

STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

HOUSE BILL 2841

By: Steele and Winchester

AS INTRODUCED

An Act relating to criminal procedure; establishing bail procedures; stating factors to be considered by court; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1104.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. Prior to conducting any hearing on the amount of bail, the magistrate, judge, or court shall, to the extent feasible, obtain the criminal history of the arrested person.

B. The magistrate, judge, or court shall presume, subject to rebuttal, that no condition or combination of conditions will reasonably assure the appearance of the person or the safety of the community if the person is currently charged with an offense as enumerated in Section 13.1 of Title 21 of the Oklahoma Statutes or an offense for which the person would, upon conviction, be required to register as a sex offender pursuant to the Sex Offender Registration Act.

C. The magistrate, judge, or court shall consider the following factors and such others as it deems appropriate in determining, for the purpose of rebuttal of the presumption against bail described in subsection B of this section, whether there are conditions of release that will reasonably assure the appearance of the person as required and the safety of the public:

1. The nature and circumstances of the offense charged;

2. The history of the person including, but not limited to, the physical and mental condition of the person, employment, financial resources, length of residence in the community, community ties, past conduct, history relating to drug or alcohol abuse, criminal history, membership in a criminal street gang as defined in Section 856 of Title 21 of the Oklahoma Statutes, and any records concerning appearances at court proceedings; and

3. The nature and seriousness of the danger to any person or the community that would be posed by the release of the person.

SECTION 2. This act shall become effective November 1, 2006.

50-2-8363          GRS          01/19/06