

1 STATE OF OKLAHOMA

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

3 SENATE BILL NO. 974

By: Young

4
5
6 AS INTRODUCED

7 An Act relating to conditions of release of arrested
8 persons; amending 22 O.S. 2011, Sections 1101, 1105,
9 1105.2, as amended by Section 1, Chapter 59, O.S.L.
10 2016, 1105.3, as last amended by Section 1, Chapter
11 2, O.S.L. 2018, 1106, 1108.1, 1109 and 1110 (22 O.S.
12 Supp. 2018, Sections 1105.2 and 1105.3), which relate
13 to bail and the Pretrial Release Act; modifying
14 exceptions for eligibility for bail; modifying
15 requirements for determination of denial of release;
16 modifying information required to be considered by
17 court before determining conditions of release;
18 authorizing court to consider recommendations of
19 pretrial service provider; deleting rebuttable
20 presumption related to persons arrested for certain
21 offenses; requiring initial appearance within certain
22 time period; requiring persons charged with certain
23 offenses to be released on personal recognizance;
24 providing exceptions; requiring least restrictive
25 conditions on release; modifying requirements for
26 certain pretrial bail schedule; deleting authority to
27 require electronic monitoring device as condition of
28 release; modifying procedures for evaluation for
29 eligibility for pretrial services program; modifying
30 minimum criteria for pretrial services program;
31 modifying certain reporting requirements; modifying
32 penalties for failure to appear after release;
33 conforming language; updating statutory reference;
34 amending 59 O.S. 2011, Sections 1334 and 1335, which
35 relate to personal recognizance; conforming language;
36 repealing 22 O.S. 2011, Section 1101.1, which relates
37 to offenses related to prostitution bailable; and
38 providing an effective date.

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

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

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

11 B. In criminal cases where the defendant is currently an
12 escaped prisoner from the Department of Corrections, the defendant
13 ~~must~~ shall be processed back into the Department of Corrections
14 prior to bail being set on new criminal charges.

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

17 1. Capital offenses ~~when the proof of guilt is evident, or the~~
18 ~~presumption thereof is great;~~

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

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

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

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

6 On all offenses specified in ~~paragraphs 2 through 5~~ of this
7 subsection, the proof of guilt must be evident, or the presumption
8 must be great, and ~~it must be on the grounds~~ court shall make an
9 individualized determination on the record that no condition of
10 release would assure the defendant's return to court or the safety
11 of the community or any person.

12 ~~D. There shall be a rebuttable presumption that no condition of~~
13 ~~release would assure the safety of the community if the state shows~~
14 ~~by clear and convincing evidence that the person was arrested for a~~
15 ~~violation of Section 741 of Title 21 of the Oklahoma Statutes.~~

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

18 Section 1105. A. Except as otherwise provided by this section,
19 upon the allowance of bail and the execution of the requisite
20 recognizance, bond, or undertaking to the state, the magistrate,
21 judge, or court, shall, if the defendant is in custody, make and
22 sign an order for discharge. The court, in its discretion, may
23 prescribe by court rule the conditions under which the court clerk
24

1 or deputy court clerk, or the sheriff or deputy sheriff, may prepare
2 and execute an order of release on behalf of the court.

3 B. No police officer or sheriff may release a person arrested
4 for a violation of an ex parte or final protective order as provided
5 in Sections 60.2 and 60.3 of this title, or arrested for an act
6 constituting domestic abuse as specified in Section 644 of Title 21
7 of the Oklahoma Statutes, or arrested for any act constituting
8 domestic abuse, stalking or harassment as defined by Section 60.1 of
9 this title, or arrested for an act constituting domestic assault and
10 battery or domestic assault and battery with a deadly weapon
11 pursuant to Section 644 of Title 21 of the Oklahoma Statutes,
12 without the violator appearing before a magistrate, judge or court.
13 To the extent that any of the following information is available to
14 the court, the magistrate, judge or court shall consider, in
15 addition to any other circumstances, before determining bond and
16 other conditions of release as necessary for the protection of the
17 alleged victim, the following:

- 18 1. Whether the person has a history of domestic violence or a
19 history of other violent acts;
- 20 2. The mental health of the person;
- 21 3. Whether the person has a history of violating the protective
22 orders of issued by any court or governmental entity;
- 23 4. Whether the person ~~is potentially a~~ poses a specific threat
24 ~~to any other~~ a specific person;

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

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

5 ~~7.~~ 6. The severity of the alleged violence that is the basis of
6 the alleged offense including, but not limited to:

7 a. the duration of the alleged violent incident,

8 b. whether the alleged violent incident involved serious
9 physical injury,

10 c. whether the alleged violent incident involved sexual
11 assault,

12 d. whether the alleged violent incident involved
13 strangulation,

14 e. whether the alleged violent incident involved abuse
15 during the pregnancy of the alleged victim,

