

FLOOR AMENDMENT

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB1931
Page 5 Section 2 Lines 19
Of the printed Bill
Of the Engrossed Bill

By inserting a new "Section 2." to read as follows:

(SEE ATTACHED)

and by renumbering the subsequent sections of the bill.

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Dustin Roberts

Adopted: _____

Reading Clerk

1 "SECTION 2. AMENDATORY 22 O.S. 2011, Section 1105.3, as
2 last amended by Section 1, Chapter 2, O.S.L. 2018 (22 O.S. Supp.
3 2019, Section 1105.3), is amended to read as follows:

4 Section 1105.3 A. Any county pursuant to the provisions of
5 ~~this act~~ the Pretrial Release Act may establish and fund a pretrial
6 program to be utilized by the district court in that jurisdiction.

7 B. When a pretrial release program is established pursuant to
8 ~~this act~~ the Pretrial Release Act and private bail has not been
9 furnished, the judge may order a person to be evaluated through the
10 pretrial program. After conducting an evaluation of the person
11 applying for pretrial release, the pretrial program shall make a
12 recommendation to the court. The recommendation shall indicate any
13 special supervisory conditions for pretrial release. The judge
14 shall consider the recommendations and may grant or deny pretrial
15 release. The presiding judge of the judicial district may issue a
16 standing order outlining criteria for cases that may automatically
17 be evaluated for pretrial release by a pretrial program operating in
18 the jurisdiction. The standing order may include amounts for bail
19 and types of bonds deemed appropriate for certain offenses.

20 C. Except as otherwise authorized by the provisions of this
21 subsection, persons accused of or detained for any of the following
22 offenses or conditions shall not be eligible for pretrial release by
23 any pretrial program:
24

- 1 1. Aggravated driving under the influence of an intoxicating
2 substance;
- 3 2. Any felony driving under the influence of an intoxicating
4 substance;
- 5 3. Any offense prohibited by the Trafficking In Illegal Drugs
6 Act;
- 7 4. Any person having a violent felony conviction within the
8 past ten (10) years;
- 9 5. Appeal bond;
- 10 6. Arson in the first degree, including attempts to commit
11 arson in the first degree;
- 12 7. Assault and battery on a police officer;
- 13 8. Bail jumping;
- 14 9. Bribery of a public official;
- 15 10. Burglary in the first or second degree;
- 16 11. Civil contempt proceedings;
- 17 12. Distribution of a controlled dangerous substance, including
18 the sale or possession of a controlled dangerous substance with
19 intent to distribute or conspiracy to distribute;
- 20 13. Domestic abuse, domestic assault or domestic assault and
21 battery with a dangerous weapon, or domestic assault and battery
22 with a deadly weapon;
- 23 14. Driving under the influence of intoxicating substance where
24 property damage or personal injury occurs;

- 1 15. Felony discharging a firearm from a vehicle;
- 2 16. Felony sex offenses;
- 3 17. Fugitive bond or a governor's fugitive warrant;
- 4 18. Immigration charges;
- 5 19. Kidnapping;
- 6 20. Juvenile or youthful offender detention;
- 7 21. Manslaughter;
- 8 22. Manufacture of a controlled dangerous substance;
- 9 23. Murder in the first degree, including attempts or
- 10 conspiracy to commit murder in the first degree;
- 11 24. Murder in the second degree, including attempts or
- 12 conspiracy to commit murder in the second degree;
- 13 25. Negligent homicide;
- 14 26. Out-of-county holds;
- 15 27. Persons currently on pretrial release who are arrested on a
- 16 new felony offense;
- 17 28. Possession, manufacture, use, sale or delivery of an
- 18 explosive device;
- 19 29. Possession of a controlled dangerous substance on Schedule
- 20 I or II of the Controlled Dangerous Substances Act;
- 21 30. Possession of a firearm or other offensive weapon during
- 22 the commission of a felony;
- 23 31. Possession of a stolen vehicle;
- 24

1 32. Rape in the first degree, including attempts to commit rape
2 in the first degree;

3 33. Rape in the second degree, including attempts to commit
4 rape in the second degree;

5 34. Robbery by force or fear;

6 35. Robbery with a firearm or dangerous weapon, including
7 attempts to commit robbery with a firearm or dangerous weapon;

8 36. Sexual assault or violent offenses against children;

9 37. Shooting with intent to kill;

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

11 39. Two or more prior felony convictions; or

12 40. Unauthorized use of a motor vehicle.

13 D. A Other than a person accused of or detained for an offense
14 provided for in paragraph 13 or paragraph 38 of subsection C of this
15 section, a person not eligible for pretrial release pursuant to the
16 provisions of subsection C of this section may be released upon
17 order of a district judge, associate district judge or special judge
18 under conditions prescribed by the judge, which may include an order
19 to require the defendant, as a condition of pretrial release, to use
20 or participate in any monitoring or testing including, but not
21 limited to, a Global Positioning System (GPS) monitoring device and
22 urinalysis testing. The court may further order the defendant to
23 pay costs and expenses related to any supervision, monitoring or
24 testing.

1 E. Every pretrial services program operating pursuant to the
2 provisions of ~~this act~~ the Pretrial Release Act shall meet the
3 following minimum criteria:

4 1. The program shall establish a procedure for screening and
5 evaluating persons who are detained or have been arrested for the
6 alleged commission of a crime. The program shall obtain criminal
7 history records on detained persons through the National Crime
8 Information Center (NCIC). The information obtained from the
9 screening and evaluation process must be submitted in a written
10 report without unnecessary delay to the judge who is assigned to
11 hear pretrial release applications when the person is eligible for
12 pretrial release;

13 2. The program shall provide reliable information to the judge
14 relating to the person applying for pretrial release so a reasonable
15 decision can be made concerning the amount and type of bail
16 appropriate for pretrial release. The information provided shall be
17 based upon facts relating to the person's risk of danger to the
18 community and the risk of failure to appear for court; and

19 3. The program shall make all reasonable attempts to provide
20 the court with information appropriate to each person considered for
21 pretrial release.

22 F. A pretrial program established pursuant to ~~this act~~ the
23 Pretrial Release Act may provide different methods and levels of
24 community-based supervision to meet any court-ordered conditions of

1 release. The program may use existing supervision methods for
2 persons who are released prior to trial. Pretrial programs which
3 employ peace officers certified by the Council on Law Enforcement
4 Education and Training (CLEET) are authorized to enforce court-
5 ordered conditions of release.

6 G. Each pretrial program established pursuant to ~~this act~~ the
7 Pretrial Release Act shall provide a quarterly report to the
8 presiding judge of the judicial district of the jurisdiction in
9 which it operates. A copy of the report shall be filed of record
10 with the court clerk of the jurisdiction. Each report shall
11 include, but is not limited to, the following information:

- 12 1. The total number of persons screened, evaluated or otherwise
13 considered for pretrial release;
- 14 2. The total number and nature of recommendations made;
- 15 3. The number of persons admitted to pretrial release that
16 failed to appear; and
- 17 4. Any other information deemed appropriate by the reporting
18 judicial district or that the program desires to report.

19 H. Every pretrial release program established pursuant to this
20 section shall utilize the services of local providers; provided,
21 however, any program in continuous existence since July 1, 1999,
22 shall be exempt from the provisions of this subsection."
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24 57-2-11625 GRS 03/09/20