

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 252

6 By: Thompson of the Senate

7 and

8 Kannady and Blancett of the
9 House

10 COMMITTEE SUBSTITUTE

11 An Act relating to conditions of release of arrested
12 persons; amending 22 O.S. 2011, Sections 1101, 1105,
13 1105.2, as amended by Section 1, Chapter 59, O.S.L.
14 2016, 1105.3, as last amended by Section 1, Chapter
15 2, O.S.L. 2018, 1106, 1108.1, 1109 and 1110 (22 O.S.
16 Supp. 2018, Sections 1105.2 and 1105.3), which relate
17 to bail and the Pretrial Release Act; modifying
18 exceptions for eligibility for bail; modifying
19 requirements for determination of denial of release;
20 modifying information required to be considered by
21 court before determining conditions of release;
22 authorizing court to consider recommendations of
23 pretrial service provider; deleting rebuttable
24 presumption related to persons arrested for certain
offenses; requiring initial appearance within certain
time period; authorizing continuance under certain
circumstances; authorizing appointment of counsel
under certain circumstances; authorizing presentation
of certain evidence in certain proceeding; requiring
persons charged with certain offenses to be released
on personal recognizance; providing exceptions;
authorizing reopening of certain hearing; requiring
least restrictive conditions on release; modifying
requirements for certain pretrial bail schedule;
modifying certain eligibility exceptions; requiring
discharge of certain defendants; modifying penalties
for failure to appear after release; conforming
language; updating statutory references; making
language gender neutral; amending 59 O.S. 2011,

1 Sections 1334 and 1335, which relate to personal
2 recognizance; conforming language; making language
3 gender neutral; and providing an effective date.
4

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

6 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1101, is
7 amended to read as follows:

8 Section 1101. A. Except as otherwise provided by law, bail, by
9 sufficient sureties, shall be admitted upon all arrests in criminal
10 cases where the offense is not punishable by death and in such cases
11 it may be taken by any of the persons or courts authorized by law to
12 arrest, to imprison offenders or to perform pretrial services, or by
13 the clerk of the district court or his or her deputy, or by the
14 judge of such courts.

15 B. In criminal cases where the defendant is currently an
16 escaped prisoner from the Department of Corrections, the defendant
17 must be processed back into the Department of Corrections prior to
18 bail being set on new criminal charges.

19 C. All persons shall be bailable by sufficient sureties, except
20 that bail may be denied for:

21 1. Capital offenses when the proof of guilt is evident, or the
22 presumption thereof is great. Such proof or presumption must be
23 supported by clear and convincing evidence;
24

1 2. Violent offenses as defined in Section 571 of Title 57 of
2 the Oklahoma Statutes;

3 3. Offenses where the maximum sentence may be life imprisonment
4 or life imprisonment without parole;

5 4. Felony offenses where the person charged with the offense
6 has been convicted of two or more felony offenses arising out of
7 different transactions; and

8 5. Controlled dangerous substances offenses where the maximum
9 sentence may be at least ten (10) years' imprisonment.

10 On all offenses specified in paragraphs 2 through 5 of this
11 subsection, the proof of guilt must be evident, or the presumption
12 must be great, demonstrated by clear and convincing evidence, and it
13 must be on the grounds that no condition of release would assure the
14 person's return to court or the safety of the community or any
15 person, demonstrated by clear and convincing evidence.

16 D. ~~There shall be a rebuttable presumption that no condition of~~
17 ~~release would assure the safety of the community if the state shows~~
18 ~~by clear and convincing evidence that the person was arrested for a~~
19 ~~violation of Section 741 of Title 21 of the Oklahoma Statutes Bail~~
20 ~~shall not be set in an amount higher than what the court determines~~
21 ~~is necessary to ensure the person's return to court, and it shall~~
22 ~~not be set in an amount that results in the person's pretrial~~
23 ~~detention. The court shall consider a person's ability to pay when~~
24 ~~setting bail and shall set money bail only upon a finding that the~~

1 person has the present ability to pay the amount required for
2 release.

3 E. In any case in which the court denies bail, the court shall
4 make an individualized determination supported by clear and
5 convincing evidence on the record, supported by written findings of
6 fact, that proof of guilt is evident or the presumption is great,
7 and that no condition of release would assure the person's return to
8 court or the safety of the community or any person.