16 f. whether the alleged violent incident involved the
17 abuse of pets, or

18 g. whether the alleged violent incident involved forcible
19 entry to gain access to the alleged victim;

20 ~~8.~~ 7. Whether a separation of the person from the alleged
21 victim or a termination of the relationship between the person and
22 the alleged victim has recently occurred or is pending;

1 ~~9.~~ 8. Whether the person has exhibited obsessive or controlling
2 behaviors toward the alleged victim including, but not limited to,
3 stalking, surveillance, or isolation of the alleged victim;

4 ~~10.~~ 9. Whether the person has expressed suicidal or homicidal
5 ideations; and

6 ~~11.~~ 10. Any information contained in the complaint and any
7 police reports, affidavits, or other documents accompanying the
8 complaint.

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

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

22 ~~1. The person was arrested for a violation of subsection G of~~
23 ~~Section 2-401 of Title 63 of the Oklahoma Statutes, relating to~~
24 ~~manufacturing or attempting to manufacture a controlled dangerous~~

1 ~~substance, or possessing any of the substances listed in subsection~~
2 ~~G of Section 2-401 of Title 63 of the Oklahoma Statutes with the~~
3 ~~intent to manufacture a controlled dangerous substance; and~~

4 2. ~~The person is in any manner dependent upon a controlled~~
5 ~~dangerous substance or has a pattern of regular illegal use of a~~
6 ~~controlled dangerous substance, and the violation referred to in~~
7 ~~paragraph 1 of this subsection was committed or attempted in order~~
8 ~~to maintain or facilitate the dependence or pattern of illegal use~~
9 ~~in any manner.~~

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

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

18 B. ~~When formal charges or an indictment has been filed, bail~~
19 ~~shall be set according to law and the pretrial bond, if any, may be~~
20 ~~reaffirmed unless additional security is required~~ If not otherwise
21 released, the arrested person shall be taken without unnecessary
22 delay before the most accessible magistrate in that county for an
23 initial appearance, and formal charges shall be filed. In no case

1 shall the delay from arrest to initial appearance be more than
2 forty-eight (48) hours, inclusive of weekends and holidays.

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

15 1. The person's own recognizance will not reasonably assure the
16 person's return to court. In making a finding pursuant to this
17 paragraph, the court may consider any prior record of failing to
18 appear as required in the court in the last two years, or any other
19 pending criminal cases of the arrested person;

20 2. The person will obstruct or attempt to obstruct justice, or
21 threaten, injure or intimidate or attempt to threaten, injure or
22 intimidate a prospective witness or juror;

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

1 D. In cases where a person is not released on his or her own
2 recognizance pursuant to subsection C of this section, the court
3 shall set appropriate conditions on the personal recognizance bond
4 or shall set reasonable bail. In all cases, the magistrate shall
5 set the least restrictive conditions necessary to reasonably assure
6 the appearance of the person.

7 E. Every judicial district may, upon the order of the presiding
8 judge for the district, establish a pretrial bail schedule for use
9 by the sheriff or other operator of the detention facility to set
10 bail prior to the initial appearance of the person before a court
11 for felony or misdemeanor offenses, except for traffic. Any such
12 pretrial bail schedule shall not apply to traffic offenses included
13 in subsections B, C and D of Section 1115.3 of Title 22 of the
14 Oklahoma Statutes this title and those offenses specifically
15 excluded herein. The bail schedule established pursuant to the
16 authority of this act shall exclude any offense for which bail is
17 not allowed by law. The bail schedule authorized by this act shall
18 be set in accordance with guidelines relating to bail and shall be,
19 published and reviewed by March 1 of each year by the courts and
20 district attorney of the judicial district, and displayed in the
21 public area of the jail.

22 ~~C.~~ F. The pretrial bail shall be set in a numerical dollar
23 amount. If the person fails to appear in court as required the
24 judge shall:

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

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

11 ~~D.~~ G. When a pretrial program exists in the judicial district
12 where the person is being held, the judge may utilize the services
13 of the pretrial release program when ordering pretrial release,
14 except when private bail has been furnished.

15 ~~E.~~ H. Upon an order for pretrial release or release on bond,
16 the person shall be released from custody without undue delay.

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

19 ~~G.~~ ~~In instances where an electronic monitoring device has been~~
20 ~~ordered, the court may impose payment of a supervision fee. Payment~~
21 ~~of the fee, in whole or according to a court-ordered installment~~
22 ~~schedule, shall be a condition of pretrial release. The court clerk~~
23 ~~shall collect the supervision fees.~~

1 SECTION 4. 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 2018, Section 1105.3), is amended to read as follows:

4 Section 1105.3. A. Any county pursuant to the provisions of
5 ~~this act~~ Section 1105.1 et seq. of this title may establish and fund
6 a pretrial services program to be utilized by the district court in
7 that jurisdiction.

