

STATE OF OKLAHOMA

1st Session of the 49th Legislature (2003)

SENATE BILL 349

By: Stipe

AS INTRODUCED

An Act relating to professions and occupations; amending 59 O.S. 2001, Section 1327, as amended by Section 19, Chapter 390, O.S.L. 2002 (59 O.S. Supp. 2002, Section 1327), which relates to bail bondsmen; clarifying language; limiting the types of pleas which exonerate from liability; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2001, Section 1327, as amended by Section 19, Chapter 390, O.S.L. 2002 (59 O.S. Supp. 2002, Section 1327), is amended to read as follows

Section 1327. A. At any time before there has been a breach of the undertaking in any type of bail provided herein, the surety or bondsman may surrender the defendant, or the defendant may surrender himself or herself, to the official to whose custody the defendant was committed at the time bail was taken, or to the official into whose custody the defendant would have been given had he or she been committed. The defendant may be surrendered without the return of premium for the bond if he or she has been guilty of nonpayment of premium, ~~changing~~ changes address without notifying his or her bondsman, conceals himself or herself, ~~or~~ leaves the jurisdiction of the court without the permission of his or her bondsman, or ~~or~~ violating violates his or her contract with the bondsman in any way that does harm to the bondsman, or the surety, or violates his or her obligation to the court. When a bondsman or surety surrenders a defendant pursuant to this subsection, the bondsman or surety shall file written notification of the surrender. After surrender, and

upon filing of written notification of the surrender, the bond shall be exonerated and the clerk shall enter a minute in the case exonerating the bond.

B. If the defendant has been placed in custody of another jurisdiction, the district attorney shall direct a hold order to the official, judge or law enforcement agency where the defendant is in custody. All reasonable expenses accrued in returning the defendant to the original court shall be borne by the bondsman who posted the bond with that court. Upon application, the bond in the original court shall be exonerated when the hold order is placed and upon proof of payment of expenses by the bondsman.

C. When a defendant does appear before the court as required by law and enters a plea of guilty or nolo contendere, is sentenced or a deferred sentence is granted as provided for in Section 991c of Title 22 of the Oklahoma Statutes, in such event the undertaking and bondsman and insurer shall be exonerated from further liability.

SECTION 2. This act shall become effective November 1, 2003.

49-1-280

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