

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1251

By: Hastings

AS INTRODUCED

An Act relating to bail bondsmen; amending 59 O.S. 2001, Section 1327, as last amended by Section 1, Chapter 66, O.S.L. 2003 (59 O.S. Supp. 2004, Section 1327), which relates to surrender of defendant prior to breach; allowing recommitment of defendants under certain circumstances; providing procedures for recommitment; 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 last amended by Section 1, Chapter 66, O.S.L. 2003 (59 O.S. Supp. 2004, 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, changes address without notifying his or her bondsman, conceals himself or herself, leaves the jurisdiction of the court without the permission of his or her bondsman, or 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.

D. If the defendant has been arrested on new charges and is in the custody of the same jurisdiction in which the bondsman or surety has posted an appearance bond for the defendant and the bond has not been exonerated and certified copies of the bond are not reasonably available, the bondsman or surety may recommit the defendant to be held in custody on the charges for which the bondsman or surety has previously posted appearance bonds thereon, in accordance with the following procedure:

1. On forms approved by the district court, the bondsman or surety shall personally affix his or her signature to an affidavit attesting to the following:

- a. that the defendant is presently in the custody of the jurisdiction in which the bondsman or surety has posted a bond,
- b. the case number, if any, assigned to each bond,
- c. that the bond has not been exonerated, and
- d. the specific charges and bond amount;

2. The bondsman or surety shall present the approved form to the official in whose custody the defendant is being held. The official shall add the specific charges and bond amounts described on the approved form to those charges pending against the defendant; and

3. When a bondsman or surety recommits a defendant pursuant to this subsection, the bondsman or surety shall file a written notification to the court. After the notification is filed, the bond shall be exonerated and the court clerk shall enter a court minute in the case exonerating the bond.

SECTION 2. This act shall become effective November 1, 2005.

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