. The
15 adjudications relied upon to determine whether a hearing is a public
16 proceeding pursuant to this paragraph shall not have arisen out of
17 the same transaction or occurrence or series of events closely
18 related in time and location. Upon its own motion or the motion of
19 any of the parties to the hearing and for good cause shown, the
20 court may order specific testimony or evidence to be heard in
21 private; provided, the court shall not exclude any relative, legal
22 guardian of a victim, or a person designated by the victim who is
23 not subject to the rule of sequestration as a witness from the
24 hearing during testimony of the victim. For the purposes of this

1 paragraph, "good cause" shall mean a showing that it would be
2 substantially harmful to the mental or physical well-being of the
3 child if such testimony or evidence were presented at a public
4 hearing. The judge may, for good cause shown, open the court
5 hearings to educate members of the public about juvenile justice
6 issues; however, the identities of the juvenile respondents shall
7 not be published in any reports or articles of general circulation.

8 B. The child may remain silent as a matter of right in
9 delinquency hearings and in need of supervision hearings, and before
10 the child testifies, the child shall be so advised.

11 C. A decision determining a child to come within the purview of
12 the Oklahoma Juvenile Code shall be based on sworn testimony and the
13 child shall have the opportunity for cross-examination unless the
14 facts are stipulated or unless the child enters into a stipulation
15 that the allegations of the petition are true or that sufficient
16 evidence exists to meet the burden of proof required for the court
17 to sustain the allegations of the petition. In proceedings pursuant
18 to the Oklahoma Juvenile Code, the court may allow mileage as in
19 civil actions to witnesses and reimbursement for expert witnesses
20 but such shall not be tendered in advance of the hearing. If a
21 child is alleged to be delinquent and the facts are stipulated, the
22 judge shall ascertain from the child if the child agrees with the
23 stipulation and if the child understands the consequences of
24 stipulating the facts.

1 D. For any child being held in a secure detention on charges as
2 an accused juvenile delinquent, adjudication shall occur within
3 thirty (30) days after the detainment for that charge. This time
4 may be extended to allow parties to negotiate in good faith to
5 review discovery or for any other good cause shown. The provisions
6 of this subsection shall not apply to matters in which a non-jury or
7 jury trial are requested by the child.

8 E. If the court finds that the allegations of a petition
9 alleging a child to be delinquent or in need of supervision are
10 supported by the evidence, the court shall sustain the petition, and
11 shall make an order of adjudication setting forth whether the child
12 is delinquent or in need of supervision and shall adjudge the child
13 as a ward of the court.

14 ~~E.~~ F. If the court finds that the allegations of the petition
15 are not supported by the evidence, the court shall order the
16 petition dismissed and shall order the child discharged from any
17 detention or restriction previously ordered. The parents, legal
18 guardian or other legal custodian of the child shall also be
19 discharged from any restriction or other previous temporary order.

20 ~~F.~~ G. Any arrest or detention under the Oklahoma Juvenile Code
21 or any adjudication in a juvenile proceeding shall not be considered
22 an arrest, detention or conviction for purposes of employment, civil
23 rights, or any statute, regulation, license, questionnaire,
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1 application, or any other public or private purposes, unless
2 otherwise provided by law.

3 SECTION 2. This act shall become effective November 1, 2023.

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
5 April 4, 2023 - DO PASS
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