

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 SENATE BILL 364

By: Holt

4  
5  
6 AS INTRODUCED

7 An Act relating to bail; amending 22 O.S. 2011,  
8 Section 1101, which relates to offenses bailable;  
9 authorizing hearing to set bond and conditions of  
10 release; establishing procedures for certain hearing;  
11 requiring court to make determination on type of bond  
12 and condition of release; authorizing certain review  
13 and amendment; establishing requirements and criteria  
14 for determination of bond and release; prohibiting  
15 monetary bond from exceeding maximum penalty;  
16 establishing types of bond; stating methods to  
17 satisfy monetary bond requirement; providing  
18 exceptions for person eligible for certain bond;  
19 creating presumption of sufficiency of certain bond  
20 for misdemeanor offenses; establishing conditions for  
21 certain bond; authorizing imposition of certain  
22 alternative conditions; providing procedure for  
23 seeking relief from bond conditions; amending 22 O.S.  
24 2011, Sections 1104, 1105.2, as amended by Section 1,  
Chapter 59, O.S.L. 2016 and 1105.3, as last amended  
by Section 2, Chapter 59, O.S.L. 2016 (22 O.S. Supp.  
2016, Sections 1105.2 and 1105.3), which relate to  
qualifications of bail and Pretrial Release Act;  
defining term; requiring bail schedules to comply  
with certain provisions; stating purpose of certain  
pretrial release programs; requiring certain  
consultation in development and implementation of  
programs; establishing procedures for proceedings for  
inability to meet monetary conditions of bond;  
providing exception; providing for modification of  
monetary conditions of bond; requiring certain  
notice; establishing procedures for certain breach;  
making language gender neutral; providing for  
codification; and providing an effective date.

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

2 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1101, is  
3 amended to read as follows:

4 Section 1101. A. Except as otherwise provided by law, bail, by  
5 sufficient sureties, shall be admitted upon all arrests in criminal  
6 cases where the offense is not punishable by death and in such cases  
7 it may be taken by any of the persons or courts authorized by law to  
8 arrest, to imprison offenders or to perform pretrial services, or by  
9 the clerk of the district court or his or her deputy, or by the  
10 judge of such courts. Any person in custody, and for whom the court  
11 has not set bond and conditions of release pursuant to applicable  
12 law, and who is not subject to the provisions of subsection C of  
13 this section, has the right to a hearing to determine bond and  
14 conditions of release. A person in custody may also request a  
15 hearing so that bond and conditions of release can be set or  
16 amended. Upon receiving the request, the court shall notify the  
17 district attorney immediately of the arrested person's request, and  
18 the district attorney shall have the right to attend and advise the  
19 court of matters pertinent to the type of bond and conditions of  
20 release to be set. The court shall order the appropriate law  
21 enforcement agency having custody of the person to bring him or her  
22 before the court, and the court shall set bond and conditions of  
23 release if the offense for which the person was arrested is

24

1 bailable. It shall not be a prerequisite to bail that a criminal  
2 charge of any kind has been filed.

3 B. In criminal cases where the defendant is currently an  
4 escaped prisoner from the Department of Corrections, the defendant  
5 must be processed back into the Department of Corrections prior to  
6 bail being set on new criminal charges.

7 C. All persons shall be bailable by sufficient sureties, except  
8 that bail may be denied for:

9 1. Capital offenses when the proof of guilt is evident, or the  
10 presumption thereof is great;

11 2. Violent offenses;

12 3. Offenses where the maximum sentence may be life imprisonment  
13 or life imprisonment without parole;

14 4. Felony offenses where the person charged with the offense  
15 has been convicted of two or more felony offenses arising out of  
16 different transactions; and

17 5. Controlled dangerous substances offenses where the maximum  
18 sentence may be at least ten (10) years' imprisonment.

19 On all offenses specified in paragraphs 2 through 5 of this  
20 subsection, the proof of guilt must be evident, or the presumption  
21 must be great, and it must be on the grounds that no condition of  
22 release would assure the safety of the community or any person.

23 D. There shall be a rebuttable presumption that no condition of  
24 release would assure the safety of the community if the state shows

1 by clear and convincing evidence that the person was arrested for a  
2 violation of Section 741 of Title 21 of the Oklahoma Statutes.

