

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL 952

6 By: Nichols

7 COMMITTEE SUBSTITUTE

8 An Act relating to assault and battery; amending 21
9 O.S. 2001, Section 644, as last amended by Section 1,
10 Chapter 348, O.S.L. 2010 (21 O.S. Supp. 2010, Section
11 644), which relates to assault and battery and
12 domestic abuse; adding certain prohibited criminal
13 conduct; stating penalty; adding reference to certain
14 crime for certain application; amending 22 O.S. 2001,
15 Section 1105, as last amended by Section 6, Chapter
16 116, O.S.L. 2010 (22 O.S. Supp. 2010, Section 1105),
17 which relates to discharge for bail; providing
18 reference to certain crime for authorizing procedure
19 for release; amending Section 3, Chapter 125, O.S.L.
20 2002, as amended by Section 3, Chapter 114, O.S.L.
21 2008 (22 O.S. Supp. 2010, Section 1105.3), which
22 relates to pretrial release; adding certain crime
23 that prohibits certain eligibility; and providing an
24 effective date.

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

20 SECTION 1. AMENDATORY 21 O.S. 2001, Section 644, as last
21 amended by Section 1, Chapter 348, O.S.L. 2010 (21 O.S. Supp. 2010,
22 Section 644), is amended to read as follows:

23 Section 644. A. Assault shall be punishable by imprisonment in
24 a county jail not exceeding thirty (30) days, or by a fine of not

1 more than Five Hundred Dollars (\$500.00), or by both such fine and
2 imprisonment.

3 B. Assault and battery shall be punishable by imprisonment in a
4 county jail not exceeding ninety (90) days, or by a fine of not more
5 than One Thousand Dollars (\$1,000.00), or by both such fine and
6 imprisonment.

7 C. Any person who commits any assault and battery against a
8 current or former spouse, a present spouse of a former spouse, a
9 former spouse of a present spouse, parents, a foster parent, a
10 child, a person otherwise related by blood or marriage, a person
11 with whom the defendant is or was in a dating relationship as
12 defined by Section 60.1 of Title 22 of the Oklahoma Statutes, an
13 individual with whom the defendant has had a child, a person who
14 formerly lived in the same household as the defendant, or a person
15 living in the same household as the defendant shall be guilty of
16 domestic abuse. Upon conviction, the defendant shall be punished by
17 imprisonment in the county jail for not more than one (1) year, or
18 by a fine not exceeding Five Thousand Dollars (\$5,000.00), or by
19 both such fine and imprisonment. Upon conviction for a second or
20 subsequent offense, the person shall be punished by imprisonment in
21 the custody of the Department of Corrections for not more than four
22 (4) years, or by a fine not exceeding Five Thousand Dollars
23 (\$5,000.00), or by both such fine and imprisonment. The provisions
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1 of Section 51.1 of this title shall not apply to any second or
2 subsequent offense.

3 D. Any person who, with intent to do bodily harm and without
4 justifiable or excusable cause commits any assault, battery, or
5 assault and battery upon a current or former spouse, a present
6 spouse of a former spouse, parents, a foster parent, a child, a
7 person otherwise related by blood or marriage, a person with whom
8 the defendant is in a dating relationship as defined by Section 60.1
9 of Title 22 of the Oklahoma Statutes, an individual with whom the
10 defendant has a child, a person who formerly lived in the same
11 household as the defendant, or a person living in the same household
12 as the defendant with any sharp or dangerous weapon, or who, without
13 such cause, shoots another, with any kind of firearm, air gun,
14 conductive energy weapon or other means whatever, with intent to
15 injure any person, although without intent to kill such person or to
16 commit any felony, upon conviction shall be guilty of domestic
17 assault or domestic assault and battery with a dangerous weapon.
18 Upon conviction, the defendant shall be punished by imprisonment in
19 the custody of the Department of Corrections not exceeding ten (10)
20 years, or by imprisonment in a county jail not exceeding one (1)
21 year. The provisions of Section 51.1 of this title shall apply to
22 any second or subsequent conviction for a violation of this
23 subsection.

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1 E. Any person convicted of domestic abuse committed against a
2 pregnant woman with knowledge of the pregnancy shall be guilty of a
3 misdemeanor, punishable by imprisonment in the county jail for not
4 more than one (1) year.

