

1 STATE OF OKLAHOMA

2 1st Session of the 60th Legislature (2025)

3 HOUSE BILL 1706

By: Worthen

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6 AS INTRODUCED

7 An Act relating to criminal procedure; creating the
8 Pretrial Procedures Modernization Act of 2025;
9 amending 22 O.S. 2021, Section 181, which relates to
10 appearances before magistrate without delay;
11 requiring arrested defendants to be taken before
12 judge for pretrial release hearings; establishing
13 time limitations; amending 22 O.S. 2021, Section 251,
14 which relates to the duty to inform defendant of
15 charges and rights; directing the court to conduct a
16 pretrial release hearing; making rules of evidence
17 inapplicable; providing list of procedural
18 protections to be conveyed to defendant; directing
19 the judge to providing certain information to the
20 defendant; directing court to make certain findings;
21 authorizing the state to present evidence at hearing;
22 providing for rebuttal by the defendant; requiring
23 court to consider certain factors; directing court to
24 determine release conditions with certain
considerations; providing for the detainment of
defendant under certain circumstances; deeming
certain bonds an order of detention; presuming the
inability of a defendant to pay the bond or fee
amount pursuant to certain circumstances; amending
22 O.S. 2021, Section 258, as amended by Section 2,
Chapter 269, O.S.L. 2022 (22 O.S. Supp. 2024, Section
258), which relates to preliminary examinations;
providing gender-neutral language; deleting exception
related to the filing of informations; reducing time
limitation for setting preliminary hearings;
providing list of circumstances for finding good
cause to delay preliminary hearings; requiring court
to schedule preliminary hearing within certain time
period after delay; amending 22 O.S. 2021, Section
1105.2, which relates to the Pretrial Release Act;
requiring conditions of release to be determined when

1 defendant appears for a pretrial release hearing;
2 directing judicial districts to establish pre-
3 appearance bail schedules for sheriffs and operators
4 of detention facilities; providing an exception for
5 traffic offenses; requiring bail schedule to be made
6 public and publicly displayed in jail or detention
7 facilities; establishing procedures for determining
8 bail and posting bond; authorizing the court to
9 rescind bond; providing for the release from custody
10 upon an order of pretrial release or release on bond;
11 allowing for electronic monitoring if certain
12 condition is satisfied; prohibiting the modification;
13 revocation, or forfeiture of bonds absent a hearing;
14 providing circumstances that allow for a bail
15 modification hearing; establishing procedures for
16 bail modification hearings and notice requirements;
17 amending 22 O.S. 2021, Section 1105.3, which relates
18 to establishing and funding the pretrial program;
19 creating a statewide pretrial services program within
20 each judicial district; providing supervision by the
21 Administrative Office of the Courts; deleting certain
22 procedures of the pretrial release program and list
23 of eligible offenses or conditions; directing the
24 Administrative Office of the Courts to employ chief
administrative officers for pretrial services
programs in each judicial district; providing for his
or her removal; authorizing the director to employ
staff, contract for services, and provide equipment;
establishing minimum criteria for pretrial services
programs; directing submission of screening report to
the judge; directing distribution of report to
certain parties; allowing judge to rely on report
information; prohibiting the delay of hearings and ex
parte communications to the court; setting forth
minimum requirements for pretrial services;
prohibiting pretrial services from imposing or
enforcing unauthorized release conditions;
establishing quarterly report requirements; deleting
utilization of local providers requirement and
certain exemption; amending 22 O.S. 2021, Section
1355A, which relates to the Indigent Defense Act;
providing exception to indigent request for
representation; deleting written statement
requirement on application; authorizing
representation despite being released on bond;
providing rebuttable presumption for eligibility
determination; waiving application and application

1 fee under certain circumstances; providing for the
2 appointment of counsel; amending 22 O.S. 2021,
3 Section 2002, which relates to the Oklahoma Criminal
4 Discovery Code; directing the disclosure of discovery
5 as soon as practicable; requiring completion of
6 discovery before pleas of guilty or nolo contendere;
7 directing parties to acknowledge receipt of discovery
8 items; directing the state to promptly disclose
9 additional discovery items; providing for
10 noncodification; providing for codification; and
11 providing an effective date.

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

SECTION 1. NEW LAW A new section of law not to be
codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Pretrial
Procedures Modernization Act of 2025".

SECTION 2. AMENDATORY 22 O.S. 2021, Section 181, is
amended to read as follows:

Section 181. ~~The~~ A defendant must who has been arrested with or
without a warrant for a criminal offense shall, in all cases, be
taken before ~~the magistrate~~ a judge of the district court for a
pretrial release hearing without unnecessary delay, but in no case
later than forty-eight (48) hours after being taken into custody,
inclusive of weekends and holidays.

SECTION 3. AMENDATORY 22 O.S. 2021, Section 251, is
amended to read as follows:

1 Section 251. A. When the defendant is brought before a
2 ~~magistrate judge of the district court~~ upon an arrest, either with
3 or without a warrant for an initial appearance, on a charge of
4 having committed a public offense, the ~~magistrate must~~ court shall
5 immediately inform ~~him~~ the defendant of the charge against him or
6 her, and ~~of his right to the aid of counsel in every stage of the~~
7 ~~proceedings, and also of his right to waive an examination before~~
8 ~~any further proceedings are had~~ conduct a pretrial release hearing
9 to determine the conditions under which the defendant will be held
10 or released pretrial. The rules of evidence do not apply at the
11 pretrial release hearing.

