

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1291

By: Anderson

4
5
6 AS INTRODUCED

7 An Act relating to pretrial bail schedule; amending
8 22 O.S. 2011, Section 1105.2, which relates to
9 setting of bail; modifying applicability of
10 provisions; and providing an effective date.

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

12 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1105.2, is
13 amended to read as follows:

14 Section 1105.2. A. ~~The provisions of this act shall apply only~~
15 ~~to counties having a population of four hundred thousand (400,000)~~
16 ~~or more persons.~~

17 ~~B.~~ Following an arrest for a misdemeanor or felony offense and
18 before formal charges have been filed or an indictment made, the
19 arrested person may have bail set by the court as provided in this
20 act; provided there are no provisions of law to the contrary.

21 ~~C.~~ B. When formal charges or an indictment has been filed, bail
22 shall be set according to law and the pretrial bond, if any, may be
23 reaffirmed unless additional security is required. Every judicial
24 district may, upon the order of the presiding judge for the

1 district, establish a pretrial bail schedule for felony or
2 misdemeanor offenses, except for traffic offenses included in
3 subsections B, C and D of Section 1115.3 of ~~Title 22 of the Oklahoma~~
4 ~~Statutes~~ this title and those offenses specifically excluded herein.
5 The bail schedule established pursuant to the authority of this act
6 shall exclude any offense for which bail is not allowed by law. The
7 bail schedule authorized by this act shall be set in accordance with
8 guidelines relating to bail and shall be published and reviewed by
9 March 1 of each year by the courts and district attorney of the
10 judicial district.

11 ~~D.~~ C. The pretrial bail shall be set in a numerical dollar
12 amount. If the person fails to appear in court as required the
13 judge shall:

14 1. Rescind the bond and proceed to enter a judgment against the
15 defendant for the dollar amount of the pretrial bail if no private
16 bail was given at the time of release; provided, however, the court
17 clerk shall follow the procedures as set forth in Section 1301 et
18 seq. of Title 59 of the Oklahoma Statutes in collecting the
19 forfeiture amount against the person who fails to appear in court;
20 or

21 2. Rescind and forfeit the private bail if cash, property or
22 surety bail was furnished at the time of release as set forth in
23 Section 1301 et seq. of Title 59 of the Oklahoma Statutes.

24

1 ~~E.~~ D. When a pretrial program authorized by ~~subsection A of~~
2 this section exists in the judicial district where the person is
3 being held, the judge may utilize the services of the pretrial
4 release program when ordering pretrial release, except when private
5 bail has been furnished.

6 ~~F.~~ E. Upon an order for pretrial release or release on bond,
7 the person shall be released from custody without undue delay.

8 ~~G.~~ The court may require the person to be placed on an
9 electronic monitoring device as a condition of pretrial release.

10 ~~H.~~ In instances where an electronic monitoring device has been
11 ordered, the court may impose payment of a supervision fee. Payment
12 of the fee, in whole or according to a court-ordered installment
13 schedule, shall be a condition of pretrial release. The court clerk
14 shall collect the supervision fees.

15 SECTION 2. This act shall become effective November 1, 2014.

16

17 54-2-2103 TEK 1/8/2014 10:46:35 AM

18

19

20

21

22

23

24