

SHORT TITLE: Municipal courts; allowing judge to follow certain procedure; effective date.

STATE OF OKLAHOMA

2nd Session of the 44th Legislature (1994)

SENATE BILL NO. 779

By: Helton

AS INTRODUCED

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~~ judge may be lawfully required, bond forfeiture shall follow ~~the~~ at the court's discretion either:

1. The procedures set forth in Section 1332 of Title 59 of the Oklahoma Statutes, ~~or the judge may~~

2. The following procedures:

a. issue an order declaring the bond to be forfeited and stating the reasons therefor. ~~The judge shall cause,~~  
and

b. cause the forfeiture to be certified to the district court in the county where the municipal government is located, where it shall be entered upon the judgment ~~docket~~ index, including ~~cost~~ costs, and thereupon shall have the full force and effect of a district court judgment. When the forfeiture is entered upon the district court judgment ~~docket~~ index, the district court clerk shall proceed in accordance with the provisions of Sections 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.

44-2-1538

KS