ENGROSSED SENATE
BILL NO. 1037

By: Paddack, Coates, Leftwich and Eason McIntyre of the Senate

and

Hilliard of the House

[criminal procedure - bail - crime victim and witness notification and victim protective order system - codification -

emergency]

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

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Caitlin Wooten Act".

SECTION 2. AMENDATORY 22 O.S. 2001, Section 1101, as last amended by Section 1, Chapter 58, O.S.L. 2004 (22 O.S. Supp. 2005, Section 1101), is amended to read as follows:

Section 1101. A. ~~Bail~~ Except as otherwise provided by law, bail, by sufficient sureties, shall be admitted upon all arrests in criminal cases where the offense is not punishable by death and in such cases it may be taken by any of the persons or courts authorized by law to arrest, to imprison offenders or to perform pretrial services, or by the clerk of the district court or his or her deputy, or by the judge of such courts.

B. In criminal cases where the defendant is currently an escaped prisoner from the Department of Corrections, the defendant must be processed back into the Department of Corrections prior to bail being set on new criminal charges.

C. All persons shall be bailable by sufficient sureties, except that bail may be denied for:

1. Capital offenses when the proof of guilt is evident, or the presumption thereof is great;

2. Violent offenses;

3. Offenses where the maximum sentence may be life imprisonment or life imprisonment without parole;

4. Felony offenses where the person charged with the offense has been convicted of two or more felony offenses arising out of different transactions; and

5. Controlled dangerous substances offenses where the maximum sentence may be at least ten (10) years' imprisonment.

On all offenses specified in paragraphs 2 through 5 of this subsection, the proof of guilt must be evident, or the presumption must be great, and it must be on the grounds that no condition of release would assure the safety of the community or any person.

D. There shall be a rebuttable presumption that no condition of release would assure the safety of the community if the state shows by clear and convincing evidence that the person was arrested for a violation of Section 741 of Title 21 of the Oklahoma Statutes.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 18p-9 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The Attorney General may establish a crime victim and witness notification and victim protective order system to assist public officials in carrying out their duties to notify and inform crime victims and witnesses as the Attorney General specifies by rule. The system shall download necessary information from participating officials into its computers, where it shall be maintained, updated, and automatically transmitted to victims and witnesses by telephone, computer, or written notice.

B. The Department of Corrections, the Pardon and Parole Board, and each county sheriff office within the state shall cooperate with the Attorney General in the implementation of the Section and shall

provide information as necessary to the effective operation of the system.

C. District attorneys and local law enforcement and other authorities may enter into agreements with the Attorney General for participation in the system. The Attorney General may provide those who elect to participate with the equipment, software, or training necessary to bring their offices into the system.

D. The Attorney General may provide for telephonic, electronic, or other public access to the database established under this section.

E. This section does not limit any rights or responsibilities otherwise enjoyed by or imposed upon victims or witnesses of violent crimes, nor does it grant any person a cause of action for damages or attorney fees. Any act of omission or commission by any law enforcement officer or district attorney, by the Attorney General, Department of Corrections, Pardon and Parole Board, or other state agency, or private entity under contract with the state, or by any employee of any state agency or private entity under contract with the state acting in good faith in rendering crime victim's assistance or otherwise enforcing this section shall not impose civil liability upon the individual or entity or his or her supervisor or employer. Nothing in this section shall create a basis for vacating a conviction or a ground for appellate relief in any criminal case. Failure of the crime victim to receive notice as required, however, shall not deprive the court of the power to act regarding the proceeding before it; nor shall any such failure grant the defendant the right to seek a continuance.

SECTION 4. 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 7th day of March, 2006.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2006.

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Presiding Officer of the House
of Representatives