5 Any person convicted of a second or subsequent offense of
6 domestic abuse against a pregnant woman with knowledge of the
7 pregnancy shall be guilty of a felony, punishable by imprisonment in
8 the custody of the Department of Corrections for not less than ten
9 (10) years.

10 Any person convicted of domestic abuse committed against a
11 pregnant woman with knowledge of the pregnancy and a miscarriage
12 occurs or injury to the unborn child occurs shall be guilty of a
13 felony, punishable by imprisonment in the custody of the Department
14 of Corrections for not less than twenty (20) years.

15 ~~E.~~ F. Any person convicted of domestic abuse as defined in
16 subsection C of this section that results in great bodily injury to
17 the victim shall be guilty of a felony and punished by imprisonment
18 in the custody of the Department of Corrections for not more than
19 ten (10) years, or by imprisonment in the county jail for not more
20 than one (1) year. The provisions of Section 51.1 of this title
21 shall apply to any second or subsequent conviction of a violation of
22 this subsection.

23 ~~F.~~ G. Any person convicted of domestic abuse as defined in
24 subsection C of this section that was committed in the presence of a

1 child shall be punished by imprisonment in the county jail for not
2 less than six (6) months nor more than one (1) year, or by a fine
3 not exceeding Five Thousand Dollars (\$5,000.00), or by both such
4 fine and imprisonment. Any person convicted of a second or
5 subsequent domestic abuse as defined in subsection C of this section
6 that was committed in the presence of a child shall be punished by
7 imprisonment in the custody of the Department of Corrections for not
8 less than one (1) year nor more than five (5) years, or by a fine
9 not exceeding Seven Thousand Dollars (\$7,000.00), or by both such
10 fine and imprisonment. The provisions of Section 51.1 of this title
11 shall not apply to any second or subsequent offense. For every
12 conviction of domestic abuse, or domestic assault or assault and
13 battery with a dangerous weapon, the court shall:

14 1. Specifically order as a condition of a suspended sentence or
15 probation that a defendant participate in counseling or undergo
16 treatment to bring about the cessation of domestic abuse as
17 specified in paragraph 2 of this subsection;

18 2. a. The court shall require the defendant to participate
19 in counseling or undergo treatment for domestic abuse
20 by an individual licensed practitioner or a domestic
21 abuse treatment program certified by the Attorney
22 General. If the defendant is ordered to participate
23 in a domestic abuse counseling or treatment program,
24 the order shall require the defendant to attend the

1 program for a minimum of fifty-two (52) weeks,
2 complete the program, and be evaluated before and
3 after attendance of the program by a program counselor
4 or a private counselor. Three unexcused absences in
5 succession or seven unexcused absences in a period of
6 fifty-two (52) weeks from any court-ordered domestic
7 abuse counseling or treatment program shall be prima
8 facie evidence of the violation of the conditions of
9 probation for the district attorney to seek
10 acceleration or revocation of any probation entered by
11 the court.

12 b. A program for anger management, couples counseling, or
13 family and marital counseling shall not solely qualify
14 for the counseling or treatment requirement for
15 domestic abuse pursuant to this subsection. The
16 counseling may be ordered in addition to counseling
17 specifically for the treatment of domestic abuse or
18 per evaluation as set forth below. If, after
19 sufficient evaluation and attendance at required
20 counseling sessions, the domestic violence treatment
21 program or licensed professional determines that the
22 defendant does not evaluate as a perpetrator of
23 domestic violence or does evaluate as a perpetrator of
24 domestic violence and should complete other programs

1 of treatment simultaneously or prior to domestic
2 violence treatment, including but not limited to
3 programs related to the mental health, apparent
4 substance or alcohol abuse or inability or refusal to
5 manage anger, the defendant shall be ordered to
6 complete the counseling as per the recommendations of
7 the domestic violence treatment program or licensed
8 professional;

- 9 3. a. The court shall set a review hearing no more than one
10 hundred twenty (120) days after the defendant is
11 ordered to participate in a domestic abuse counseling
12 program or undergo treatment for domestic abuse to
13 assure the attendance and compliance of the defendant
14 with the provisions of this subsection and the
15 domestic abuse counseling or treatment requirements.
16 The court may suspend sentencing of the defendant
17 until the defendant has presented proof to the court
18 of enrollment in a program of treatment for domestic
19 abuse by an individual licensed practitioner or a
20 domestic abuse treatment program certified by the
21 Attorney General and attendance at weekly sessions of
22 such program. Such proof shall be presented to the
23 court by the defendant no later than one hundred
24 twenty (120) days after the defendant is ordered to