12 B. The following procedural protections shall be provided at
13 the pretrial release hearing:

14 1. Right to counsel:

15 a. the defendant shall be advised that he or she has the
16 right to be represented by an attorney of his or her
17 choosing or an appointed attorney at no expense. The
18 court shall appoint counsel unless the defendant is
19 privately represented, or the court finds that the
20 defendant has been advised of and knowingly waived
21 appointment of counsel and chooses to proceed pro se,
22 and

23 b. the defendant shall be advised that he or she has the
24 right to consult with his or her attorney privately

1 before, or at any time during, the pretrial release
2 hearing; and

3 2. Ability to contest and present evidence:

4 a. the defendant shall be advised of and shall have the
5 opportunity to examine and challenge any evidence
6 presented to or considered by the court in connection
7 with the release determination and to cross-examine
8 any witnesses, and

9 b. the defendant shall be allowed to present evidence and
10 witness testimony and to make arguments.

11 Each of the findings required in this section shall be made by
12 clear and convincing evidence, and contained in a record which also
13 identifies the evidence on which the court relied to make each of
14 its findings.

15 C. At the pretrial release hearing, the court shall:

16 1. Inform the defendant orally and in writing of his or her
17 next court date;

18 2. Order the defendant, if released, to appear at all court
19 hearings as directed and not to commit a criminal offense while
20 released;

21 3. Advise the defendant that if the defendant fails to appear
22 as directed or commits a criminal offense while released, a warrant
23 may be issued for his or her arrest for violating the release
24

1 conditions and that the defendant could be subjected to greater
2 restrictions or ordered to stay in jail pending trial;

3 4. Advise the defendant that the defendant can provide up to
4 two telephone numbers at which the defendant can be called or texted
5 with a reminder on the business day before his or her next court
6 date. The court shall also give the defendant at the hearing, in
7 writing and orally, instructions for supplementing or changing any
8 telephone numbers provided at the hearing. If the defendant
9 provides one or more telephone numbers the court shall provide the
10 defendant with a telephone conversation, voice mail, or text message
11 reminder of each court date at which the defendant is required to
12 appear, at each of the telephone numbers provided, on the business
13 day before the scheduled court date.

14 The reminder shall include the time and date of the appearance,
15 the nature of the appearance, and a warning that if the defendant
16 does not appear, a warrant may be issued for his or her arrest. The
17 reminder shall also include instructions for contacting the court by
18 telephone with any questions.

19 D. At the pretrial release hearing, the court shall make a
20 finding of whether the defendant, if released, is unlikely to appear
21 in court as directed, or will create a safety threat to one or more
22 identifiable members of the community.

23 1. The state may present evidence, including evidence received
24 from pretrial services if available at the time of the hearing, that

1 the defendant, if released, is unlikely to appear in court as
2 directed, or will create a safety threat to one or more identifiable
3 members of the community.

4 2. If the state presents evidence, the defendant shall have the
5 opportunity to review and challenge said evidence and to produce
6 contrary evidence and legal argument.

7 3. In making its finding, the court shall consider the
8 following factors:

- 9 a. the seriousness of the crime charged against the
10 defendant, the apparent likelihood of conviction, and
11 the extent of the punishment prescribed by statute,
12 b. the criminal record of the defendant, if any, and
13 previous record on bail if any,
14 c. the reputation of the defendant and mental condition,
15 d. the length of residency of the defendant in the
16 community,
17 e. the family ties and relationships of the defendant,
18 f. the employment status of the defendant, record of
19 employment, and his or her financial condition,
20 g. the identity of responsible members of the community
21 who would vouch for the reliability of the defendant,
22 and

1 h. any other factors indicating mode of life of the
2 defendant, ties to the community, or bearing on the
3 risk of his or her failure to appear.

4 4. If the court finds the defendant, if released, is unlikely
5 to appear in court as directed, or will create a safety threat to
6 one or more identifiable members of the community, the court shall
7 determine the release conditions that are sufficient to reasonably
8 assure the return of the defendant to court as directed and the
9 safety of one or more identifiable members of the community.

10 5. The court may impose conditions of release in addition to
11 ordering the defendant to appear in court as directed and not to
12 commit a criminal offense while released, provided:

13 a. the court shall impose a condition or a set of
14 conditions that are the least restrictive conditions
15 necessary to reasonably assure the return of the
16 defendant to court as directed or the safety of one or
17 more identifiable members of the community,

18 b. the court shall impose a partially or fully secured
19 bond, cash bond, or property bond only after a finding
20 that no set of nonmonetary conditions, including
21 unsecured bond, can reasonably assure the return of
22 the defendant to court as directed or the safety of
23 one or more identifiable members of the community.

1 6. The court may order the defendant detained only after a
2 finding that no condition or combination of conditions of release
3 can reasonably assure the return of the defendant to court as
4 directed or the safety of one or more identifiable members of the
5 community.

6 7. For the purposes of this subsection, any secured or
7 partially secured bond condition shall be deemed an order of
8 detention unless the court finds the defendant has the present
9 ability to pay the secured portion of the bond.

10 E. 1. If the defendant had a monetary bond set by a schedule
11 following arrest and the defendant remains in custody at the time of
12 the pretrial release hearing, there is a rebuttable presumption that
13 the defendant is unable to afford the preset bond amount.

14 2. The defendant shall be presumed presently unable to pay any
15 bond or fee if the defendant:

16 a. receives means-tested government assistance,

17 b. has an income at or below two hundred percent (200%)
18 of the federal poverty level,

19 c. is eligible for appointed counsel,

20 d. is or within the last two (2) years has been homeless,

21 e. is incarcerated or residing in a mental health or
22 other treatment facility, or

1 f. for the last three (3) months has had monthly expenses
2 that are equal to or in excess of the monthly income
3 and assets of the defendant.

4 SECTION 4. AMENDATORY 22 O.S. 2021, Section 258, as
5 amended by Section 2, Chapter 269, O.S.L. 2022 (22 O.S. Supp. 2024,
6 Section 258), is amended to read as follows:

7 Section 258. First: The witnesses must be examined in the
8 presence of the defendant, and may be cross-examined by the
9 defendant. On the request of the district attorney, or the
10 defendant, all the testimony must be reduced to writing in the form
11 of questions and answers and signed by the witnesses, or the same
12 may be taken in shorthand and transcribed without signing, and in
13 both cases filed with the clerk of the district court, by the
14 examining magistrate, and may be used as provided in Section 333 of
15 this title. In no case shall the county be liable for the expense
16 in reducing such testimony to writing, unless ordered by the judge
17 of a court of record.

