

Bill Summary
1st Session of the 57th Legislature

Bill No.:	SB 252
Version:	CS1
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Author:	Sen. Thompson
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Committee Substitute (CS)

The CS for SB 252 modifies conditions for the release of arrested persons. The measure clarifies that a “violent offense” shall refer to offenses defined in the Oklahoma Prison Overcrowding Emergency Powers Act. Additionally, the court must make an individualized determination on the record that no condition of release would assure the defendant's return to court. Bail shall not be set in an amount higher than what the court determines is necessary to ensure the person's return to court. The CS requires a hearing immediately upon the arrested person's initial appearance before the magistrate to determine bail unless the person seeks a continuance. Continuance is limited to no more than five days.

Before determining release, judges must consider whether a person poses a specific threat to a specific person as well as whether the person violated a protective order. Current law only requires the judge to consider whether a person poses a threat and whether a person violated any court order. The measure authorizes persons charged with the manufacture of controlled substances and those addicted to said substances.

The measure also requires judges to release a person following an appearance in court unless the judge makes certain findings defined by the measure. A person must be taken without unnecessary delay before the most accessible magistrate in that county for an initial appearance and charged with a crime within forty-eight hours of the arrest. Magistrates must set a reasonable bail for persons not released by the court. The measure strikes language authorizing the court to require a person so released by the court to wear an electronic monitoring device.

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