

ENROLLED SENATE
BILL NO. 779

By: Helton of the Senate

and

Kirby of the House

An Act relating to municipal courts; amending 11 O.S. 1991, Section 27-118, as amended by Section 1, Chapter 265, O.S.L. 1993 (11 O.S. Supp. 1993, Section 27-118), which relates to defendant's failure to appear and forfeiture of bond; clarifying alternative procedures for forfeiture of bonds; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 27-118, as amended by Section 1, Chapter 265, O.S.L. 1993 (11 O.S. Supp. 1993, Section 27-118), is amended to read as follows:

Section 27-118. A. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of a bond, either for hearing, arraignment, trial, or judgment, or upon any other occasion when his or her presence in court or before the magistrate judge may be lawfully required, ~~bond forfeiture shall follow:~~

1. The court shall perform the procedures set forth in Section 1332 of Title 59 of the Oklahoma Statutes, whereby the municipal court clerk shall issue the required notices; or the judge may

2. a. The municipal judge shall issue an order declaring the bond to be forfeited on the day the defendant failed to appear and stating the reasons therefor. The judge shall cause the forfeiture to be certified to, and

b. Within five (5) days of the order of forfeiture, the municipal court clerk shall file a certified copy of the order with the district court in the county where the municipal government is located, where it shall be entered upon the judgment docket, including cost, and shall have the full force and effect of a district court judgment. When the forfeiture is entered upon the district court judgment docket, the The district court clerk shall treat the certified order of forfeiture as a foreign judgment and proceed in accordance with the provisions of Sections Section 1332 and 1333 of Title 59 of the Oklahoma Statutes. A surety shall have all remedies available under the provisions of Section 1108 of Title 22 and Sections 1301 through 1340 of Title 59 of the Oklahoma Statutes.

B. Court costs shall be collectible from the proceeds of the a forfeited bond.

SECTION 2. This act shall become effective September 1, 1994.
Passed the Senate the 15th day of March, 1994.

President of the Senate

Passed the House of Representatives the 6th day of April, 1994.

Speaker of the House of
Representatives