18 Second: The district attorney may, on approval of ~~the county a~~
19 judge or of the district judge court, issue subpoenas in felony
20 cases and call witnesses before the district attorney and have them
21 sworn and their testimony reduced to writing and signed by the
22 witnesses at the cost of the county. Such examination must be
23 confined to some felony committed against the statutes of the state
24 and triable in that county, and the evidence so taken shall not be

1 receivable in any civil proceeding. A refusal to obey such subpoena
2 or to be sworn or to testify may be punished as a contempt on
3 complaint and showing to the ~~county court, or~~ district court, or the
4 judges thereof that proper cause exists therefor.

5 Third: No ~~preliminary~~ information shall be filed without the
6 consent or endorsement of the district attorney, ~~unless the~~
7 ~~defendant be taken in the commission of a felony, or the offense be~~
8 ~~of such character that the accused is liable to escape before the~~
9 ~~district attorney can be consulted. If the defendant is discharged~~
10 ~~and the information is filed without authority from or endorsement~~
11 ~~of the district attorney, the costs must be taxed to the prosecuting~~
12 ~~witness, and the county shall not be liable therefor.~~

13 Fourth: The convening and session of a grand jury does not
14 dispense with the right of the district attorney to file ~~complaints~~
15 ~~and~~ informations, conduct preliminary hearings and other routine
16 matters, unless otherwise specifically ordered, by a written order
17 of the court convening the grand jury; made on the court's own
18 motion, or at the request of the grand jury.

19 Fifth: There shall be no preliminary examinations in
20 misdemeanor cases.

21 Sixth: A preliminary ~~magistrate~~ hearing judge shall have the
22 authority to limit the evidence presented at the preliminary hearing
23 to that which is relevant to the issues of: (1) whether the crime
24 was committed, and (2) whether there is probable cause to believe

1 the defendant committed the crime. Once a showing of probable cause
2 is made the magistrate shall terminate the preliminary hearing and
3 enter a bindover order; provided, however, that the preliminary
4 hearing shall be terminated only if the state made available for
5 inspection and copying law enforcement reports within the
6 prosecuting attorney's knowledge or possession at the time to the
7 defendant five (5) working days prior to the date of the preliminary
8 hearing. The district attorney shall determine whether or not to
9 make the law enforcement reports available prior to the preliminary
10 hearing. If reports are made available, the district attorney shall
11 be required to provide those law enforcement reports that the
12 district attorney knows to exist at the time of providing the
13 reports, but this does not include any physical evidence which may
14 exist in the case. This provision does not require the district
15 attorney to provide copies for the defendant, but only to make them
16 available for inspection and copying by defense counsel. In the
17 alternative, upon agreement of the state and the defendant, the
18 court may terminate the preliminary hearing once a showing of
19 probable cause is made.

20 Seventh: A preliminary ~~magistrate~~ hearing judge shall accept
21 into evidence as proof of prior convictions a noncertified copy of a
22 Judgment and Sentence when the copy appears to the preliminary
23 ~~magistrate~~ hearing judge to be patently accurate. The district
24 attorney shall make a noncertified copy of the Judgment and Sentence

1 available to the defendant no fewer than five (5) days prior to the
2 hearing. If such copy is not made available five (5) days prior to
3 the hearing, the court shall continue the portion of the hearing to
4 which the copy is relevant for such time as the defendant requests,
5 not to exceed five (5) days subsequent to the receipt of the copy.

6 Eighth: The purpose of the preliminary hearing is to establish
7 probable cause that a crime was committed and probable cause that
8 the defendant committed the crime.

9 Ninth: The preliminary hearing must be set within ~~nine (9)~~
10 ~~months~~ sixty (60) days from the initial appearance of the defendant.
11 If commencement of the preliminary hearing is delayed past the ~~nine-~~
12 ~~month~~ sixty-day time limit, a show cause hearing shall be scheduled
13 by the court to show reason for the delay. If the court fails to
14 find good cause for the delay, the court shall schedule a
15 preliminary hearing as soon as practicable. If the defendant is in
16 pretrial detention, good cause shall be limited to:

17 1. Illness or other justifiable absence of the court, counsel,
18 the defendant, or necessary court personnel;

19 2. Unavailability of necessary scientific reports or subpoenaed
20 records that will be available within a reasonable time;

21 3. Unavailability of a necessary witness who will be available
22 within a reasonable time;

23 4. The accused is incompetent to stand trial; or
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1 5. A determination of the competency of the accused to stand
2 trial is pending.

3 If the defendant is in pretrial detention and the court finds
4 good cause for the delay, the court shall schedule the preliminary
5 hearing no later than sixty (60) days after the original setting.

6 SECTION 5. AMENDATORY 22 O.S. 2021, Section 1105.2, is
7 amended to read as follows:

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

13 B. When the defendant appears before the court for a pretrial
14 release hearing or when formal charges or an indictment has been
15 filed, bail conditions of release shall be ~~set according to law and~~
16 ~~the pretrial bond, if any, may be reaffirmed unless additional~~
17 ~~security is required~~ determined as provided in Section 251 of this
18 title. Every judicial district may, upon the order of the presiding
19 judge for the district, establish a ~~pretrial~~ pre-appearance bail
20 schedule for use by the sheriff or other operator of a jail or
21 detention facility to set bail prior to the pretrial release hearing
22 before the court for felony or misdemeanor offenses, ~~except for~~
23 ~~traffic.~~ Traffic offenses included in subsections B, C and D of
24 Section 1115.3 of ~~Title 22 of the Oklahoma Statutes~~ this title and

1 those offenses specifically excluded herein shall not be included.
2 The bail schedule established pursuant to the authority of this act
3 shall exclude any offense for which bail is not allowed by law. The
4 bail schedule authorized by this act shall be set in accordance with
5 guidelines relating to bail and shall be published and reviewed by
6 March 1 of each year by the courts and district attorney of the
7 judicial district. The bail schedule authorized by this section
8 shall be made public and shall be displayed in the public area of
9 the jail or detention facility.