1 such counseling or treatment. At such time, the court
2 may complete sentencing, beginning the period of the
3 sentence from the date that proof of enrollment is
4 presented to the court, and schedule reviews as
5 required by subparagraphs a and b of this paragraph
6 and paragraphs 4 and 5 of this subsection. Three
7 unexcused absences in succession or seven unexcused
8 absences in a period of fifty-two (52) weeks from any
9 court-ordered domestic abuse counseling or treatment
10 program shall be prima facie evidence of the violation
11 of the conditions of probation for the district
12 attorney to seek acceleration or revocation of any
13 probation entered by the court.

14 b. The court shall set a second review hearing after the
15 completion of the counseling or treatment to assure
16 the attendance and compliance of the defendant with
17 the provisions of this subsection and the domestic
18 abuse counseling or treatment requirements. The court
19 shall retain continuing jurisdiction over the
20 defendant during the course of ordered counseling
21 through the final review hearing;

22 4. The court may set subsequent or other review hearings as the
23 court determines necessary to assure the defendant attends and fully
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1 complies with the provisions of this subsection and the domestic
2 abuse counseling or treatment requirements;

3 5. At any review hearing, if the defendant is not
4 satisfactorily attending individual counseling or a domestic abuse
5 counseling or treatment program or is not in compliance with any
6 domestic abuse counseling or treatment requirements, the court may
7 order the defendant to further or continue counseling, treatment, or
8 other necessary services. The court may revoke all or any part of a
9 suspended sentence, deferred sentence, or probation pursuant to
10 Section 991b of Title 22 of the Oklahoma Statutes and subject the
11 defendant to any or all remaining portions of the original sentence;

12 6. At the first review hearing, the court shall require the
13 defendant to appear in court. Thereafter, for any subsequent review
14 hearings, the court may accept a report on the progress of the
15 defendant from individual counseling, domestic abuse counseling, or
16 the treatment program. There shall be no requirement for the victim
17 to attend review hearings; and

18 7. If funding is available, a referee may be appointed and
19 assigned by the presiding judge of the district court to hear
20 designated cases set for review under this subsection. Reasonable
21 compensation for the referees shall be fixed by the presiding judge.
22 The referee shall meet the requirements and perform all duties in
23 the same manner and procedure as set forth in Sections 7003-8.6 and
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1 7303-7.5 of Title 10 of the Oklahoma Statutes pertaining to referees
2 appointed in juvenile proceedings.

3 The defendant may be required to pay all or part of the cost of
4 the counseling or treatment, in the discretion of the court.

5 ~~G.~~ H. As used in subsection ~~F~~ G of this section, "in the
6 presence of a child" means in the physical presence of a child; or
7 having knowledge that a child is present and may see or hear an act
8 of domestic violence. For the purposes of subsections C and F of
9 this section, "child" may be any child whether or not related to the
10 victim or the defendant.

11 ~~H.~~ I. For the purposes of subsections C and ~~F~~ G of this
12 section, any conviction for assault and battery against a current or
13 former spouse, a present spouse of a former spouse, a former spouse
14 of a present spouse, parents, a foster parent, a child, a person
15 otherwise related by blood or marriage, a person with whom the
16 defendant is or was in a dating relationship as defined by Section
17 60.1 of Title 22 of the Oklahoma Statutes, an individual with whom
18 the defendant has had a child, a person who formerly lived in the
19 same household as the defendant, or any person living in the same
20 household as the defendant, shall constitute a sufficient basis for
21 a felony charge:

22 1. If that conviction is rendered in any state, county or
23 parish court of record of this or any other state; or

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1 2. If that conviction is rendered in any municipal court of
2 record of this or any other state for which any jail time was
3 served; provided, no conviction in a municipal court of record
4 entered prior to November 1, 1997, shall constitute a prior
5 conviction for purposes of a felony charge.