9 SECTION 2. AMENDATORY 22 O.S. 2011, Section 1105, is
10 amended to read as follows:

11 Section 1105. A. Except as otherwise provided by this section,
12 upon the allowance of bail and the execution of the requisite
13 recognizance, bond, or undertaking to the state, the magistrate,
14 judge, or court, shall, if the defendant is in custody, make and
15 sign an order for discharge. The court, in its discretion, may
16 prescribe by court rule the conditions under which the court clerk
17 or deputy court clerk, or the sheriff or deputy sheriff, may prepare
18 and execute an order of release on behalf of the court.

19 B. No police officer or sheriff may release a person arrested
20 for a violation of an ex parte or final protective order as provided
21 in Sections 60.2 and 60.3 of this title, or arrested for an act
22 constituting domestic abuse as specified in Section 644 of Title 21
23 of the Oklahoma Statutes, or arrested for any act constituting
24 domestic abuse, stalking or harassment as defined by Section 60.1 of

1 this title, or arrested for an act constituting domestic assault and
2 battery or domestic assault and battery with a deadly weapon
3 pursuant to Section 644 of Title 21 of the Oklahoma Statutes,
4 without the violator appearing before a magistrate, judge or court.
5 To the extent that any of the following information is available to
6 the court, the magistrate, judge or court shall consider, in
7 addition to any other circumstances, before determining bond and
8 other conditions of release as necessary for the protection of the
9 alleged victim, the following:

10 1. Whether the person has a history of domestic violence or a
11 history of other violent acts;

12 2. The mental health of the person;

13 3. Whether the person has a history of violating ~~the~~ protective
14 ~~orders of~~ issued by any court ~~or governmental entity~~;

15 4. Whether the person ~~is potentially a~~ poses a threat to ~~any~~
16 ~~other~~ a specific person;

17 5. ~~Whether the person has a history of abusing alcohol or any~~
18 ~~controlled substance~~;

19 ~~6.~~ Whether the person has access to deadly weapons or a history
20 of using deadly weapons;

21 ~~7.~~ 6. The severity of the alleged violence that is the basis of
22 the alleged offense including, but not limited to:

23 a. the duration of the alleged violent incident,
24

- 1 b. whether the alleged violent incident involved serious
2 physical injury,
3 c. whether the alleged violent incident involved sexual
4 assault,
5 d. whether the alleged violent incident involved
6 strangulation,
7 e. whether the alleged violent incident involved abuse
8 during the pregnancy of the alleged victim,
9 f. whether the alleged violent incident involved the
10 abuse of pets, or
11 g. whether the alleged violent incident involved forcible
12 entry to gain access to the alleged victim;

13 ~~8.~~ 7. Whether a separation of the person from the alleged
14 victim or a termination of the relationship between the person and
15 the alleged victim has recently occurred or is pending;

16 ~~9.~~ 8. Whether the person has exhibited obsessive or controlling
17 behaviors toward the alleged victim including, but not limited to,
18 stalking, surveillance, or isolation of the alleged victim;

19 ~~10.~~ 9. Whether the person has expressed suicidal or homicidal
20 ideations; and

21 ~~11.~~ 10. Any information contained in the complaint and any
22 police reports, affidavits, or other documents accompanying the
23 complaint.
24

1 C. No police officer or sheriff may release a person arrested
2 for any violation of subsection G of Section 2-401 of Title 63 of
3 the Oklahoma Statutes, without the violator appearing before a
4 magistrate, judge, or court pursuant to Section 1105.2 of this
5 title. In determining bond and other conditions of release, the
6 magistrate, judge, or court shall consider any evidence that the
7 person is in any manner dependent upon a controlled dangerous
8 substance or has a pattern of regular, illegal use of any controlled
9 dangerous substance, and may consider the recommendations of a
10 pretrial service provider pursuant to Section 1105.3 of this title.