3 SECTION 2. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1101a of Title 22, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. At the first appearance of a person in custody before any  
7 court or any person designated by the court to set bond, the court  
8 or person shall determine the type of bond and conditions of release  
9 unless the person is subject to the provisions of Section 4 of this  
10 act. If an indictment, information, or complaint has been filed and  
11 the type of bond and conditions of release have been fixed upon  
12 return of the indictment or filing of the information or complaint,  
13 the court shall review the propriety of the type of bond and  
14 conditions of release upon first appearance of a person in custody,  
15 and may amend them.

16 B. The type of bond and conditions of release shall be  
17 sufficient to reasonably ensure the appearance of the person as  
18 required and to protect the safety of any person or the community,  
19 taking into consideration the individual characteristics of the  
20 person in custody, including the person's financial condition. In  
21 determining the type of bond and conditions of release, if  
22 practicable and available in the jurisdiction, the court shall use  
23 an empirically developed risk assessment instrument designed to  
24 improve pretrial release decisions by providing to the court

1 information that classifies a person in custody based upon predicted  
2 level of risk of pretrial failure. When the type of bond and  
3 conditions of release are determined by the court, the court shall:

4 1. Presume that all persons in custody are eligible for release  
5 on bond with the appropriate and least-restrictive conditions  
6 consistent with provisions in this subsection unless a person is  
7 otherwise ineligible for release pursuant to the provisions of  
8 Section 4 of this act. Any monetary condition of release imposed  
9 shall be reasonable, and any other condition of conduct not mandated  
10 by statute shall be tailored to address a specific concern.

11 2. To the extent a court uses a bond schedule, incorporate into  
12 the bond schedule conditions of release and factors that consider  
13 the individualized risk and circumstances of a person in custody and  
14 all other relevant criteria and not solely the level of offense; and

15 3. Consider all methods of bond and conditions of release as  
16 provided in Section 3 of this act to avoid unnecessary pretrial  
17 incarceration and levels of community-based supervision as  
18 conditions of pretrial release.

19 C. The court shall also consider the following criteria as  
20 appropriate and relevant in making a determination of the type of  
21 bond and conditions of release:

- 22 1. The employment status and history of the person in custody;
- 23 2. The nature and extent of family relationships of the person  
24 in custody;

- 1 3. Past and present residences of the person in custody;
- 2 4. The character and reputation of the person in custody;
- 3 5. Identity of persons who agree to assist the person in
- 4 custody in attending court at the proper time;
- 5 6. The likely sentence, considering the nature and the offense
- 6 presently charged;
- 7 7. The prior criminal record, if any, of the person in custody
- 8 and any prior failures to appear for court;
- 9 8. Any facts indicating the possibility of violations of the
- 10 law if the person in custody is released without certain conditions
- 11 of release;
- 12 9. Any facts indicating that the defendant is likely to
- 13 intimidate or harass possible witnesses; and
- 14 10. Any other facts tending to indicate that the person in
- 15 custody has strong ties to the community and is not likely to flee
- 16 the jurisdiction.

17 D. When a person is charged with an offense punishable by fine  
18 only, any monetary condition of release shall not exceed the amount  
19 of the maximum fine penalty.

20 SECTION 3. NEW LAW A new section of law to be codified  
21 in the Oklahoma Statutes as Section 1101b of Title 22, unless there  
22 is created a duplication in numbering, reads as follows:

23 A. The court shall determine, after consideration of all  
24 relevant criteria, which of the following types of bond is

1 appropriate for the pretrial release of a person in custody after  
2 considering each type of bond in the order enumerated below. The  
3 person shall be released upon execution of the first of the  
4 following types of bonds that the court finds sufficient:

5 1. An unsecured personal recognizance bond in an amount  
6 specified by the court. The court may require additional obligors  
7 on the bond as a condition of the bond;

8 2. An unsecured personal recognizance bond with additional  
9 nonmonetary conditions of release designed specifically to  
10 reasonably ensure the appearance of the person in court and the  
11 safety of any person or persons or the community;

12 3. A bond with secured monetary conditions when reasonable and  
13 necessary to ensure the appearance of the person in court or the  
14 safety of any person or persons or the community, which may be  
15 satisfied:

- 16 a. by a deposit with the clerk of the court of an amount  
17 of cash equal to the monetary condition of the bond,  
18 b. by real estate situated in this state with  
19 unencumbered equity not exempt from execution owned by  
20 the accused or any other person acting as surety on  
21 the bond, which unencumbered equity shall be at least  
22 one and one-half the amount of the security set in the  
23 bond,  
24

1 c. by sureties worth at least one and one-half of the  
2 security set in the bond, or

3 d. by a licensed bail bonding agent when reasonable and  
4 necessary to ensure the appearance of the person in  
5 court or the safety of any person or persons or the  
6 community.