10 C. When a person is assigned bail under a bail schedule, the
11 amount shall be determined by reference to the charge of arrest
12 associated with the highest bail amount. Scheduled bail amounts
13 shall not be aggregated.

14 D. 1. Any bail amount imposed pursuant to a bail schedule or
15 by any order of the court can be satisfied by posting a cash bond or
16 secured bond in the full amount, or by posting a partially secured
17 bond by depositing cash equal to ten percent (10%) of the bond
18 amount and executing a promise to pay the remaining amount upon a
19 court ordering the bond forfeited.

20 2. An individualized court order may require that a cash bond
21 be fully secured but only if the order complied with all the
22 requirements of Section 251 of this title for imposing bail
23 conditions.

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1 E. Bail amounts prescribed by a bail schedule shall not be
2 considered presumptively reasonable when a judge subsequently
3 determines release conditions of the person.

4 ~~C.~~ F. The ~~pretrial~~ pre-appearance bail shall be set in a
5 numerical dollar amount. If the person fails to appear in court as
6 required, the judge ~~shall~~ may:

7 1. Rescind the bond and proceed to enter a judgment against the
8 defendant for the dollar amount of the ~~pretrial~~ pre-appearance bail
9 if no private bail was given at the time of release; provided,
10 however, the court clerk shall follow the procedures as set forth in
11 Section 1301 et seq. of Title 59 of the Oklahoma Statutes in
12 collecting the forfeiture amount against the person who fails to
13 appear in court; or

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

17 ~~D. When a pretrial program exists in the judicial district~~
18 ~~where the person is being held, the~~ G. The judge may utilize the
19 services of the pretrial ~~release~~ services program when ordering
20 pretrial release, except when private bail has been furnished.

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

23 ~~F.~~ I. The court may require the person to be placed on an
24 electronic monitoring device as a condition of pretrial release,

1 provided that the provisions of Section 251 of this title for
2 requiring such a condition have been satisfied.

3 ~~G.~~ J. In instances where an electronic monitoring device has
4 been ordered, the court may impose payment of a supervision fee.
5 Payment of the fee, in whole or according to a court-ordered
6 installment schedule, shall be a condition of pretrial release,
7 provided that a finding of ability to pay has been made in
8 accordance with Section 251 of this title. The court clerk shall
9 collect the supervision fees.

10 SECTION 6. NEW LAW A new section of law to be codified
11 in the Oklahoma Statutes as Section 1105.2a of Title 22, unless
12 there is created a duplication in numbering, reads as follows:

13 A. A bond may not be modified, revoked, or forfeited absent a
14 hearing that complies with the procedural requirements for a
15 pretrial release hearing as provided in Section 251 of Title 22 of
16 the Oklahoma Statutes.

17 B. A bail modification hearing shall be scheduled:

18 1. At any time, upon a showing by any party that there has been
19 a change in material circumstances; or

20 2. Sua sponte by the court, within forty-eight (48) hours of
21 the imposition of a monetary bond condition if the person remains in
22 jail, unless at the time the bond was imposed the court found the
23 person unable to pay as provided in Section 251 of Title 22 of the
24 Oklahoma Statutes. The administrator of the jail in which the

1 person is detained shall provide the court with the information
2 necessary to schedule hearings as provided in this subsection.

3 C. At a bail modification hearing:

4 1. The court may not revoke or forfeit bond, impose additional
5 or more restrictive conditions of release, or order the person
6 detained:

7 a. unless the substantive and procedural requirements for
8 imposing conditions at pretrial release hearings, as
9 provided in Section 251 of Title 22 of the Oklahoma
10 Statutes, are satisfied, or

11 b. on grounds that the person violated a condition of
12 pretrial release if:

13 (1) the rule or condition violated was imposed by any
14 entity other than the court, including court
15 services or pretrial services, or

16 (2) the condition violated was a requirement to pay a
17 monetary amount, absent a finding of willfulness;
18 and

19 2. A person shall not be jailed for failure to pay an unsecured
20 portion of bond following forfeiture absent a finding of ability to
21 pay that follows the procedural and substantive requirements for
22 determining ability to pay at a pretrial release hearing.

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1 D. Whenever a bond modification hearing is scheduled, and the
2 person is not in custody, the court shall provide notice to the
3 person, as follows:

4 1. Notice shall be provided in person or by mail at least seven
5 (7) calendar days before the hearing, and by telephone on the
6 business day before the scheduled hearing at every telephone number,
7 if any, provided by the person as provided in Section 251 of Title
8 22 of the Oklahoma Statutes; and

9 2. The notice shall include the time and date of the hearing,
10 the nature of the hearing, and an advisement that if the person does
11 not appear, a warrant may be issued for his or her arrest. The
12 reminder shall also include instructions for contacting the court by
13 telephone with any questions.

14 SECTION 7. AMENDATORY 22 O.S. 2021, Section 1105.3, is
15 amended to read as follows:

16 Section 1105.3. A. ~~Any county pursuant to the provisions of~~
17 ~~the Pretrial Release Act may establish and fund a~~ There is hereby
18 created a statewide pretrial services program within each judicial
19 district of the state to be supervised by the Administrative Office
20 of the Courts and utilized by the district court in that each
21 jurisdiction.