6 ~~F.~~ J. Any person who commits any assault and battery with
7 intent to cause great bodily harm by strangulation or attempted
8 strangulation against a current or former spouse, a present spouse
9 of a former spouse, a former spouse of a present spouse, parents, a
10 foster parent, a child, a person otherwise related by blood or
11 marriage, a person with whom the defendant is or was in a dating
12 relationship as defined by Section 60.1 of Title 22 of the Oklahoma
13 Statutes, an individual with whom the defendant has had a child, a
14 person who formerly lived in the same household as the defendant, or
15 a person living in the same household as the defendant shall, upon
16 conviction, be guilty of domestic abuse by strangulation and shall
17 be punished by imprisonment in the custody of the Department of
18 Corrections for a period of not less than one (1) year nor more than
19 three (3) years, or by a fine of not more than Three Thousand
20 Dollars (\$3,000.00), or by both such fine and imprisonment. Upon a
21 second or subsequent conviction, the defendant shall be punished by
22 imprisonment in the custody of the Department of Corrections for a
23 period of not less than three (3) years nor more than ten (10)
24 years, or by a fine of not more than Twenty Thousand Dollars

1 (\$20,000.00), or by both such fine and imprisonment. As used in
2 this subsection, "strangulation" means any form of asphyxia;
3 including, but not limited to, asphyxia characterized by closure of
4 the blood vessels or air passages of the neck as a result of
5 external pressure on the neck or the closure of the nostrils or
6 mouth as a result of external pressure on the head.

7 ~~J.~~ K. Any district court of this state and any judge thereof
8 shall be immune from any liability or prosecution for issuing an
9 order that requires a defendant to:

10 1. Attend a treatment program for domestic abusers certified by
11 the Attorney General;

12 2. Attend counseling or treatment services ordered as part of
13 any suspended or deferred sentence or probation; and

14 3. Attend, complete, and be evaluated before and after
15 attendance by a treatment program for domestic abusers, certified by
16 the Attorney General.

17 ~~K.~~ L. There shall be no charge of fees or costs to any victim
18 of domestic violence, stalking, or sexual assault in connection with
19 the prosecution of a domestic violence, stalking, or sexual assault
20 offense in this state.

21 ~~L.~~ M. In the course of prosecuting any charge of domestic
22 abuse, stalking, harassment, rape, or violation of a protective
23 order, the prosecutor shall provide the court, prior to sentencing
24 or any plea agreement, a local history and any other available

1 history of past convictions of the defendant within the last ten
2 (10) years relating to domestic abuse, stalking, harassment, rape,
3 violation of a protective order, or any other violent misdemeanor or
4 felony convictions.

5 ~~M.~~ N. Any plea of guilty or finding of guilt for a violation of
6 subsection C, ~~E~~ F, ~~F~~ G, ~~H~~ I or ~~I~~ J of this section shall constitute
7 a conviction of the offense for the purpose of this act or any other
8 criminal statute under which the existence of a prior conviction is
9 relevant for a period of ten (10) years following the completion of
10 any court imposed probationary term; provided, the person has not,
11 in the meantime, been convicted of a misdemeanor involving moral
12 turpitude or a felony.

13 ~~N.~~ O. For purposes of subsection ~~E~~ F of this section, "great
14 bodily injury" means bone fracture, protracted and obvious
15 disfigurement, protracted loss or impairment of the function of a
16 body part, organ or mental faculty, or substantial risk of death.

17 SECTION 2. AMENDATORY 22 O.S. 2001, Section 1105, as
18 last amended by Section 6, Chapter 116, O.S.L. 2010 (22 O.S. Supp.
19 2010, Section 1105), is amended to read as follows:

20 Section 1105. A. Except as otherwise provided by this section,
21 upon the allowance of bail and the execution of the requisite
22 recognizance, bond, or undertaking to the state, the magistrate,
23 judge, or court, shall, if the defendant is in custody, make and
24 sign an order for discharge. The court, in its discretion, may

1 prescribe by court rule the conditions under which the court clerk
2 or deputy court clerk, or the sheriff or deputy sheriff, may prepare
3 and execute an order of release on behalf of the court.

4 B. No police officer or sheriff may release a person arrested
5 for a violation of an ex parte or final protective order as provided
6 in Sections 60.2 and 60.3 of this title, or arrested for an act
7 constituting domestic abuse as specified in Section 644 of Title 21
8 of the Oklahoma Statutes, or arrested for any act constituting
9 domestic abuse, stalking or harassment as defined by Section 60.1 of
10 this title, or arrested for an act constituting domestic assault,
11 battery or assault and battery with a dangerous weapon as pursuant
12 to Section 644 of Title 21 of the Oklahoma Statutes, without the
13 violator appearing before a magistrate, judge or court. To the
14 extent that any of the following information is available to the
15 court, the magistrate, judge or court shall consider, in addition to
16 any other circumstances, before determining bond and other
17 conditions of release as necessary for the protection of the alleged
18 victim, the following:

- 19 1. Whether the person has a history of domestic violence or a
20 history of other violent acts;
- 21 2. The mental health of the person;
- 22 3. Whether the person has a history of violating the orders of
23 any court or governmental entity;

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1 4. Whether the person is potentially a threat to any other
2 person;

3 5. Whether the person has a history of abusing alcohol or any
4 controlled substance;

5 6. Whether the person has access to deadly weapons or a history
6 of using deadly weapons;

7 7. The severity of the alleged violence that is the basis of
8 the alleged offense including, but not limited to:

9 a. the duration of the alleged violent incident,

10 b. whether the alleged violent incident involved serious
11 physical injury,

12 c. whether the alleged violent incident involved sexual
13 assault,

14 d. whether the alleged violent incident involved
15 strangulation,

16 e. whether the alleged violent incident involved abuse
17 during the pregnancy of the alleged victim,

18 f. whether the alleged violent incident involved the
19 abuse of pets, or

20 g. whether the alleged violent incident involved forcible
21 entry to gain access to the alleged victim;

22 8. Whether a separation of the person from the alleged victim
23 or a termination of the relationship between the person and the
24 alleged victim has recently occurred or is pending;

1 9. Whether the person has exhibited obsessive or controlling
2 behaviors toward the alleged victim including, but not limited to,
3 stalking, surveillance, or isolation of the alleged victim;

4 10. Whether the person has expressed suicidal or homicidal
5 ideations; and

6 11. Any information contained in the complaint and any police
7 reports, affidavits, or other documents accompanying the complaint.

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

19 1. The person was arrested for a violation of subsection G of
20 Section 2-401 of Title 63 of the Oklahoma Statutes, relating to
21 manufacturing or attempting to manufacture a controlled dangerous
22 substance, or possessing any of the substances listed in subsection
23 G of Section 2-401 of Title 63 of the Oklahoma Statutes with the
24 intent to manufacture a controlled dangerous substance; and

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

7 SECTION 3. AMENDATORY Section 3, Chapter 125, O.S.L.
8 2002, as amended by Section 3, Chapter 114, O.S.L. 2008 (22 O.S.
9 Supp. 2010, Section 1105.3), is amended to read as follows:

10 Section 1105.3. A. Any eligible county pursuant to the
11 provisions of this act may establish and fund a pretrial program to
12 be utilized by the district court in that jurisdiction.

13 B. When a pretrial release program is established pursuant to
14 this act and private bail has not been furnished, the judge may
15 order a person to be evaluated through the pretrial program. After
16 conducting an evaluation of the person applying for pretrial
17 release, the pretrial program shall make a recommendation to the
18 court. The recommendation shall indicate any special supervisory
19 conditions for pretrial release. The judge shall consider the
20 recommendations and may grant or deny pretrial release. The
21 presiding judge of the judicial district may issue a standing order
22 outlining criteria for cases that may automatically be evaluated for
23 pretrial release by a pretrial program operating in the

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1 jurisdiction. The standing order may include amounts for bail and
2 types of bonds deemed appropriate for certain offenses.

3 C. Except as otherwise authorized by the provisions of this
4 subsection, persons accused of or detained for any of the following
5 offenses or conditions shall not be eligible for pretrial release by
6 any pretrial program:

7 1. Aggravated driving under the influence of an intoxicating
8 substance;

9 2. Any felony driving under the influence of an intoxicating
10 substance;

11 3. Any offense prohibited by the Trafficking In Illegal Drugs
12 Act;

13 4. Any person having a violent felony conviction within the
14 past ten (10) years;

15 5. Appeal bond;

16 6. Arson in the first degree, including attempts to commit
17 arson in the first degree;

18 7. Assault and battery on a police officer;

19 8. Bail jumping;

20 9. Bribery of a public official;

21 10. Burglary in the first or second degree;

22 11. Civil contempt proceedings;