7 B. Unless the district attorney consents or unless the court  
8 imposes additional individualized conditions of release, a person  
9 shall not be released on an unsecured personal recognizance bond  
10 pursuant to paragraph 1 of subsection A of this section if:

11 1. The person is presently free on another bond of any kind in  
12 another criminal action involving a felony;

13 2. The person has willfully failed to appear on bond in any  
14 case involving a felony charge in the preceding five years; or

15 3. The person is charged with violation of a crime listed in  
16 Section 13.1 of Title 21 of the Oklahoma Statutes or any crime of  
17 domestic violence, stalking or violation of a protective order.

18 C. Subject to any other provision of law, for any person  
19 charged with a misdemeanor offense, an unsecured personal  
20 recognizance bond shall be presumed sufficient and so ordered unless  
21 the court states in the record or notes in the court minutes the  
22 specific reasons an unsecured personal recognizance bond is  
23 insufficient to ensure the appearance of the person in court or the  
24

1 safety of any person or persons in the community, or the person is  
2 subject to subsection B of this section.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1101c of Title 22, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. For each bond, the court shall require that the released  
7 person appear to answer the charge against the person at a place and  
8 upon a date certain and at any place or upon any date to which the  
9 proceeding is transferred or continued. Such condition is the only  
10 condition for which a breach of surety or security on the bail bond  
11 shall be subject to forfeiture.

12 B. For a person who has been arrested for a felony offense, the  
13 court shall require as a condition of a bond that the person execute  
14 a waiver of extradition stating the person consents to extradition  
15 to this state and waives all formal procedures incidental to  
16 extradition proceedings in the event that he or she is arrested in  
17 another state while at liberty on such bail bond and acknowledging  
18 that he or she shall not be admitted to bail in any other state  
19 pending extradition to this state.

20 C. For a person arrested for any violent crime against a person  
21 or abuse, stalking, or violation of a protective order, the court  
22 shall order that the person have no contact with the alleged victim  
23 or victims, unless the victim or victims request that contact be  
24

1 allowed or the court specifically finds good cause for allowing  
2 contact.

3 D. The released person shall not commit any felony while free  
4 on a bail bond, and the court in which the action is pending may  
5 revoke the release of the person or change any bond condition,  
6 including the amount of any monetary condition if it is shown that a  
7 competent court has found probable cause to believe that the  
8 defendant has committed a felony while released, pending the  
9 resolution of a prior felony charge.

10 E. The court may impose any additional conditions on the  
11 conduct of the person released that will assist in obtaining the  
12 appearance of the person in court and the safety of any person or  
13 persons and the community. These conditions may include, but are  
14 not limited to, supervision by a qualified person or organization or  
15 supervision by a pretrial services program. While under the  
16 supervision of a qualified organization or pretrial services  
17 program, the conditions of release imposed by the court may include,  
18 but are not limited to:

- 19 1. Periodic telephone contact with the program;
- 20 2. Periodic office visits by the person to the pretrial  
21 services program or organization;
- 22 3. Periodic visits to the person's home by the program or  
23 organization;

24

1 4. Mental health or substance abuse treatment for the person,  
2 including residential treatment if the defendant consents to the  
3 treatment;

4 5. Periodic alcohol or drug testing of the person;

5 6. Domestic violence counseling for the defendant if the  
6 defendant consents to the counseling;

7 7. Electronic or global position monitoring of the person;

8 8. Pretrial work release for the person; and

9 9. Other supervision techniques shown by research to increase  
10 court appearance and public safety rates for persons released on  
11 bond.