22 B. ~~When a~~ 1. From funds appropriated or otherwise available
23 for the purpose of implementing the statewide pretrial release
24 services program is established pursuant to the Pretrial Release Act

1 ~~and private bail has not been furnished, the judge may order a~~
2 ~~person to be evaluated through, the Administrative Office of the~~
3 ~~Courts shall employ a chief administrative officer of the pretrial~~
4 ~~services program for each judicial district who shall be the~~
5 ~~director and who shall coordinate such staff, offices, equipment,~~
6 ~~and contract services as are necessary to accomplish the purposes of~~
7 ~~the pretrial services program. The director shall be selected by~~
8 ~~the Administrative Office of the Courts after consultation with the~~
9 ~~presiding judge of the judicial district and may be removed in the~~
10 ~~same manner.~~

11 2. Subject to budget limitations established by the
12 Administrative Office of the Courts, the director shall employ
13 sufficient staff, contract for sufficient services, and provide
14 sufficient equipment, as provided by law, as are necessary to
15 accomplish the purposes of the pretrial services program within the
16 judicial district. ~~After conducting an evaluation of the person~~
17 ~~applying for pretrial release, the pretrial program shall make a~~
18 ~~recommendation to the court. The recommendation shall indicate any~~
19 ~~special supervisory conditions for pretrial release. The judge~~
20 ~~shall consider the recommendations and may grant or deny pretrial~~
21 ~~release. The presiding judge of the judicial district may issue a~~
22 ~~standing order outlining criteria for cases that may automatically~~
23 ~~be evaluated for pretrial release by a pretrial program operating in~~
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1 ~~the jurisdiction. The standing order may include amounts for bail~~
2 ~~and types of bonds deemed appropriate for certain offenses.~~

3 ~~C. Except as otherwise authorized by the provisions of this~~
4 ~~subsection, persons accused of or detained for any of the following~~
5 ~~offenses or conditions shall not be eligible for pretrial release by~~
6 ~~any pretrial program:~~

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

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

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

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

15 ~~5. Appeal bond;~~

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

18 ~~7. Assault and battery on a police officer;~~

19 ~~8. Bail jumping;~~

20 ~~9. Bribery of a public official;~~

21 ~~10. Burglary in the first or second degree;~~

22 ~~11. Civil contempt proceedings;~~

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- 1 ~~12. Distribution of a controlled dangerous substance, including~~
- 2 ~~the sale or possession of a controlled dangerous substance with~~
- 3 ~~intent to distribute or conspiracy to distribute;~~
- 4 ~~13. Domestic abuse, domestic assault or domestic assault and~~
- 5 ~~battery with a dangerous weapon, or domestic assault and battery~~
- 6 ~~with a deadly weapon;~~
- 7 ~~14. Driving under the influence of intoxicating substance where~~
- 8 ~~property damage or personal injury occurs;~~
- 9 ~~15. Felony discharging a firearm from a vehicle;~~
- 10 ~~16. Felony sex offenses;~~
- 11 ~~17. Fugitive bond or a governor's fugitive warrant;~~
- 12 ~~18. Immigration charges;~~
- 13 ~~19. Kidnapping;~~
- 14 ~~20. Juvenile or youthful offender detention;~~
- 15 ~~21. Manslaughter;~~
- 16 ~~22. Manufacture of a controlled dangerous substance;~~
- 17 ~~23. Murder in the first degree, including attempts or~~
- 18 ~~conspiracy to commit murder in the first degree;~~
- 19 ~~24. Murder in the second degree, including attempts or~~
- 20 ~~conspiracy to commit murder in the second degree;~~
- 21 ~~25. Negligent homicide;~~
- 22 ~~26. Out of county holds;~~
- 23 ~~27. Persons currently on pretrial release who are arrested on a~~
- 24 ~~new felony offense;~~

1 ~~28. Possession, manufacture, use, sale or delivery of an~~
2 ~~explosive device;~~

3 ~~29. Possession of a controlled dangerous substance on Schedule~~
4 ~~I or II of the Controlled Dangerous Substances Act;~~

5 ~~30. Possession of a firearm or other offensive weapon during~~
6 ~~the commission of a felony;~~

7 ~~31. Possession of a stolen vehicle;~~

8 ~~32. Rape in the first degree, including attempts to commit rape~~
9 ~~in the first degree;~~

10 ~~33. Rape in the second degree, including attempts to commit~~
11 ~~rape in the second degree;~~

12 ~~34. Robbery by force or fear;~~

13 ~~35. Robbery with a firearm or dangerous weapon, including~~
14 ~~attempts to commit robbery with a firearm or dangerous weapon;~~

15 ~~36. Sexual assault or violent offenses against children;~~

16 ~~37. Shooting with intent to kill;~~

17 ~~38. Stalking or violation of a Victim Protection Order;~~

18 ~~39. Two or more prior felony convictions; or~~

19 ~~40. Unauthorized use of a motor vehicle.~~

20 ~~D. Other than a person accused of or detained for an offense~~
21 ~~provided for in paragraph 13 or paragraph 38 of subsection C of this~~
22 ~~section, a person not eligible for pretrial release pursuant to the~~
23 ~~provisions of subsection C of this section may be released upon~~
24 ~~order of a district judge, associate district judge or special judge~~

1 ~~under conditions prescribed by the judge, which may include an order~~
2 ~~to require the defendant, as a condition of pretrial release, to use~~
3 ~~or participate in any monitoring or testing including, but not~~
4 ~~limited to, a Global Positioning System (GPS) monitoring device and~~
5 ~~urinalysis testing. The court may further order the defendant to~~
6 ~~pay costs and expenses related to any supervision, monitoring or~~
7 ~~testing.~~

8 ~~E. C.~~ Every pretrial services program ~~operating pursuant to the~~
9 ~~provisions of the Pretrial Release Act~~ shall meet the following
10 minimum criteria:

11 1. The program shall establish a procedure for screening ~~and~~
12 ~~evaluating~~ persons who are detained or have been arrested for the
13 alleged commission of a crime. The program shall obtain criminal
14 history records on detained persons through the National Crime
15 Information Center (NCIC) and may obtain the following information:

