

ENGROSSED HOUSE  
BILL NO. 1036

BY: GRIESER, BASTIN, APPLE,  
HOLT, REESE, BENSON and  
GLOVER of the HOUSE

and

STIPE of the SENATE

AN ACT RELATING TO CRIMINAL PROCEDURE; AMENDING  
SECTION 4, CHAPTER 250, O.S.L. 1986, AS LAST  
AMENDED BY SECTION 2, CHAPTER 282, O.S.L. 1990 (22  
O.S. SUPP. 1990, SECTION 1115.3), WHICH RELATES TO  
THE STATE AND MUNICIPAL TRAFFIC BAIL BOND PROCEDURE  
ACT; MODIFYING AMOUNT OF BAIL FOR OVERWEIGHT  
OFFENSES; PROVIDING AN EFFECTIVE DATE; AND  
DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY Section 4, Chapter 250, O.S.L.  
1986, as last amended by Section 2, Chapter 282, O.S.L. 1990 (22  
O.S. Supp. 1990, Section 1115.3), is amended to read as follows:

Section 1115.3 A. The court shall prescribe the amount of bail  
for the following state traffic-related offenses:

1. Any felony;
2. Negligent homicide;
3. Driving or being in actual physical control of a motor  
vehicle while impaired by or under the influence of alcohol or other  
intoxicating substances;

4. Eluding or attempting to elude a law enforcement officer;
5. Driving while license is under suspension, revocation, denial or cancellation;
6. Failure to stop or remain at the scene of an accident; and
7. Any other traffic violation for which a defendant is delivered to the judge of the court as magistrate pursuant to the provisions of Section 1115.2 of this title, or other law.

B. The amount of bail for an overweight offense shall be as provided for in subsection C of Section 1115.2 of this title however, for the first offense the bail shall not exceed Two Hundred Dollars (\$200.00) together with the amount of fine and costs, including any penalty assessment provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~1 of this act~~ 1313.3 of Title 20 of the Oklahoma Statutes.

C. The amount of bail for other state traffic-related offenses shall be the amount of fine and costs including any penalty assessments provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~1 of this act~~ 1313.3 of Title 20 of the Oklahoma Statutes.

D. The amount of bail for a state wildlife-related or water safety-related offense shall be the amount of fine and costs including any penalty assessment provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~1 of this act~~ 1313.3 of Title 20 of the Oklahoma Statutes.

E. On or before September 1 of each year, the Administrative Office of the Courts shall prepare a schedule of amounts to be received as bail for each offense pursuant to subsections ~~B,~~ C and D of this section and shall distribute the schedule to the Department of Public Safety, each district court clerk in this state and to other interested parties upon request.

F. The district court clerk, unless otherwise directed by the court, shall accept bail or the payment of a fine and costs in the

form of currency or personal, cashier's, traveler's, certified or guaranteed bank check, or postal or commercial money order for the amount prescribed in this section for bail.

G. The district court clerk shall accept as bail a guaranteed arrest bond certificate issued by a surety company, an automobile club or trucking association, if:

1. the issuer is authorized to do business in this state by the State Insurance Commissioner;

2. the certificate is issued to and signed by the arrested person;

3. the certificate contains a printed statement that appearance of such person is guaranteed and the issuer, in the event of failure of such person to appear in court at the time of trial, will pay any fine or forfeiture imposed; and

4. the limit provided on the certificate equals or exceeds the amount of bail provided for in this section.

SECTION 2. This act shall become effective July 1, 1991.

SECTION 3. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 11th day of March, 1991.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1991.

President of the Senate