11 ~~A rebuttable presumption that no conditions of release on bond would~~
12 ~~assure the safety of the community or any person therein shall arise~~
13 ~~if the state shows by clear and convincing evidence:~~

14 ~~1. The person was arrested for a violation of subsection G of~~
15 ~~Section 2-401 of Title 63 of the Oklahoma Statutes, relating to~~
16 ~~manufacturing or attempting to manufacture a controlled dangerous~~
17 ~~substance, or possessing any of the substances listed in subsection~~
18 ~~G of Section 2-401 of Title 63 of the Oklahoma Statutes with the~~
19 ~~intent to manufacture a controlled dangerous substance; and~~

20 ~~2. The person is in any manner dependent upon a controlled~~
21 ~~dangerous substance or has a pattern of regular illegal use of a~~
22 ~~controlled dangerous substance, and the violation referred to in~~
23 ~~paragraph 1 of this subsection was committed or attempted in order~~

24

1 ~~to maintain or facilitate the dependence or pattern of illegal use~~
2 ~~in any manner.~~

3 SECTION 3. AMENDATORY 22 O.S. 2011, Section 1105.2, as
4 amended by Section 1, Chapter 59, O.S.L. 2016 (22 O.S. Supp. 2018,
5 Section 1105.2), is amended to read as follows:

6 Section 1105.2. A. Following an arrest for a misdemeanor or
7 felony offense ~~and before formal charges have been filed or an~~
8 ~~indictment made,~~ the arrested person may have bail set by the court
9 as provided in ~~this act~~ Section 1105.1 et seq. of this title;
10 provided there are no provisions of law to the contrary.

11 B. ~~When formal charges or an indictment has been filed, bail~~
12 ~~shall be set according to law and the pretrial bond, if any, may be~~
13 ~~reaffirmed unless additional security is required~~ If not otherwise
14 released, the arrested person shall be taken without unnecessary
15 delay before the most accessible magistrate in that county for an
16 initial appearance, and formal charges shall be filed. In no case
17 shall the delay from arrest to initial appearance be more than
18 forty-eight (48) hours, inclusive of weekends and holidays.

19 C. A hearing shall be held immediately upon the arrested
20 person's initial appearance before the magistrate unless the person
21 or the attorney for the state seeks a continuance. Except for good
22 cause, a continuance on motion of the person may not exceed five
23 business days, and a continuance on motion of the attorney for the
24 state may not exceed three business days. At the hearing, the

1 person shall have the right to be represented by counsel and, if
2 financially unable to obtain adequate representation, to have
3 counsel appointed.

4 D. The person shall be afforded an opportunity to testify, to
5 present witnesses, to cross-examine witnesses who appear at the
6 hearing and to present information by proffer or otherwise. The
7 rules concerning admissibility of evidence in criminal trials shall
8 not apply in such hearing.

9 E. In cases where the most serious offense with which the
10 arrested person is charged is not a violent felony as defined in
11 Section 571 of Title 57 of the Oklahoma Statutes, domestic assault
12 and battery as defined in Sections 644, 645 and 647 of Title 21 of
13 the Oklahoma Statutes, violation of a protective order as defined in
14 Section 60.6 of this title, stalking as defined in Section 1173 of
15 Title 21 of the Oklahoma Statutes, or felony offenses involving
16 escape or attempt to escape from lawful arrest or confinement as
17 defined in Sections 434, 436, 443 or 444 of Title 21 of the Oklahoma
18 Statutes, the court shall release the person pending trial on the
19 person's own recognizance unless the court finds on the record or in
20 writing one or more of the following:

21 1. The person's own recognizance will not reasonably assure the
22 person's return to court. In making a finding pursuant to this
23 paragraph, the court may consider any prior record of failing to

24

1 appear as required in the court in the last two years, or any other
2 pending criminal case of the arrested person;

3 2. The person will obstruct or attempt to obstruct justice, or
4 threaten, injure or intimidate or attempt to threaten, injure or
5 intimidate a prospective witness or juror;

6 3. The person will engage in conduct that threatens the safety
7 of himself or herself or another person.

8 F. The hearing may be reopened after an initial determination
9 by the court at any time before trial if the court finds that
10 information exists that:

11 1. Was not known to the person at the time of the hearing; and

12 2. Has a material bearing on whether there are conditions of
13 release that will reasonably assure the appearance of the person as
14 required and the safety of any other person and the community.