8 B. When a pretrial ~~release~~ services program is established
9 pursuant to ~~this act and private bail has not been furnished~~ Section
10 1105.1 et seq. of this title, the judge may order a person to be
11 evaluated through the pretrial program. After conducting an
12 evaluation ~~of the person applying for pretrial release~~, the pretrial
13 services program shall make a recommendation to the court within
14 forty-eight hours. The recommendation shall indicate any special
15 supervisory conditions for pretrial release. The judge ~~shall~~ may
16 consider the recommendations and ~~may grant or deny pretrial release~~
17 shall order the least restrictive conditions that will reasonably
18 assure the person's return to court. The presiding judge of the
19 judicial district may issue a standing order outlining criteria for
20 cases that may automatically be evaluated for pretrial release by a
21 pretrial services program operating in the jurisdiction. The
22 standing order may include amounts for bail and types of bonds
23 deemed appropriate for certain offenses.

1 C. Except as otherwise authorized by the provisions of this
2 subsection, persons accused of or detained for any of the following
3 offenses or conditions shall ~~not~~, pursuant to judicial discretion,
4 be eligible for pretrial ~~release~~ evaluation by any pretrial services
5 program:

6 1. Aggravated driving under the influence of an intoxicating
7 substance;

8 2. Any felony driving under the influence of an intoxicating
9 substance;

10 3. Any offense prohibited by the Trafficking In Illegal Drugs
11 Act;

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

14 5. Appeal bond;

15 6. Arson in the first degree, including attempts to commit
16 arson in the first degree;

17 7. Assault and battery on a police officer;

18 8. Bail jumping;

19 9. Bribery of a public official;

20 10. Burglary in the first or second degree;

21 11. Civil contempt proceedings;

22 12. Distribution of a controlled dangerous substance, including
23 the sale or possession of a controlled dangerous substance with
24 intent to distribute or conspiracy to distribute;

1 13. Domestic abuse, domestic assault or domestic assault and
2 battery with a dangerous weapon, or domestic assault and battery
3 with a deadly weapon;

4 14. Driving under the influence of intoxicating substance where
5 property damage or personal injury occurs;

6 15. Felony discharging a firearm from a vehicle;

7 16. Felony sex offenses;

8 17. Fugitive bond or a governor's fugitive warrant;

9 18. Immigration charges;

10 19. Kidnapping;

11 20. Juvenile or youthful offender detention;

12 21. Manslaughter;

13 22. Manufacture of a controlled dangerous substance;

14 23. Murder in the first degree, including attempts or
15 conspiracy to commit murder in the first degree;

16 24. Murder in the second degree, including attempts or
17 conspiracy to commit murder in the second degree;

18 25. Negligent homicide;

19 26. Out-of-county holds;

20 27. Persons currently on pretrial release who are arrested on a
21 new felony offense;

22 28. Possession, manufacture, use, sale or delivery of an
23 explosive device;

1 29. Possession of a controlled dangerous substance on Schedule
2 I or II of the Controlled Dangerous Substances Act;

3 30. Possession of a firearm or other offensive weapon during
4 the commission of a felony;

5 31. Possession of a stolen vehicle;

6 32. Rape in the first degree, including attempts to commit rape
7 in the first degree;

8 33. Rape in the second degree, including attempts to commit
9 rape in the second degree;

10 34. Robbery by force or fear;

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

13 36. Sexual assault or violent offenses against children;

14 37. Shooting with intent to kill;

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

16 39. Two or more prior felony convictions; or

17 40. Unauthorized use of a motor vehicle.

18 D. A person not eligible for pretrial ~~release~~ evaluation
19 pursuant to the provisions of subsection C of this section may be
20 released upon order of a district judge, associate district judge or
21 special judge under conditions prescribed by the judge, ~~which may~~
22 ~~include an order to require the defendant, as a condition of~~
23 ~~pretrial release, to use or participate in any monitoring or testing~~
24 ~~including, but not limited to, a Global Positioning System (GPS)~~

1 ~~monitoring device and urinalysis testing. The court may further~~
2 ~~order the defendant to pay costs and expenses related to any~~
3 ~~supervision, monitoring or testing.~~

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

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

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

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

4 F. A pretrial program established pursuant to ~~this act may~~
5 Section 1105.1 et seq. of this title shall provide different methods
6 and levels of ~~community-based supervision to meet any court-ordered~~
7 ~~conditions of release. The program may use existing supervision~~
8 ~~methods~~ services for persons who are released prior to trial.
9 ~~Pretrial programs which employ peace officers certified by the~~
10 ~~Council on Law Enforcement Education and Training (CLEET) are~~
11 ~~authorized to enforce court-ordered conditions of release to ensure~~
12 the appearance of the person for court and to assist with compliance
13 with any nonfinancial pretrial release conditions.

