

ENGROSSED SENATE
BILL NO. 1150

By: Helton of the Senate
and
Askins of the House

[criminal procedure - warrantless arrests - court
hearing - emergency]

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

SECTION 1. AMENDATORY Section 1, Chapter 316, O.S.L.
1994 (22 O.S. Supp. 1995, Section 60.9), is amended to read as
follows:

Section 60.9 A. A peace officer, without a warrant, may arrest
and take into custody a person if the peace officer has reasonable
cause to believe that:

1. An emergency ex parte or final protective order has been
issued and served upon the person, pursuant to Section 60.1 et seq.
of ~~Title 22 of the Oklahoma Statutes~~ this title;

2. A true copy and proof of service of the order has been filed
with the law enforcement agency having jurisdiction of the area in
which the plaintiff or any family or household member named in the
order resides;

3. The person named in the order has received notice of the
order and has had a reasonable time to comply with ~~such~~ the order;
and

4. The person named in the order has violated the order or is
then acting in violation of the order.

B. A person arrested pursuant to this section shall be brought before the court within ~~twenty-four (24)~~ forty-eight (48) hours after arrest to answer to a charge for violation of the order, at which time the court shall do each of the following:

1. Set a time certain for a hearing on the alleged violation of the order within seventy-two (72) hours after arrest, unless extended by the court on the motion of the arrested person;

2. Set a reasonable bond pending a hearing of the alleged violation of the order; and

3. Notify the party who has procured the order of the court hearing and direct the party to appear at the hearing and give evidence on the charge unless the arresting officer has executed an affidavit which adequately describes the officer's probable cause for making the arrest and which is signed by the party who procured the order.

C. Subsection B of this section shall not apply if the district attorney has filed a complaint and information and the arrested person has been arraigned on the charges within forty-eight (48) hours of the arrest.

SECTION 2. 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.

Passed the Senate the 28th day of February, 1996.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1996.

Speaker

of the House of
Representatives