12 F. A person seeking relief from any of the conditions imposed  
13 pursuant to this section shall file a motion with the court, and the  
14 court shall conduct a hearing upon the motion. The court shall  
15 consider whether the condition from which the person is seeking  
16 relief is in the interest of justice and whether public safety would  
17 be endangered if the condition were not enforced.

18 SECTION 5. AMENDATORY 22 O.S. 2011, Section 1104, is  
19 amended to read as follows:

20 Section 1104. A. "Bail" means a security, which may include a  
21 personal recognizance bond or other bond with or without monetary  
22 conditions, required by a court for the release of a person in  
23 custody set to provide reasonable assurance of public safety and  
24 court appearance.

1        B. The qualifications of bail are the same as those in civil  
2 cases, and the sureties must in all cases justify by affidavits  
3 taken before the magistrate, court or judge, or before the clerk of  
4 the district or superior court or his or her deputy, that they each  
5 possess those qualifications.

6        SECTION 6.        AMENDATORY        22 O.S. 2011, Section 1105.2, as  
7 amended by Section 1, Chapter 59, O.S.L. 2016 (22 O.S. Supp. 2016,  
8 Section 1105.2), is amended to read as follows:

9        Section 1105.2. A. Following an arrest for a misdemeanor or  
10 felony offense and before formal charges have been filed or an  
11 indictment made, the arrested person may have bail set by the court  
12 as provided in this act; provided there are no provisions of law to  
13 the contrary.

14        B. When formal charges or an indictment has been filed, bail  
15 shall be set according to law and the pretrial bond, if any, may be  
16 ~~reaffirmed unless additional security is required~~ amended. Every  
17 judicial district may, upon the order of the presiding judge for the  
18 district, establish a pretrial bail schedule for felony or  
19 misdemeanor offenses, except for traffic offenses included in  
20 subsections B, C and D of Section 1115.3 of ~~Title 22 of the Oklahoma~~  
21 ~~Statutes~~ this title and those offenses specifically excluded herein.  
22 The bail schedule established pursuant to the authority of this act  
23 shall exclude any offense for which bail is not allowed by law and  
24 shall comply with the provisions of Section 2 of this act. The bail

1 schedule authorized by this act shall be set in accordance with  
2 guidelines relating to bail and shall be published and reviewed by  
3 March 1 of each year by the courts and district attorney of the  
4 judicial district.

5 C. The pretrial bail shall be set in a numerical dollar amount  
6 together with any other conditions required. If the person fails to  
7 appear in court as required the judge shall:

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

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

18 D. When a pretrial program exists in the judicial district  
19 where the person is being held, the judge may utilize the services  
20 of the pretrial release program when ordering pretrial release,  
21 except when private bail has been furnished.

22 E. Upon an order for pretrial release or release on bond, the  
23 person shall be released from custody without undue delay.

24

1 F. The court may require the person to be placed on an  
2 electronic monitoring device as a condition of pretrial release.

3 G. In instances where an electronic monitoring device has been  
4 ordered, the court may impose payment of a supervision fee. Payment  
5 of the fee, in whole or according to a court-ordered installment  
6 schedule, shall be a condition of pretrial release. The court clerk  
7 shall collect the supervision fees.

8 SECTION 7. AMENDATORY 22 O.S. 2011, Section 1105.3, as  
9 last amended by Section 2, Chapter 59, O.S.L. 2016 (22 O.S. Supp.  
10 2016, Section 1105.3), is amended to read as follows:

11 Section 1105.3. A. ~~Any county~~ To reduce barriers to the  
12 pretrial release of persons in custody whose release on bond with  
13 appropriate conditions reasonably assures public safety and court  
14 appearance, all counties pursuant to the provisions of this act may  
15 establish, in consultation with the chief judge of the judicial  
16 district or designee, and fund a pretrial program to be utilized by  
17 the district court in that jurisdiction. The chief judge of any  
18 judicial district shall endeavor to consult annually with the county  
19 or counties within the district in an effort to support and  
20 encourage the development, to the extent practicable and within  
21 available resources, of pretrial services programs that support the  
22 work of the court and evidence-based decision making in determining  
23 the type of bond and conditions of release.