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- 1 12. Distribution of a controlled dangerous substance, including
2 the sale or possession of a controlled dangerous substance with
3 intent to distribute or conspiracy to distribute;
- 4 13. Domestic abuse or domestic assault and battery or domestic
5 assault, battery or assault and battery with a dangerous weapon;
- 6 14. Driving under the influence of intoxicating substance where
7 property damage or personal injury occurs;
- 8 15. Felony discharging a firearm from a vehicle;
- 9 16. Felony sex offenses;
- 10 17. Fugitive bond or a governor's fugitive warrant;
- 11 18. Immigration charges;
- 12 19. Kidnapping;
- 13 20. Juvenile or youthful offender detention;
- 14 21. Manslaughter;
- 15 22. Manufacture of a controlled dangerous substance;
- 16 23. Murder in the first degree, including attempts or
17 conspiracy to commit murder in the first degree;
- 18 24. Murder in the second degree, including attempts or
19 conspiracy to commit murder in the second degree;
- 20 25. Negligent homicide;
- 21 26. Out-of-county holds;
- 22 27. Persons currently on pretrial release who are arrested on a
23 new felony offense;
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- 1 28. Possession, manufacture, use, sale or delivery of an
2 explosive device;
- 3 29. Possession of a controlled dangerous substance on Schedule
4 I or II of the Controlled Dangerous Substances Act;
- 5 30. Possession of a firearm or other offensive weapon during
6 the commission of a felony;
- 7 31. Possession of a stolen vehicle;
- 8 32. Rape in the first degree, including attempts to commit rape
9 in the first degree;
- 10 33. Rape in the second degree, including attempts to commit
11 rape in the second degree;
- 12 34. Robbery by force or fear;
- 13 35. Robbery with a firearm or dangerous weapon, including
14 attempts to commit robbery with a firearm or dangerous weapon;
- 15 36. Sexual assault or violent offenses against children;
- 16 37. Shooting with intent to kill;
- 17 38. Stalking or violation of a Victim Protection Order;
- 18 39. Two or more prior felony convictions; or
- 19 40. Unauthorized use of a motor vehicle.

20 D. A person not eligible for pretrial release pursuant to the
21 provisions of subsection C of this section may be released upon
22 order of a district judge or associate district judge under
23 conditions prescribed by the judge, which may include an order to
24 require the defendant to use an active, real-time, twenty-four-hour

1 Global Positioning System (GPS) monitoring device as a condition of
2 pretrial release. The court may further order the defendant to pay
3 costs and expenses related to the GPS device and monitoring.

4 E. Every pretrial services program operating pursuant to the
5 provisions of this act shall meet the following minimum criteria:

6 1. The program shall establish a procedure for screening and
7 evaluating persons who are detained or have been arrested for the
8 alleged commission of a crime. The program shall obtain criminal
9 history records on detained persons through the National Crime
10 Information Center (NCIC). The information obtained from the
11 screening and evaluation process must be submitted in a written
12 report without unnecessary delay to the judge who is assigned to
13 hear pretrial release applications when the person is eligible for
14 pretrial release;

15 2. The program shall provide reliable information to the judge
16 relating to the person applying for pretrial release so a reasonable
17 decision can be made concerning the amount and type of bail
18 appropriate for pretrial release. The information provided shall be
19 based upon facts relating to the person's risk of danger to the
20 community and the risk of failure to appear for court; and

21 3. The program shall make all reasonable attempts to provide
22 the court with information appropriate to each person considered for
23 pretrial release.

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1 F. A pretrial program established pursuant to this act may
2 provide different methods and levels of community-based supervision
3 to meet any court-ordered conditions of release. The program may
4 use existing supervision methods for persons who are released prior
5 to trial. Pretrial programs which employ peace officers certified
6 by the Council on Law Enforcement Education and Training (CLEET) are
7 authorized to enforce court-ordered conditions of release.

8 G. Each pretrial program established pursuant to this act shall
9 provide a quarterly report to the presiding judge of the judicial
10 district of the jurisdiction in which it operates. A copy of the
11 report shall be filed of record with the court clerk of the
12 jurisdiction. Each report shall include, but is not limited to, the
13 following information:

14 1. The total number of persons screened, evaluated or otherwise
15 considered for pretrial release;

16 2. The total number and nature of recommendations made;

17 3. The number of persons admitted to pretrial release that
18 failed to appear; and

19 4. Any other information deemed appropriate by the reporting
20 judicial district or that the program desires to report.

21 H. Every pretrial release program established pursuant to this
22 section shall utilize the services of local providers; provided,
23 however, any program in continuous existence since July 1, 1999,
24 shall be exempt from the provisions of this subsection.

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SECTION 4. This act shall become effective November 1, 2011.

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