

SHORT TITLE: Criminal procedure; prohibiting release of defendant under certain circumstances; providing guidelines for setting subsequent bail; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 600

By: Smith

AS INTRODUCED

An Act relating to forfeiture of bail; amending 22 O.S. 1991, Sections 454, 965 and 1141.18, which relate to issuance of bench warrant at arraignment, issuance of bench warrant at judgment, and arrest of prisoner without warrant; clarifying language; prohibiting release of defendant or prisoner on personal recognizance when defendant or prisoner has failed to appear before a court; providing guidelines for determining amount of subsequent bail; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 454, is amended to read as follows:

Section 454. If the defendant has been discharged on bail, ~~or have deposited money instead thereof,~~ and does not appear to be arraigned, when his or her personal attendance is necessary, ~~the court~~ in addition to the forfeiture of the undertaking of bail or of the money deposited, ~~may~~ the court:

1. May direct the clerk to issue a bench warrant for ~~his~~ the defendant's arrest;
2. May not release the defendant on personal recognizance; and
3. May not set bail upon the re-arrest of the defendant that is less than the greater of:

- a. the amount of the original bail, or
- b. Two Thousand Five Hundred Dollars (\$2,500.00).

SECTION 2. AMENDATORY 22 O.S. 1991, Section 965, is amended to read as follows:

Section 965. If the defendant has been discharged on bail, ~~or has deposited money instead thereof,~~ and does not appear for judgment when ~~his personal attendance is necessary,~~ the court required, in addition to the forfeiture of the ~~undertaking of~~ bail ~~or of money deposited,~~ may the court:

- 1. May direct the clerk to issue a bench warrant for his arrest;
- 2. May not release the defendant on personal recognizance; and
- 3. May not set bail upon the re-arrest of the defendant that is less than the greater of:

- a. the amount of the original bail, or
- b. Ten Thousand Dollars (\$10,000.00).

SECTION 3. AMENDATORY 22 O.S. 1991, Section 1141.18, is amended to read as follows:

Section 1141.18 If the prisoner is admitted to bail, ~~and fails to appear and surrender himself~~ according to the conditions of ~~his~~ the bond, the judge, ~~or magistrate,~~ by proper order, shall declare the bond forfeited and order ~~his~~ the prisoner's immediate arrest without warrant if he be within this state. Recovery may be had on such bond in the name of the state as in the case of other bonds given by the accused in criminal proceedings within this state and, the court:

- 1. May not release the prisoner on personal recognizance; and
- 2. May not set bail upon the re-arrest of the prisoner that is less than the greater of:

- a. the amount of the original bail, or
- b. Two Thousand Five Hundred Dollars (\$2,500.00).

SECTION 4. This act shall become effective September 1, 1994.

44-2-1408

KS