

**EHB 1242**

**THE STATE SENATE**  
**Monday, April 11, 2005**

**ENGROSSED**

**House Bill No. 1242**

**As Amended**

ENGROSSED HOUSE BILL NO. 1242 - By: HASTINGS, WESSELHOFT, NANCE and  
AUFFET of the House and WILLIAMSON of the Senate.

**[ electronic monitoring devices - escape from custody -  
expanding scope - Pretrial Release Act - effective date ]**

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

SECTION 1. AMENDATORY 21 O.S. 2001, Section 443, is

amended to read as follows:

Section 443. A. Any person having been imprisoned in a county  
or city jail or detained in a juvenile detention facility awaiting  
charges on a felony offense or prisoner awaiting trial or having  
been sentenced on a felony charge to the custody of the Department  
of Corrections who escapes from a juvenile detention facility while  
actually confined therein or escapes from a county or city jail,  
either while actually confined therein, while permitted to be at  
large as a trusty, or while awaiting transportation to a Department  
of Corrections facility for execution of sentence, shall be guilty  
of a felony punishable by imprisonment of not less than one (1) year  
nor more than seven (7) years.

1           B. Any person who is an inmate in the custody of the Department  
2 of Corrections who escapes from said custody, either while actually  
3 confined in a correctional facility, while assigned to an  
4 alternative to incarceration authorized by law, while assigned to  
5 the Preparole Conditional Supervision Program as authorized by  
6 Section 365 of Title 57 of the Oklahoma Statutes or while permitted  
7 to be at large as a trusty, shall be guilty of a felony punishable  
8 by imprisonment of not less than two (2) years nor more than seven  
9 (7) years.

10          C. For the purposes of this section, an inmate assigned to an  
11 alternative to incarceration authorized by law or to the Preparole  
12 Conditional Supervision Program shall be considered to have escaped  
13 if the inmate cannot be located within a twenty-four hour period or  
14 if he or she fails to report to a correctional facility or  
15 institution, as directed. This includes any person escaping by  
16 absconding from an electronic monitoring device or absconding after  
17 removing an electronic monitoring device from their body.

18          D. For the purposes of this section, if the individual who  
19 escapes has felony convictions for offenses other than the offense  
20 for which he was serving imprisonment at the time of his escape,  
21 those previous felony convictions may be used for enhancement of  
22 punishment pursuant to the provisions of Section 434 of this act.  
23 The fact that any such convictions may have been used to enhance

1 punishment in the sentence for the offense for which he was  
2 imprisoned at the time of the escape shall not prevent such  
3 convictions from being used to enhance punishment for the escape.

4 SECTION 2. AMENDATORY Section 2, Chapter 125, O.S.L.  
5 2002, as amended by Section 13, Chapter 390, O.S.L. 2002 (22 O.S.  
6 Supp. 2004, Section 1105.2), is amended to read as follows:

7 Section 1105.2 A. The provisions of this act shall apply only  
8 to counties having a population of four hundred thousand (400,000)  
9 or more persons.

10 B. Following an arrest for a misdemeanor or felony offense and  
11 before formal charges have been filed or an indictment made, the  
12 arrested person may have bail set by the court as provided in this  
13 act; provided there are no provisions of law to the contrary.

14 C. When formal charges or an indictment has been filed, bail  
15 shall be set according to law and the pretrial bond, if any, may be  
16 reaffirmed unless additional security is required. Every judicial  
17 district may, upon the order of the presiding judge for the  
18 district, establish a pretrial bail schedule for felony or  
19 misdemeanor offenses, except for traffic offenses included in  
20 subsections B, C and D of Section 1115.3 of Title 22 of the Oklahoma  
21 Statutes and those offenses specifically excluded herein. The bail  
22 schedule established pursuant to the authority of this act shall  
23 exclude any offense for which bail is not allowed by law. The bail

1 schedule authorized by this act shall be set in accordance with  
2 guidelines relating to bail and shall be published and reviewed by  
3 March 1 of each year by the courts and district attorney of the  
4 judicial district.

5 D. The pretrial bail shall be set in a numerical dollar amount.  
6 If the person fails to appear in court as required the judge shall:

7 1. Rescind the bond and proceed to enter a judgment against the  
8 defendant for the dollar amount of the pretrial bail if no private  
9 bail was given at the time of release; provided, however, the court  
10 clerk shall follow the procedures as set forth in Section 1301 et  
11 seq. of Title 59 of the Oklahoma Statutes in collecting the  
12 forfeiture amount against the person who fails to appear in court;  
13 or

14 2. Rescind and forfeit the private bail if cash, property or  
15 surety bail was furnished at the time of release as set forth in  
16 Section 1301 et seq. of Title 59 of the Oklahoma Statutes.

17 E. When a pretrial program authorized by subsection A of this  
18 section exists in the judicial district where the person is being  
19 held, the judge may utilize the services of the pretrial release  
20 program when ordering pretrial release, except when private bail has  
21 been furnished.

22 F. Upon an order for pretrial release or release on bond, the  
23 person shall be released from custody without undue delay.

1        G. The court may require the person to be placed on an  
2 electronic monitoring device as a condition of pretrial release.

3        H. In instances where an electronic monitoring device has been  
4 ordered, the court may impose payment of a supervision fee. Payment  
5 of the fee, in whole or according to a court-ordered installment  
6 schedule, shall be a condition of pretrial release. The court clerk  
7 shall collect the supervision fees.

8        SECTION 3. This act shall become effective November 1, 2005.

9        COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 4-6-05 - DO  
10        PASS, As Amended.