15 G. In cases where a person is not released on his or her own
16 recognizance pursuant to subsection E of this section, the court
17 shall set appropriate conditions on the personal recognizance bond
18 or shall set reasonable bail. In all cases, the court shall set the
19 least restrictive conditions necessary to reasonably assure the
20 appearance of the person.

21 H. Every judicial district may, upon the order of the presiding
22 judge for the district, establish a pretrial bail schedule for use
23 by the sheriff or other operator of the detention facility to set
24 bail prior to the initial appearance of the person before a court

1 for felony or misdemeanor offenses, ~~except for traffic~~. Any such
2 pretrial bail schedule shall not apply to traffic offenses included
3 in subsections B, C and D of Section 1115.3 of ~~Title 22 of the~~
4 ~~Oklahoma Statutes~~ this title and those offenses specifically
5 excluded herein. The bail schedule established pursuant to the
6 authority of this act shall exclude any offense for which bail is
7 not allowed by law. The bail schedule authorized by this act shall
8 be set in accordance with guidelines relating to bail ~~and shall be,~~
9 published and reviewed by March 1 of each year by the courts and
10 district attorney of the judicial district, and displayed in the
11 public area of the jail.

12 ~~C.~~ I. The pretrial bail shall be set in a numerical dollar
13 amount. If the person fails to appear in court as required the
14 judge shall:

15 1. Rescind the bond and proceed to enter a judgment against the
16 defendant for the dollar amount of the pretrial bail if no private
17 bail was given at the time of release; provided, however, the court
18 clerk shall follow the procedures as set forth in Section 1301 et
19 seq. of Title 59 of the Oklahoma Statutes in collecting the
20 forfeiture amount against the person who fails to appear in court;
21 or

22 2. Rescind and forfeit the private bail if cash, property or
23 surety bail was furnished at the time of release as set forth in
24 Section 1301 et seq. of Title 59 of the Oklahoma Statutes.

1 ~~D.~~ J. When a pretrial program exists in the judicial district
2 where the person is being held, the judge may utilize the services
3 of the pretrial release program when ordering pretrial release,
4 except when private bail has been furnished.

5 ~~E.~~ K. Upon an order for pretrial release or release on bond,
6 the person shall be released from custody without undue delay.

7 ~~F.~~ L. The court may require the person to be placed on an
8 electronic monitoring device as a condition of pretrial release.

9 ~~G.~~ M. In instances where an electronic monitoring device has
10 been ordered, the court may impose payment of a supervision fee.
11 Payment of the fee, in whole or according to a court-ordered
12 installment schedule, shall be a condition of pretrial release. The
13 court clerk shall collect the supervision fees.

14 SECTION 4. AMENDATORY 22 O.S. 2011, Section 1105.3, as
15 last amended by Section 1, Chapter 2, O.S.L. 2018 (22 O.S. Supp.
16 2018, Section 1105.3), is amended to read as follows:

17 Section 1105.3. A. Any county pursuant to the provisions of
18 ~~this act~~ Section 1105 et seq. of this title may establish and fund a
19 pretrial program to be utilized by the district court in that
20 jurisdiction.

21 B. When a pretrial release program is established pursuant to
22 ~~this act~~ Section 1105.1 et seq. of this title and private bail has
23 not been furnished, the judge may order a person to be evaluated
24 through the pretrial program. After conducting an evaluation of the

1 person applying for pretrial release, the pretrial program shall
2 make a recommendation to the court. The recommendation shall
3 indicate any special supervisory conditions for pretrial release.
4 The judge shall consider the recommendations and ~~may grant or deny~~
5 ~~pretrial release~~ shall order the least restrictive conditions that
6 will reasonably assure the person's return to court. The presiding
7 judge of the judicial district may issue a standing order outlining
8 criteria for cases that may automatically be evaluated for pretrial
9 release by a pretrial program operating in the jurisdiction. The
10 standing order may include amounts for bail and types of bonds
11 deemed appropriate for certain offenses.