- 16 a. contact information,
- 17 b. financial status, including:
 - 18 (1) employment status and income,
 - 19 (2) public benefits,
 - 20 (3) alternate sources of income,
 - 21 (4) number and relation of financial dependents,
 - 22 (5) expenses, including for housing, utilities,
 - 23 transportation, childcare, health care, fines and
 - 24

1 fees owed to courts and other government
2 entities, and court-ordered child support, and
3 (6) liquid assets, including bank accounts and cash
4 on hand,

5 c. community ties, including:

- 6 (1) current residence, length of time at current
7 residence, and other members of the household,
8 (2) past residences within the local or neighboring
9 counties,
10 (3) friends or family living within the local or
11 neighboring counties,
12 (4) personal or professional obligations in or ties
13 to the local or neighboring counties, and
14 (5) available means of transportation to court for
15 required appearances, and

16 d. previous criminal history;

17 2. Pretrial services staff may interview the person in custody
18 to obtain some or all of the information in paragraph 1 of this
19 subsection, in which case, pretrial services shall advise the person
20 that:

- 21 a. the interview is voluntary, and
22 b. any information provided will be shared with the court
23 for purposes of deciding whether the person is likely
24 to threaten the safety of anyone if the person is

1 released, whether the person is likely to return for
2 court appearances if released, and if the person can
3 afford any amount of monetary bond.

4 D. 1. The information obtained from the screening ~~and~~
5 ~~evaluation~~ process must be submitted in a written report without
6 unnecessary delay to the judge who is assigned to ~~hear~~ make pretrial
7 release ~~applications when the person is eligible for pretrial~~
8 ~~release;~~ decisions.

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

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

19 4. If the report is provided to the judge at or in advance of
20 the pretrial release hearing of the defendant or pretrial release
21 modification hearing, as provided in Sections 251 and 1105.2 of this
22 title respectively, a copy of the report shall be provided to the
23 state and to the attorney representing the defendant at the hearing,
24 or to any defendant appearing pro se.

1 5. The judge setting or modifying release conditions may rely
2 on the information, provided the defendant has an opportunity to
3 review and contest the information provided.

4 6. A hearing under Section 251 of this title and Section 6 of
5 this act shall not be delayed to allow pretrial services additional
6 time to collect and provide information. Pretrial release and
7 modification hearings may proceed without complete information
8 collected or provided by pretrial services.

9 7. Pretrial services shall not make ex parte recommendations to
10 the court about appropriate release conditions.

11 ~~F.~~ E. 1. A pretrial program established pursuant to the
12 Pretrial Release Act may provide different methods and levels of
13 community-based supervision to meet any court-ordered conditions of
14 release. The program may use existing supervision methods for
15 persons who are released prior to trial. Pretrial programs which
16 employ peace officers certified by the Council on Law Enforcement
17 Education and Training (CLEET) are authorized to enforce court-
18 ordered conditions of release.

19 2. At a minimum, pretrial services shall be equipped, if
20 ordered by a court, to:

21 a. provide telephone or text notifications of court
22 dates,

- 1 b. administer Global Positioning System (GPS) monitoring
2 and Secure Continuous Remote Alcohol Monitoring
3 (SCRAM),
4 c. administer drug and alcohol testing, and
5 d. monitor or facilitate periodic check-ins, house
6 arrest, and curfew restrictions.

7 3. Pretrial services may not impose or enforce any release
8 condition that has not been specifically ordered by a court.

9 ~~G. F.~~ Each pretrial services program established pursuant to
10 the Pretrial Release Act shall provide a quarterly report to the
11 Administrative Office of the Courts and the presiding judge of the
12 judicial district of the jurisdiction in which it operates. A copy
13 of the report shall be filed of record with the court clerk of the
14 jurisdiction. Each report shall include, but is not limited to, the
15 following information:

16 1. The total number of persons screened, ~~evaluated or otherwise~~
17 ~~considered for pretrial release~~ pursuant to this section;

18 2. ~~The total number and nature of recommendations made;~~

19 3. The number of persons ~~admitted to~~ supervised by the pretrial
20 ~~release~~ services program that failed to appear; and

21 4. 3. Any other information deemed appropriate by the reporting
22 judicial district or that the program desires to report.

23 ~~H. Every pretrial release program established pursuant to this~~
24 ~~section shall utilize the services of local providers; provided,~~

1 ~~however, any program in continuous existence since July 1, 1999,~~
2 ~~shall be exempt from the provisions of this subsection.~~

3 SECTION 8. AMENDATORY 22 O.S. 2021, Section 1355A, is
4 amended to read as follows:

5 Section 1355A. A. When an indigent requests representation by
6 the Oklahoma Indigent Defense System, except those presumed eligible
7 for appointment of the System as established in subsection E of this
8 section, such person shall submit an appropriate application to the
9 court clerk, which shall state that the application is signed under
10 oath and under the penalty of perjury and that a false statement may
11 be prosecuted as such. The application shall state whether or not
12 the indigent has been released on bond. ~~In addition, if the~~
13 ~~indigent has been released~~ Release on bond, ~~the application shall~~
14 ~~include a written statement from the~~ not disqualify an applicant
15 ~~that the applicant has contacted three named attorneys, licensed to~~
16 ~~practice law in this state, and the applicant has been unable to~~
17 ~~obtain legal counsel~~ from receiving representation by the System. A
18 nonrefundable application fee of Forty Dollars (\$40.00) shall be
19 paid to the court clerk at the time the application is submitted,
20 and no application shall be accepted without payment of the fee;
21 except that the court may, based upon the financial information
22 submitted, defer all or part of the fee if the court determines that
23 the person does not have the financial resources to pay the fee at
24 time of application, to attach as a court fee upon conviction. Any

1 fees collected pursuant to this subsection shall be retained by the
2 court clerk, deposited in the Court Clerk's Revolving Fund, and
3 reported quarterly to the Administrative Office of the Courts.

