

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2244: Easley

AS INTRODUCED

An Act relating to bail bonds; amending 59 O.S. 2001, Sections 1328 and 1329, which relate to procedures for surrender and arrest of defendant; providing a penalty for failing to receive defendant into custody; requiring peace officers to accept custody of defendants; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1328, is amended to read as follows:

Section 1328. A. The person desiring to make a surrender of the defendant shall procure a certified copy of the undertakings and deliver them together with the defendant to the official in whose custody the defendant was at the time bail was taken, or to the official into whose custody he would have been given had he been committed, who shall detain the defendant in his custody thereon, as upon a commitment, and by a certificate in writing acknowledge the surrender.

B. Upon the presentation of certified copy of the undertaking and the certificate of the official, the court before which the defendant has been held to answer or the court in which the preliminary examination, indictment, information or appeal, as the case may be is pending shall, upon notice of three (3) days given by the person making the surrender to the prosecuting officer of the court having jurisdiction of the offense, together with a copy of the undertakings and certificate, order that the obligors be exonerated from liability on their undertakings; and, if money has

been deposited as bail, that such money or bonds be refunded. If property pledged, a certificate of exoneration be issued and the lien previously filed be released and the undertakings of whatever nature be canceled.

C. An official who fails to receive into custody a defendant who has been surrendered by a bail bondsman has committed an offense punishable as a misdemeanor.

SECTION 2. AMENDATORY 59 O.S. 2001, Section 1329, is amended to read as follows:

Section 1329. For the purpose of surrendering the defendant, the surety may ~~arrest him~~ place the defendant in custody before or after the forfeiture of the undertaking, or by written authority endorsed on a certified copy of the undertaking, may empower any peace officer to make arrest, first paying the lawful fees therefor. When requested, peace officers shall accept custody of the defendant from bail agents or their respective representatives.

SECTION 3. This act shall become effective November 1, 2004.

49-2-7848 GRS 01/15/04