12 C. Except as otherwise authorized by the provisions of this
13 subsection, persons accused of or detained for any of the following
14 offenses or conditions shall not be eligible for pretrial release by
15 any pretrial program:

16 1. Aggravated driving under the influence of an intoxicating
17 substance;

18 2. Any felony driving under the influence of an intoxicating
19 substance;

20 3. Any offense prohibited by the Trafficking In Illegal Drugs
21 Act;

22 4. Any person having a violent felony conviction within the
23 past ten (10) years;

24 5. Appeal bond;

- 1 6. Arson in the first degree, including attempts to commit
- 2 arson in the first degree;
- 3 7. Assault and battery on a police officer;
- 4 8. Bail Felony bail jumping pursuant to paragraph 1 of Section
- 5 1110 of this title;
- 6 9. Bribery of a public official;
- 7 10. Burglary in the first or second degree;
- 8 11. Civil contempt proceedings;
- 9 12. Distribution of a controlled dangerous substance, including
- 10 the sale or possession of a controlled dangerous substance with
- 11 intent to distribute or conspiracy to distribute;
- 12 13. Domestic abuse, domestic assault or domestic assault and
- 13 battery with a dangerous weapon, or domestic assault and battery
- 14 with a deadly weapon;
- 15 14. Driving under the influence of intoxicating substance where
- 16 property damage or personal injury occurs;
- 17 15. Felony discharging a firearm from a vehicle;
- 18 16. Felony sex offenses;
- 19 17. Fugitive bond or a governor's fugitive warrant;
- 20 18. Immigration charges;
- 21 19. Kidnapping;
- 22 20. Juvenile or youthful offender detention;
- 23 21. Manslaughter;
- 24 22. Manufacture of a controlled dangerous substance;

- 1 23. Murder in the first degree, including attempts or
2 conspiracy to commit murder in the first degree;
- 3 24. Murder in the second degree, including attempts or
4 conspiracy to commit murder in the second degree;
- 5 25. Negligent homicide;
- 6 26. Out-of-county holds;
- 7 27. Persons currently on pretrial release who are arrested on a
8 new felony offense;
- 9 28. Possession, manufacture, use, sale or delivery of an
10 explosive device;
- 11 29. Possession of a controlled dangerous substance on Schedule
12 I or II of the Controlled Dangerous Substances Act;
- 13 30. Possession of a firearm or other offensive weapon during
14 the commission of a felony;
- 15 31. Possession of a stolen vehicle;
- 16 32. Rape in the first degree, including attempts to commit rape
17 in the first degree;
- 18 33. Rape in the second degree, including attempts to commit
19 rape in the second degree;
- 20 34. Robbery by force or fear;
- 21 35. Robbery with a firearm or dangerous weapon, including
22 attempts to commit robbery with a firearm or dangerous weapon;
- 23 36. Sexual assault or violent offenses against children;
- 24 37. Shooting with intent to kill;

1 38. Stalking or violation of a Victim Protection Order;

2 39. Two or more prior felony convictions; or

3 40. Unauthorized use of a motor vehicle.

4 D. A person not eligible for pretrial release pursuant to the
5 provisions of subsection C of this section may be released upon
6 order of a district judge, associate district judge or special judge
7 under conditions prescribed by the judge, which may include an order
8 to require the defendant, as a condition of pretrial release, to use
9 or participate in any monitoring or testing including, but not
10 limited to, a Global Positioning System (GPS) monitoring device and
11 urinalysis testing. The court may further order the defendant to
12 pay costs and expenses related to any supervision, monitoring or
13 testing.

14 E. Every pretrial services program operating pursuant to the
15 provisions of ~~this act~~ Section 1105.1 et seq. of this title shall
16 meet the following minimum criteria:

17 1. The program shall establish a procedure for screening and
18 evaluating persons who are detained or have been arrested for the
19 alleged commission of a crime. The program shall obtain criminal
20 history records on detained persons through the National Crime
21 Information Center (NCIC). The information obtained from the
22 screening and evaluation process must be submitted in a written
23 report without unnecessary delay to the judge who is assigned to
24

1 hear pretrial release applications when the person is eligible for
2 pretrial release;

3 2. The program shall provide reliable information to the judge
4 relating to the person applying for pretrial release so a reasonable
5 decision can be made concerning the amount and type of bail
6 appropriate for pretrial release. The information provided shall be
7 based upon facts relating to the person's risk of danger to the
8 community and the risk of failure to appear for court; and

9 3. The program shall make all reasonable attempts to provide
10 the court with information appropriate to each person considered for
11 pretrial release.

