

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

HOUSE BILL NO. 2604

By: Kirby

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 1115.3, which relates to bail; providing bail amounts for certain traffic offenses; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, 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 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 ~~±~~ 1313.3 of ~~this act~~ 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~~ as follows, plus any penalty assessments provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~±~~ 1313.3 of ~~this act.~~ Title 22 of the Oklahoma Statutes:

<u>OFFENSE</u>	<u>MINIMUM BOND</u>
<u>Speeding</u>	
<u>One to Ten miles per hour Over Limit</u>	<u>\$ 74.00</u>
<u>Eleven to Fifteen miles per hour</u>	
<u>Over Limit</u>	<u>\$100.00</u>
<u>Sixteen to Twenty miles per hour</u>	
<u>Over Limit</u>	<u>\$110.00</u>
<u>Twenty-one to Twenty-five miles per</u>	
<u>hour Over Limit</u>	<u>\$130.00</u>
<u>Twenty-six miles per hour or more</u>	
<u>over Limit</u>	<u>\$160.00</u>
<u>Operating a Motor Vehicle in a Manner</u>	
<u>not Reasonable and Proper</u>	<u>\$130.00</u>
<u>Reckless Driving</u>	<u>\$180.00</u>
<u>Failure to Obey a Lawful Traffic Control</u>	
<u>Sign, Signal or Device</u>	<u>\$ 90.00</u>
<u>Impeding the Normal and Reasonable Flow</u>	
<u>of Traffic</u>	<u>\$ 90.00</u>

<u>Improper Passing</u>	<u>\$ 90.00</u>
<u>Driving Left of Center</u>	<u>\$ 90.00</u>
<u>Driving Wrong Way on One-Way Road</u>	<u>\$ 90.00</u>
<u>Improperly Crossing Center Dividing Section</u>	<u>\$ 90.00</u>
<u>Improperly Driving Onto or Off of Controlled-access Roadway</u>	<u>\$ 90.00</u>
<u>Improper Movement from a Direct Course (To enter private drive)</u>	<u>\$ 90.00</u>
<u>Failure to Signal Intention to Turn Right or Left</u>	<u>\$ 90.00</u>
<u>Failure to Stop for a Stop Sign</u>	<u>\$ 90.00</u>
<u>Changing Lanes Unsafely</u>	<u>\$ 90.00</u>
<u>Failure to Stop for School Bus Loading or Unloading Children</u>	<u>\$ 90.00</u>
<u>Failure to Wear Safety Belt Properly</u>	<u>\$ 32.00</u>
<u>Failure to Use Child Passenger Restraint System</u>	<u>\$ 32.00</u>
<u>Depositing or Throwing Destructive or Injurious Material on Highway</u>	<u>\$280.00</u>
<u>Throwing Lighted Substance or Debris on Roadway or Public Property</u>	<u>\$ 90.00</u>
<u>Allowing a passenger to ride outside the passenger compartment of the vehicle</u>	<u>\$ 32.00</u>
<u>Operating a Motor Vehicle with an Improper Brake</u>	<u>\$ 90.00</u>
<u>Operating a Motor Vehicle Without a Valid Operator's or Chauffeur's License</u>	<u>\$130.00</u>
<u>Unlawfully Operating a Motor Vehicle Without an Inspection Sticker</u>	<u>\$ 90.00</u>
<u>Violation of License Restriction</u>	<u>\$ 90.00</u>

<u>Transporting Open Container of</u>	
<u>Nonintoxicating Alcoholic Beverage</u>	
<u>(Beer 3.2)</u>	<u>\$ 90.00</u>
<u>Unlawfully Transporting Open Container</u>	
<u>of Alcoholic Beverage in a Vehicle</u>	<u>\$130.00</u>
<u>Public Intoxication</u>	<u>\$ 90.00</u>
<u>Failure to Carry Security Verification</u>	
<u>Form</u>	<u>\$ 90.00</u>
<u>Failure to Pay All Taxes Due State</u>	<u>\$ 90.00</u>
<u>Operating a Vehicle Without Current</u>	
<u>License Plates or Decal</u>	<u>\$ 90.00</u>
<u>Operating a Motorcycle Without Proper</u>	
<u>Windshield, Goggles or Face Shields</u>	<u>\$ 90.00</u>

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 4 1313.3 of ~~this act~~ 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, 1994.

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.

44-2-7433

SD