4 B. 1. The Court of Criminal Appeals shall promulgate rules
5 governing the determination of indigency pursuant to the provisions
6 of Section 55 of Title 20 of the Oklahoma Statutes. The initial
7 determination of indigency shall be made by the Chief Judge of the
8 Judicial District or a designee thereof, based on the defendant's
9 application and the rules provided herein.

10 2. Upon promulgation of the rules required by law, the
11 determination of indigency shall be subject to review by the
12 Presiding Judge of the Judicial Administrative District. Until such
13 rules become effective, the determination of indigency shall be
14 subject to review by the Court of Criminal Appeals.

15 C. Before the court appoints the System based on the
16 application, the court shall advise the indigent or, if applicable,
17 a parent or legal guardian, that the application is signed under
18 oath and under the penalty of perjury and that a false statement may
19 be prosecuted as such. A copy of the application shall be sent to
20 the prosecuting attorney or the Office of the Attorney General,
21 whichever is appropriate, for review. Upon request by any party
22 including, but not limited to, the attorney appointed to represent
23 the indigent, the court shall hold a hearing on the issue of
24 eligibility for appointment of the System.

1 D. If the defendant is admitted to bail and the defendant or
2 another person on behalf of the defendant ~~posts a bond, other than~~
3 ~~by personal recognizance, the court may consider such fact in~~
4 ~~determining the eligibility of~~ is unable to post the bail, there
5 shall be a rebuttable presumption that the defendant is eligible for
6 appointment of the System; ~~provided, however, such consideration~~
7 ~~shall not be the sole factor in the determination of eligibility.~~
8 If the defendant qualifies for this presumption, the application and
9 application fee provided for in this section shall be waived.
10 Factors that rebut such presumption shall include an income above
11 the poverty threshold of the state.

12 E. In counties served by the System, attorneys employed by or
13 contracted with the System may be appointed by the court to
14 represent defendants who appear without counsel at an initial
15 appearance and pretrial release hearing for the limited purpose of
16 providing counsel for determination of the conditions under which
17 the defendant will be held or released pretrial without the
18 application and application fee required by this section.

19 ~~E.~~ F. The System shall be prohibited from accepting an
20 appointment unless a completed application for court-appointed
21 counsel as provided by Form 13.3 of Section XIII of the Rules of the
22 Court of Criminal Appeals, 22 O.S. 2001, Ch. 18, App., has been
23 filed of record in the case.

1 SECTION 9. AMENDATORY 22 O.S. 2021, Section 2002, is
2 amended to read as follows:

3 Section 2002. A. Disclosure of Evidence by the State.

4 1. Upon request of the defense, the state shall disclose the
5 following:

- 6 a. the names and addresses of witnesses which the state
7 intends to call at trial, together with their
8 relevant, written or recorded statement, if any, or if
9 none, significant summaries of any oral statement,
- 10 b. law enforcement reports made in connection with the
11 particular case,
- 12 c. any written or recorded statements and the substance
13 of any oral statements made by the accused or made by
14 a codefendant,
- 15 d. any reports or statements made by experts in
16 connection with the particular case, including results
17 of physical or mental examinations and of scientific
18 tests, experiments, or comparisons,
- 19 e. any books, papers, documents, photographs, tangible
20 objects, buildings or places which the prosecuting
21 attorney intends to use in the hearing or trial or
22 which were obtained from or belong to the accused,
- 23 f. any record of prior criminal convictions of the
24 defendant, or of any codefendant, and

1 g. Oklahoma State Bureau of Investigation (OSBI) rap
2 sheet/records check on any witness listed by the state
3 or the defense as a witness who will testify at trial,
4 as well as any convictions of any witness revealed
5 through additional record checks if the defense has
6 furnished Social Security numbers or date of birth for
7 their witnesses, except OSBI rap sheet/record checks
8 shall not provide date of birth, Social Security
9 number, home ~~phone~~ telephone number or address.

10 2. The state shall provide the defendant any evidence favorable
11 to the defendant if such evidence is material to either guilt or
12 punishment.

13 3. The prosecuting attorney's obligations under this standard
14 extend to:

- 15 a. material and information in the possession or control
16 of members of the prosecutor's staff,
17 b. any information in the possession of law enforcement
18 agencies that regularly report to the prosecutor of
19 which the prosecutor should reasonably know, and
20 c. any information in the possession of law enforcement
21 agencies who have reported to the prosecutor with
22 reference to the particular case of which the
23 prosecutor should reasonably know.
24

1 4. a. If the state intends to introduce testimony of a
2 jailhouse informant, the state shall disclose at least
3 ten (10) days prior to trial:

4 (1) the complete criminal history of such informant,
5 including any dismissed charges,

6 (2) any deal, promise, inducement or benefit that the
7 state or law enforcement agency has made or may
8 make in the future to the jailhouse informant in
9 connection with the testimony of such informant,

10 (3) the specific statements or recordings made by the
11 suspect or defendant and the time, place and
12 manner of the disclosure to the jailhouse
13 informant,

14 (4) all other filed cases in which the state intended
15 to introduce the testimony of the jailhouse
16 informant in connection with a deal, promise,
17 inducement or benefit, the nature of the deal,
18 promise, inducement or benefit, and whether the
19 testimony was admitted in the case,

20 (5) whether at any time the jailhouse informant
21 recanted the testimony or statement, and if so, a
22 transcript or copy of such recantation, if any,
23 and
24

1 (6) any other information relevant to the credibility
2 of the informant.