12 F. A pretrial program established pursuant to ~~this act~~ Section
13 1105.1 et seq. of this title may provide different methods and
14 levels of community-based supervision to meet any court-ordered
15 conditions of release. The program may use existing supervision
16 methods for persons who are released prior to trial. Pretrial
17 programs which employ peace officers certified by the Council on Law
18 Enforcement Education and Training (CLEET) are authorized to enforce
19 court-ordered conditions of release.

20 G. Each pretrial program established pursuant to ~~this act~~
21 Section 1105.1 et seq. of this title shall provide a quarterly
22 report to the presiding judge of the judicial district of the
23 jurisdiction in which it operates. A copy of the report shall be
24 filed of record with the court clerk of the jurisdiction. Each

1 report shall include, but is not limited to, the following
2 information:

3 1. The total number of persons screened, evaluated or otherwise
4 considered for pretrial release;

5 2. The total number and nature of recommendations made;

6 3. The number of persons admitted to pretrial release that
7 failed to appear; and

8 4. Any other information deemed appropriate by the reporting
9 judicial district or that the program desires to report.

10 H. Every pretrial release program established pursuant to this
11 section shall utilize the services of local providers; provided,
12 however, any program in continuous existence since July 1, 1999,
13 shall be exempt from the provisions of this subsection.

14 SECTION 5. AMENDATORY 22 O.S. 2011, Section 1106, is
15 amended to read as follows:

16 Section 1106. A deposit of the sum of money mentioned in ~~the~~
17 any order admitting to bail with financial conditions is equivalent
18 to bail and upon such deposit the defendant must be discharged from
19 custody.

20 SECTION 6. AMENDATORY 22 O.S. 2011, Section 1108.1, is
21 amended to read as follows:

22 Section 1108.1. A. Own recognizance bonds ~~set in a penal~~
23 amount ordered by the court pursuant to subsection E of Section
24 1105.2 of this title shall be posted by executing an own

1 recognizance indenture contract which shall be executed and
2 maintained by the district court clerk. The indenture shall
3 constitute an inchoate obligation to pay in the event forfeiture
4 proceedings are commenced and result in a final order of forfeiture
5 by the authorizing and issuing judge of the district court.

6 B. Setting aside of forfeitures shall be governed by the same
7 rules and procedures applicable to cash, property or surety bonds,
8 provided that if the forfeiture is set aside, the district court
9 shall exempt from forfeiture set aside all reasonable costs of
10 recovery to return the defendant to custody, and an administrative
11 fee to be retained by the court fund in a sum not to exceed ten
12 percent (10%) of the total penal bond amount plus all costs incurred
13 in processing the forfeiture proceeding to include costs of notices,
14 warrants, service and execution.

15 C. The final judgment of forfeiture shall constitute a judgment
16 enforceable through all procedures available for the collection of a
17 civil judgment, provided that the judgment shall be considered a
18 debt in the nature of defalcation as defined by the United States
19 Bankruptcy Code, and shall not be subject to other forms of debtor
20 relief. The judgment shall be subject to collection as costs in the
21 underlying action regardless of final disposition or determination
22 of guilt.

23 D. The district attorney or the Administrator of the District
24 Court Cost Collection Division as determined by administration order

1 in each judicial district shall initiate the forfeiture action and
2 collection of forfeitures and shall receive one-third (1/3) of all
3 sums collected from the ten percent (10%) premium, not to include
4 costs as defined in subsection B of this section, to offset the
5 costs of administering the program.

6 E. This section does not apply to traffic or wildlife cases.

7 SECTION 7. AMENDATORY 22 O.S. 2011, Section 1109, is
8 amended to read as follows:

9 Section 1109. When proof is made to any court, judge or other
10 magistrate having authority to commit on criminal charges, that a
11 person previously admitted to bail on any such charge is about to
12 abscond, ~~or that his bail is insufficient,~~ or has removed from the
13 state, the judge or magistrate shall require such person to give
14 better security, or for default thereof cause him or her to be
15 committed to prison; and an order for ~~his~~ the person's arrest may be
16 endorsed on the former commitment, or a new warrant therefor may be
17 issued by such judge or magistrate, setting forth the cause thereof.

