

1 **SENATE FLOOR VERSION**

2 April 11, 2023

3 ENGROSSED HOUSE
4 BILL NO. 2041

By: Nichols, Echols and Hefner
of the House

5 and

6 Treat of the Senate

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8
9 An Act relating to criminal procedure; amending 22
10 O.S. 2021, Sections 177 and 185, which relate to
11 arrests and appearances before magistrates;
12 authorizing the issuance of verbal warnings for
13 misdemeanor arrest warrants; providing for the
14 documentation of verbal warnings; and providing an
15 effective date.

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

17 SECTION 1. AMENDATORY 22 O.S. 2021, Section 177, is
18 amended to read as follows:

19 Section 177. If the offense charged in the warrant be a
20 misdemeanor and the defendant ~~be arrested in another county, the~~
21 ~~officer must, upon being required by the defendant,~~ comes in contact
22 with a law enforcement officer in another county, the law
23 enforcement officer may:

24 1. Issue a verbal warning about the existence of the warrant
and further advise the defendant to contact the clerk of the court

1 for the purpose of resolving the outstanding warrant. All verbal
2 warnings shall be documented by the law enforcement officer on a
3 department-issued warning ticket; or

4 2. Arrest the defendant and take him the defendant before a
5 magistrate in that county, or the image of the defendant may be
6 broadcast by closed circuit television to the magistrate, as
7 provided in Section 176 of this title, who must admit the defendant
8 to bail and take bail ~~from him~~ accordingly.

9 SECTION 2. AMENDATORY 22 O.S. 2021, Section 185, is
10 amended to read as follows:

11 Section 185. If the offense charged in the warrant issued,
12 ~~pursuant to the second preceding section~~ is a misdemeanor, the law
13 enforcement officer must upon being required by the defendant, take
14 him may:

15 1. Issue a verbal warning about the existence of the warrant
16 and further advise the defendant to contact the clerk of the court
17 for the purpose of resolving the outstanding warrant. All verbal
18 warnings shall be documented by the law enforcement officer on a
19 department-issued warning ticket; or

20 2. Take the defendant before a magistrate of the county in
21 which the warrant was issued, who must admit the defendant to bail,
22 and immediately transmit the warrant, complaint, depositions, if
23 any, and undertaking, to the clerk of the court in which the
24 defendant is required to appear.

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

2 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY

3 April 11, 2023 - DO PASS

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