

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1715

By: Morrissette

4  
5 AS INTRODUCED

6 An Act relating to bail; amending 59 O.S. 2001,  
7 Section 1334, which relates to bail on personal  
8 recognizance; updating language; establishing time  
9 limitation for certain hearing; clarifying personal  
10 appearance requirement; providing exceptions;  
11 authorizing release of persons in custody under  
12 certain circumstances; and providing an effective  
13 date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2001, Section 1334, is  
16 amended to read as follows:

17 Section 1334. A. Any person in custody before a court or  
18 magistrate of the State of Oklahoma subject to discretion of the  
19 court may be admitted to bail ~~on his~~ upon personal recognizance of  
20 the person subject to such conditions as the court or magistrate may  
21 reasonably prescribe to assure ~~his~~ the appearance of the person when  
22 required.

23 B. When a person is admitted to bail ~~on his~~ upon personal  
24 recognizance of the person, the court or magistrate may determine an  
amount of money, property, or securities which shall be paid or  
forfeited as a penalty by the defendant for failure to comply with

1 the terms of ~~his~~ the admission to bail on personal recognizance.  
2 This penalty shall be in addition to the penalties provided for in  
3 Section 1335 of this title.

4 C. Any Not less than forty-eight (48) hours prior to release  
5 upon personal recognizance, any person admitted to bail as herein  
6 provided shall appear in person or by video conference before the  
7 court or magistrate and be fully ~~appraised~~ apprised by the court or  
8 magistrate of the penalties provided for failure to comply with the  
9 terms of ~~his~~ the personal recognizance and, upon a failure of  
10 compliance, a warrant for the arrest of ~~such~~ the person shall be  
11 issued forthwith. Appearances in person or by video conference  
12 before the court or magistrate shall not be required for persons  
13 requiring immediate medical treatment and care or if extraordinary  
14 circumstances exist.

15 D. Any person in custody shall remain in custody for not less  
16 than forty-eight (48) hours prior to the release of the person by a  
17 court or magistrate. Provided, however, release from custody shall  
18 be immediate if the court or magistrate determines, after a criminal  
19 history arrest record search, that the person:

- 20 1. Has no prior history of arrests;  
21 2. Has a previous conviction for a nonviolent misdemeanor; or  
22 3. Does not pose a threat to the public and is not a flight  
23 risk.

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SECTION 2. This act shall become effective November 1, 2009.

52-1-6568            GRS            01/14/09