3 b. Each district attorney's office shall maintain a
4 central record that tracks each case in which the
5 state intended to introduce the testimony of the
6 jailhouse informant against a suspect or defendant in
7 connection with a deal, promise, inducement or
8 benefit, the nature of the deal, promise, inducement
9 or benefit and whether such testimony or statements
10 were admitted in the case. Such record shall be sent
11 to the District Attorneys Council which shall maintain
12 a statewide record of such information. Records
13 maintained pursuant to this paragraph shall only be
14 accessible to prosecutors and shall not be subject to
15 the Oklahoma Open Records Act. By September 15 of
16 each year, the District Attorneys Council shall
17 publish an annual report of aggregate, de-identified
18 data regarding the total number of cases tracked
19 pursuant to this section, and the number of cases
20 added during the previous fiscal year pursuant to this
21 section by each district attorney's office. A copy of
22 the report shall be distributed to the Governor, the
23 President Pro Tempore of the Senate, the Speaker of
24

1 the House of Representatives and the chairs of the
2 Senate and House Judiciary Committees.

3 c. For purposes of this paragraph, "jailhouse informant"
4 means a person who provides, or who the prosecutor
5 intends to provide, testimony about admissions or
6 other relevant information made to him or her by the
7 suspect or defendant while both persons were detained
8 or incarcerated in a penal institution.

9 B. Disclosure of Evidence by the Defendant.

10 1. Upon request of the state, the defense shall be required to
11 disclose the following:

- 12 a. the names and addresses of witnesses which the defense
13 intends to call at trial, together with their
14 relevant, written or recorded statement, if any, or if
15 none, significant summaries of any oral statement,
- 16 b. the name and address of any witness, other than the
17 defendant, who will be called to show that the
18 defendant was not present at the time and place
19 specified in the information or indictment, together
20 with the witness' statement to that fact,
- 21 c. the names and addresses of any witness the defendant
22 will call, other than himself, for testimony relating
23 to any mental disease, mental defect, or other
24 condition bearing upon his mental state at the time

1 the offense was allegedly committed, together with the
2 witness' statement of that fact, if the statement is
3 redacted by the court to preclude disclosure of
4 privileged communication.

5 2. A statement filed under subparagraph a, b or c of paragraph
6 1 of subsection A or B of this section is not admissible in evidence
7 at trial. Information obtained as a result of a statement filed
8 under subsection A or B of this section is not admissible in
9 evidence at trial except to refute the testimony of a witness whose
10 identity subsection A of this section requires to be disclosed.

11 3. Upon the prosecuting attorney's request after the time set
12 by the court, the defendant shall allow him access at any reasonable
13 times and in any reasonable manner to inspect, photograph, copy, or
14 have reasonable tests made upon any book, paper, document,
15 photograph, or tangible object which is within the defendant's
16 possession or control and which:

17 a. the defendant intends to offer in evidence, except to
18 the extent that it contains any communication of the
19 defendant, or

20 b. is a report or statement as to a physical or mental
21 examination or scientific test or experiment made in
22 connection with the particular case prepared by and
23 relating to the anticipated testimony of a person whom
24 the defendant intends to call as a witness, provided

1 the report or statement is redacted by the court to
2 preclude disclosure of privileged communication.

3 C. Continuing Duty to Disclose.

4 If, prior to or during trial, a party discovers additional
5 evidence or material previously requested or ordered, which is
6 subject to discovery or inspection under the Oklahoma Criminal
7 Discovery Code, such party shall promptly notify the other party,
8 the attorney of the other party, or the court of the existence of
9 the additional evidence or material.

10 D. Time of Discovery.

11 Motions for discovery may be made at the time of the district
12 court arraignment or thereafter; provided that requests for police
13 reports may be made subject to the provisions of Section 258 of this
14 title. However, a request pursuant to Section 258 of this title
15 shall be subject to the discretion of the district attorney.

16 Discovery shall be provided to the defendant as soon as practicable
17 after the motion is filed. All issues relating to discovery, except
18 as otherwise provided, will be completed before a plea of guilty or
19 nolo contendere or at least ten (10) days prior to trial. The court
20 may specify the time, place and manner of making the discovery and
21 may prescribe such terms and conditions as are just. Before
22 acceptance of a plea of guilty or nolo contendere, or before trial,
23 each party shall acknowledge in writing or on the record in open
24 court the disclosure, receipt, and list of all documents, items, and

1 information provided to the defendant under this section. If, at
2 any time before, during, or after trial or plea of guilty or nolo
3 contendere, the state discovers any additional document, item, or
4 information required to be disclosed under subsection A of this
5 section, the state shall promptly disclose the existence of the
6 document, item, or information to the defendant or the court.

7 E. Regulation of Discovery.

8 1. Protective and Modifying Orders. Upon motion of the state
9 or defendant, the court may at any time order that specified
10 disclosures be restricted, or make any other protective order. If
11 the court enters an order restricting specified disclosures, the
12 entire text of the material restricted shall be sealed and preserved
13 in the records of the court to be made available to the appellate
14 court in the event of an appeal.

15 2. Failure to Comply with a Request. If at any time during the
16 course of the proceedings it is brought to the attention of the
17 court that a party has failed to comply with this rule, the court
18 may order such party to permit the discovery or inspection, grant
19 continuance, or prohibit the party from introducing evidence not
20 disclosed, or it may enter such other order as it deems just under
21 the circumstances.

22 3. The discovery order shall not include discovery of legal
23 work product of either attorney which is deemed to include legal
24 research or those portions of records, correspondence, reports, or

1 memoranda which are only the opinions, theories, or conclusions of
2 the attorney or the attorney's legal staff.

3 F. Reasonable cost of copying, duplicating, videotaping,
4 developing or any other cost associated with this Code for items
5 requested shall be paid by the party so requesting; however, any
6 item which was obtained from the defendant by the state of which
7 copies are requested by the defendant shall be paid by the state.
8 Provided, if the court determines the defendant is indigent and
9 without funds to pay the cost of reproduction of the required items,
10 the cost shall be paid by the Indigent Defender System, unless
11 otherwise provided by law.

12 SECTION 10. This act shall become effective November 1, 2025.

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