

1 STATE OF OKLAHOMA

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

3 SENATE BILL 781

By: Schulz

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5
6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22
8 O.S. 2001, Section 1105, as last amended by Section
9 1, Chapter 128, O.S.L. 2005 (22 O.S. Supp. 2008,
10 Section 1105), which relates to bail; authorizing
11 employment of certain coordinator; stating duties of
12 certain coordinator; and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2001, Section 1105, as
14 last amended by Section 1, Chapter 128, O.S.L. 2005 (22 O.S. Supp.
15 2008, Section 1105), is amended to read as follows:

16 Section 1105. A. Except as otherwise provided by this section,
17 upon the allowance of bail and the execution of the requisite
18 recognizance, bond, or undertaking to the state, the magistrate,
19 judge, or court, shall, if the defendant is in custody, make and
20 sign an order for discharge. The court, in its discretion, may
21 prescribe by court rule the conditions under which the court clerk
22 or deputy court clerk, or the sheriff or deputy sheriff, may prepare
23 and execute an order of release on behalf of the court.

1 B. No police officer or sheriff may release a person arrested
2 for a violation of an ex parte or final protective order as provided
3 in Sections 60.2 and 60.3 of this title, or arrested for an act
4 constituting domestic abuse as specified in Section 644 of Title 21
5 of the Oklahoma Statutes, or arrested for any act constituting
6 domestic abuse, stalking or harassment as defined by Section 60.1 of
7 this title without the violator appearing before a magistrate, judge
8 or court. The magistrate, judge or court shall determine bond and
9 other conditions of release as necessary for the protection of the
10 alleged victim.

11 C. No police officer or sheriff may release a person arrested
12 for any violation of subsection G of Section 2-401 of Title 63 of
13 the Oklahoma Statutes, without the violator appearing before a
14 magistrate, judge, or court. In determining bond and other
15 conditions of release, the magistrate, judge, or court shall
16 consider any evidence that the person is in any manner dependent
17 upon a controlled dangerous substance or has a pattern of regular,
18 illegal use of any controlled dangerous substance. A rebuttable
19 presumption that no conditions of release on bond would assure the
20 safety of the community or any person therein shall arise if the
21 state shows by clear and convincing evidence:

22 1. The person was arrested for a violation of subsection G of
23 Section 2-401 of Title 63 of the Oklahoma Statutes, relating to
24 manufacturing or attempting to manufacture a controlled dangerous

1 substance, or possessing any of the substances listed in subsection
2 G of Section 2-401 of Title 63 of the Oklahoma Statutes with the
3 intent to manufacture a controlled dangerous substance; and

4 2. The person is in any manner dependent upon a controlled
5 dangerous substance or has a pattern of regular illegal use of a
6 controlled dangerous substance, and the violation referred to in
7 paragraph 1 of this subsection was committed or attempted in order
8 to maintain or facilitate the dependence or pattern of illegal use
9 in any manner.

10 D. Subject to the availability of funds, a court may employ
11 bond condition coordinators to monitor a defendant's compliance with
12 bond conditions and to report any violations of such conditions to
13 the court.

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

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