1 B. When a pretrial release program is established pursuant to  
2 this act and private bail has not been furnished, the judge may  
3 order a person to be evaluated through the pretrial program. After  
4 conducting an evaluation of the person applying for pretrial  
5 release, the pretrial program shall make a recommendation to the  
6 court. The recommendation shall indicate any special supervisory  
7 conditions for pretrial release. The judge shall consider the  
8 recommendations and may grant or deny pretrial release. The  
9 presiding judge of the judicial district may issue a standing order  
10 outlining criteria for cases that may automatically be evaluated for  
11 pretrial release by a pretrial program operating in the  
12 jurisdiction. The standing order may include amounts for bail and  
13 types of bonds deemed appropriate for certain offenses.

14 C. Except as otherwise authorized by the provisions of ~~this~~  
15 subsection D of this section, persons accused of or detained for any  
16 of the following offenses or conditions shall not be eligible for  
17 pretrial release by any pretrial program:

18 1. Aggravated driving under the influence of an intoxicating  
19 substance;

20 2. Any felony driving under the influence of an intoxicating  
21 substance;

22 3. Any offense prohibited by the Trafficking In Illegal Drugs  
23 Act;

24

- 1 4. Any person having a violent felony conviction within the
- 2 past ten (10) years;
- 3 5. Appeal bond;
- 4 6. Arson in the first degree, including attempts to commit
- 5 arson in the first degree;
- 6 7. Assault and battery on a police officer;
- 7 8. Bail jumping;
- 8 9. Bribery of a public official;
- 9 10. Burglary in the first or second degree;
- 10 11. Civil contempt proceedings;
- 11 12. Distribution of a controlled dangerous substance, including
- 12 the sale or possession of a controlled dangerous substance with
- 13 intent to distribute or conspiracy to distribute;
- 14 13. Domestic abuse, domestic assault or domestic assault and
- 15 battery with a dangerous weapon, or domestic assault and battery
- 16 with a deadly weapon;
- 17 14. Driving under the influence of intoxicating substance where
- 18 property damage or personal injury occurs;
- 19 15. Felony discharging a firearm from a vehicle;
- 20 16. Felony sex offenses;
- 21 17. Fugitive bond or a governor's fugitive warrant;
- 22 18. Immigration charges;
- 23 19. Kidnapping;
- 24 20. Juvenile or youthful offender detention;

- 1        21. Manslaughter;
- 2        22. Manufacture of a controlled dangerous substance;
- 3        23. Murder in the first degree, including attempts or  
4 conspiracy to commit murder in the first degree;
- 5        24. Murder in the second degree, including attempts or  
6 conspiracy to commit murder in the second degree;
- 7        25. Negligent homicide;
- 8        26. Out-of-county holds;
- 9        27. Persons currently on pretrial release who are arrested on a  
10 new felony offense;
- 11       28. Possession, manufacture, use, sale or delivery of an  
12 explosive device;
- 13       29. Possession of a controlled dangerous substance on Schedule  
14 I or II of the Controlled Dangerous Substances Act;
- 15       30. Possession of a firearm or other offensive weapon during  
16 the commission of a felony;
- 17       31. Possession of a stolen vehicle;
- 18       32. Rape in the first degree, including attempts to commit rape  
19 in the first degree;
- 20       33. Rape in the second degree, including attempts to commit  
21 rape in the second degree;
- 22       34. Robbery by force or fear;
- 23       35. Robbery with a firearm or dangerous weapon, including  
24 attempts to commit robbery with a firearm or dangerous weapon;

1 36. Sexual assault or violent offenses against children;

2 37. Shooting with intent to kill;

3 38. Stalking or violation of a Victim Protection Order;

4 39. Two or more prior felony convictions; or

5 40. Unauthorized use of a motor vehicle.

6 D. A person not eligible for pretrial release pursuant to the  
7 provisions of subsection C of this section may be released upon  
8 order of a ~~district judge or associate~~ of the district judge court  
9 under conditions prescribed by the judge, which may include an order  
10 to require the defendant, as a condition of pretrial release, to use  
11 or participate in any monitoring or testing including, but not  
12 limited to, a Global Positioning System (GPS) monitoring device and  
13 urinalysis testing. The court may further order the defendant to  
14 pay costs and expenses related to any supervision, monitoring or  
15 testing.

