

ENGROSSED HOUSE  
BILL NO. 2160

By: O'Neal of the House

and

Long (Ed) of the Senate

An Act relating to cities and towns; amending 11 O.S. 1991, Section 27-118, as last amended by Section 3, Chapter 166, O.S.L. 1995 (11 O.S. Supp. 1995, 27-118), which relates to failure to appear in municipal court; providing that cash bond may be required if defendant has failed to appear on previous bond; 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 last amended by Section 3, Chapter 166, O.S.L. 1995 (11 O.S. Supp. 1995, 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, given by a bail bondsman as defined in Section 1301 of Title 59 of the Oklahoma Statutes, either for hearing, arraignment, trial, or judgment, or upon any other occasion when the presence of the defendant in court or before the judge may be lawfully required:

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

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, 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. The district court clerk shall treat the certified order of forfeiture as a foreign judgment and proceed in accordance with the provisions of Section 1332 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. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of a bond, either for a hearing, arraignment, trial or judgment, or upon any other occasion when the presence of the defendant in court or before the judge may be lawfully required, the court may require that any subsequent bond for the same offense be in the form of cash bond.

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

SECTION 2. This act shall become effective November 1, 1996.

Passed the House of Representatives the 27th day of February, 1996.

Speaker of the House of Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1996.

President

of the Senate