18 SECTION 8. AMENDATORY 22 O.S. 2011, Section 1110, is
19 amended to read as follows:

20 Section 1110. Whoever, having been admitted to bail or released
21 on recognizance, bond, or undertaking for appearance before any
22 magistrate or court of ~~the State of Oklahoma~~ this state, incurs a
23 forfeiture of the bail or violates such undertaking or recognizance
24 and willfully fails to surrender himself within ~~five (5)~~ thirty (30)

1 days following the date of such forfeiture shall, ~~if~~ be subject to
2 the following penalties:

3 1. If the bail was given or undertaking or recognizance
4 extended in connection with a charge of a violent felony as defined
5 in Section 571 of Title 57 of the Oklahoma Statutes or pending
6 appeal or certiorari after conviction of any such offense, be guilty
7 of a felony and shall be fined not more than One Thousand Dollars
8 (\$1,000.00) or imprisoned not more than one (1) year, or both; or

9 2. If the bail was given or undertaking or recognizance
10 extended in connection with a charge of a crime other than a violent
11 felony as defined in Section 571 of Title 57 of the Oklahoma
12 Statutes or pending appeal or certiorari after conviction of any
13 such offense, be guilty of a misdemeanor and shall be fined not more
14 than Five Hundred Dollars (\$500.00) or imprisoned not more than six
15 (6) months, or both.

16 Nothing in this section shall be construed to interfere with or
17 prevent the exercise by any court of its power to punish for
18 contempt.

19 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1334, is
20 amended to read as follows:

21 Section 1334. A. Any person in custody before a court or
22 magistrate of ~~the State of Oklahoma~~ this state subject to discretion
23 of the court may be admitted to bail on his or her personal
24 recognizance ~~subject to such conditions as the court or magistrate~~

1 ~~may reasonably prescribe to assure his appearance when required in~~
2 accordance with the requirements of Chapter 19 of Title 22 of the
3 Oklahoma Statutes.

4 B. When a person is admitted to bail on his or her personal
5 recognizance, the court or magistrate may determine an amount of
6 money, property, or securities which shall be paid or forfeited as a
7 penalty by the defendant for failure to comply with the terms of his
8 or her admission to bail on personal recognizance. This penalty
9 shall be in addition to the penalties provided for in Section 1335
10 of this title.

11 C. Any person admitted to bail as herein provided shall be
12 fully appraised by the court or magistrate of the penalties provided
13 for failure to comply with the terms of his or her recognizance and,
14 upon a failure of compliance, a warrant for the arrest of such
15 person shall be issued forthwith.

16 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1335, is
17 amended to read as follows:

18 Section 1335. Whoever, having been admitted to bail for
19 appearance before any district court in ~~the State of Oklahoma, (1)~~
20 this state incurs a forfeiture of the bail and willfully fails to
21 surrender himself or herself within thirty (30) days following the
22 date of such forfeiture, or ~~(2)~~ willfully fails to comply with the
23 terms of his or her personal recognizance, shall be subject to the
24 following penalties:

1 1. If the underlying offense for which the defendant was
2 admitted to bail was a violent felony as defined in Section 571 of
3 Title 57 of the Oklahoma Statutes, he or she shall be guilty of a
4 felony and shall be fined not more than Five Thousand Dollars
5 (\$5,000.00) or imprisoned not more than ~~two (2) years~~ one (1) year,
6 or both; or

7 2. If the underlying offense for which the defendant was
8 admitted to bail was a crime other than a violent felony as defined
9 in Section 571 of Title 57 of the Oklahoma Statutes, he or she shall
10 be guilty of a misdemeanor and shall be fined not more than Five
11 Hundred Dollars (\$500.00) or imprisoned not more than six (6)
12 months, or both.

13 SECTION 11. This act shall become effective November 1, 2019.

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15 57-1-1890 TEK 9/30/2019 9:30:36 AM

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