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

18 1. The program shall establish a procedure for screening and  
19 evaluating persons who are detained or have been arrested for the  
20 alleged commission of a crime. The program shall obtain criminal  
21 history records on detained persons through the National Crime  
22 Information Center (NCIC). The information obtained from the  
23 screening and evaluation process must be submitted in a written  
24 report without unnecessary delay to the judge who is assigned to

1 hear pretrial release applications when the person is eligible for  
2 pretrial release;

3 2. The program shall provide reliable information to the judge  
4 relating to the person applying for pretrial release so a reasonable  
5 decision can be made concerning the amount and type of bail  
6 appropriate for pretrial release. The information provided shall be  
7 based upon facts relating to the person's risk of danger to the  
8 community and the risk of failure to appear for court; and

9 3. The program shall make all reasonable attempts to provide  
10 the court with information appropriate to each person considered for  
11 pretrial release.

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

19 G. Each pretrial program established pursuant to this act shall  
20 provide a quarterly report to the presiding judge of the judicial  
21 district of the jurisdiction in which it operates. A copy of the  
22 report shall be filed of record with the court clerk of the  
23 jurisdiction. Each report shall include, but is not limited to, the  
24 following information:

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

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

4 3. The number of persons admitted to pretrial release that  
5 failed to appear; and

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

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

12 SECTION 8. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1109.1 of Title 22, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. If the court imposes a monetary condition of bond for  
16 release of a person in custody and the person, after seven (7) days  
17 from the setting of the monetary condition of bond, is unable to  
18 meet the monetary obligations of the bond, the person may file a  
19 written motion for reconsideration of the monetary conditions of the  
20 bond. The person may only file the written motion pursuant to this  
21 section one time during the pendency of the case and may only file  
22 the written motion if he or she believes that, upon presentation of  
23 evidence not fully considered by the court, he or she is entitled to  
24 a personal recognizance bond or an unsecured bond with conditions of

1 release or a change in the monetary conditions of bond. The court  
2 shall promptly conduct a hearing on this motion for reconsideration,  
3 but the hearing shall be held within fourteen (14) days after the  
4 filing of the motion. However, the court may summarily deny the  
5 motion if the court finds that there is no additional evidence not  
6 fully considered by the court presented in the written motion. In  
7 considering the motion, the court shall consider the results of any  
8 empirically developed risk assessment instrument.

9 B. Nothing in this section shall preclude a person from filing  
10 a motion for relief from a monetary condition of bond pursuant to  
11 Section 9 of this act at any time during the pendency of the case.

12 SECTION 9. NEW LAW A new section of law to be codified  
13 in the Oklahoma Statutes as Section 1109.2 of Title 22, unless there  
14 is created a duplication in numbering, reads as follows:

15 A. Upon application by the district attorney or the defendant,  
16 the court before which a proceeding is pending may increase or  
17 decrease the monetary conditions of bond, require additional  
18 security for a bond, dispense with security provided or alter any  
19 other condition of the bond, as necessary. All such modifications  
20 shall be in compliance with Sections 2, 3 and 4 of this act.

21 B. Reasonable notice of an application for modification of a  
22 bond by the defendant shall be given to the district attorney.  
23 Reasonable notice of application for modification of a bond by the  
24

1 district attorney shall be given to the defendant, except as  
2 provided in subsection C of this section.

3 C. Upon verified application by the district attorney stating  
4 facts or circumstances constituting a breach or a threatened breach  
5 of any of the conditions of the bond, the court may issue a warrant  
6 commanding any peace officer to bring the defendant without  
7 unnecessary delay before the court for a hearing on the matters set  
8 forth in the application. Upon issuance of the warrant, the court  
9 clerk shall notify the bail bond agent of record by electronic mail  
10 to the agent, if available, within twenty-four (24) hours or by  
11 certified mail not more than fourteen (14) days after the warrant is  
12 issued. At the conclusion of the hearing, the court may enter an  
13 order authorized by subsection A of this section.

14 D. The district attorney has the right to appear at all  
15 hearings seeking modification of the terms and conditions of bond  
16 and may advise the court on all pertinent matters during the  
17 hearing.

18 SECTION 10. This act shall become effective November 1, 2017.

19

20 56-1-1340 TEK 1/18/2017 8:09:23 PM

21

22

23

24