14 G. Each pretrial services program established pursuant to ~~this~~
15 ~~act~~ Section 1105.1 et seq. of this title shall provide a quarterly
16 report to the presiding judge of the judicial district of the
17 jurisdiction in which it operates. A copy of the report shall be
18 filed of record with the court clerk of the jurisdiction. Each
19 report shall include, but is not limited to, the following
20 information:

21 1. The total number of persons ~~screened,~~ evaluated ~~or otherwise~~
22 ~~considered~~ for pretrial release;

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

1 3. The number of persons admitted to pretrial release that
2 failed to appear; and

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

5 ~~H. Every pretrial release program established pursuant to this~~
6 ~~section shall utilize the services of local providers; provided,~~
7 ~~however, any program in continuous existence since July 1, 1999,~~
8 ~~shall be exempt from the provisions of this subsection.~~

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

11 Section 1106. A deposit of the sum of money mentioned in ~~the~~
12 any order admitting to bail with financial conditions is equivalent
13 to bail and upon such deposit the defendant ~~must~~ shall be discharged
14 from custody.

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

17 Section 1108.1. A. Own recognizance bonds ~~set in a penal~~
18 ~~amount~~ ordered by the court pursuant to subsection C of Section
19 1105.2 of this title shall be posted by executing an own
20 recognizance indenture contract which shall be executed and
21 maintained by the district court clerk. The indenture shall
22 constitute an inchoate obligation to pay in the event forfeiture
23 proceedings are commenced and result in a final order of forfeiture
24 by the authorizing and issuing judge of the district court.

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

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

18 D. The district attorney or the Administrator of the District
19 Court Cost Collection Division as determined by administration order
20 in each judicial district shall initiate the forfeiture action and
21 collection of forfeitures and shall receive one-third (1/3) of all
22 sums collected from the ten percent (10%) premium, not to include
23 costs as defined in subsection B of this section, to offset the
24 costs of administering the program.

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

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

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

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

15 Section 1110. Whoever, having been admitted to bail or released
16 on recognizance, bond, or undertaking for appearance before any
17 magistrate or court of ~~the State of Oklahoma~~ this state, incurs a
18 forfeiture of the bail or violates such undertaking or recognizance
19 and willfully fails to surrender himself within ~~five (5)~~ thirty (30)
20 days following the date of such forfeiture shall, ~~if~~ be subject to
21 the following penalties:

22 1. If the bail was given or undertaking or recognizance
23 extended in connection with a charge of a violent felony as defined
24 in Section 571 of Title 57 of the Oklahoma Statutes or pending

1 appeal or certiorari after conviction of any such offense, be guilty
2 of a felony and shall be fined not more than One Thousand Dollars
3 (\$1,000.00) or imprisoned not more than one (1) year, or both; or

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

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

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

16 Section 1334. A. Any person in custody before a court or
17 magistrate of ~~the State of Oklahoma subject to discretion of the~~
18 ~~court~~ this state may be admitted to bail on his or her personal
19 recognizance ~~subject to such conditions as the court or magistrate~~
20 ~~may reasonably prescribe to assure his appearance when required in~~
21 accordance with the requirements of Chapter 19 of Title 22 of the
22 Oklahoma Statutes.

23 B. When a person is admitted to bail on his or her personal
24 recognizance, the court or magistrate may determine an amount of

1 money, property, or securities which shall be paid or forfeited as a
2 penalty by the defendant for failure to comply with the terms of his
3 or her admission to bail on personal recognizance. This penalty
4 shall be in addition to the penalties provided for in Section 1335
5 of this title.

6 C. Any person admitted to bail as herein provided shall be
7 fully appraised by the court or magistrate of the penalties provided
8 for failure to comply with the terms of his or her recognizance and,
9 upon a failure of compliance, a warrant for the arrest of such
10 person shall be issued forthwith.

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

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

20 1. If the underlying offense for which the defendant was
21 admitted to bail was a violent felony as defined in Section 571 of
22 Title 57 of the Oklahoma Statutes, he or she shall be guilty of a
23 felony and shall be fined not more than Five Thousand Dollars
24

1 (\$5,000.00) or imprisoned not more than ~~two (2) years~~ one (1) year,
2 or both; or

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

9 SECTION 11. REPEALER 22 O.S. 2011, Section 1101.1, is
10 hereby repealed.

11 SECTION 12. This act shall become effective November 1, 2019.

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13 57-1-1115 TEK 2/6/2019 9:35:04 AM
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