

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1730

By: Blancett

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 1101, which relates to bail procedures; granting persons in custody the right to bond hearings; requiring notification of bond hearing requests to district attorneys; directing the setting of bond and conditions of release for bailable offenses; establishing bond hearing procedures for persons in custody; directing courts to review and amend bond and conditions of release when necessary; providing guidelines for determining bond and conditions of release; directing courts to consider certain criteria; enumerating types of bonds sufficient for pretrial release; prohibiting unsecured personal recognizance bonds under certain circumstances; providing presumption for granting unsecured personal recognizance bonds for persons charged with misdemeanor crimes; providing an exception; establishing guidelines and requirements when determining conditions of release on bond; providing hearing procedures for persons seeking relief from conditions; amending 22 O.S. 2011, Section 1104, which relates to qualification of bail; adding definition; amending 22 O.S. 2011, Sections 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 the Pretrial Release Act; deleting additional security requirement; providing statutory reference; clarifying manner in which pretrial bail is set; authorizing all counties to establish pretrial release programs; directing chief judges of judicial districts to conduct annual consultation with counties regarding pretrial services programs; establishing hearing procedures when seeking relief

1 from monetary conditions of bond; allowing district
2 attorney or defendant to submit application to change
3 conditions of bond; providing notice procedures;
4 authorizing issuance of warrants for breach or
5 threatened breach of bond conditions; directing court
6 clerk to give certain notice to bail bond agent;
7 declaring rights of district attorneys to appear at
8 hearings related to bond modifications; providing for
9 codification; and providing an effective date.

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

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

13 Section 1101. A. Except as otherwise provided by law, bail, by
14 sufficient sureties, shall be admitted upon all arrests in criminal
15 cases where the offense is not punishable by death and in such cases
16 it may be taken by any of the persons or courts authorized by law to
17 arrest, to imprison offenders or to perform pretrial services, or by
18 the clerk of the district court or his or her deputy, or by the
19 judge of such courts. Any person in custody, and for whom the court
20 has not set bond and conditions of release pursuant to applicable
21 law, and who is not subject to the provisions of subsection B of
22 this section, has the right to a hearing to determine bond and
23 conditions of release. A person in custody may request a hearing so
24 that bond and conditions of release can be set or amended. Upon
receiving the request, the judge shall immediately notify the
district attorney of the request of the person in custody, and the

1 district attorney shall have the right to attend and advise the
2 court of matters pertinent to the type of bond and conditions of
3 release to be set. The judge shall also order the appropriate law
4 enforcement agency having custody of the person to bring him or her
5 before the court forthwith, and the judge shall set bond and
6 conditions of release if the offense for which the person was
7 arrested is bailable. It shall not be a prerequisite to bail that a
8 criminal charge of any kind has been filed.

9 B. In criminal cases where the ~~defendant~~ person is currently an
10 escaped prisoner from the Department of Corrections, the ~~defendant~~
11 person must be processed back into the Department of Corrections
12 prior to bail being set on new criminal charges.

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

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

17 2. Violent offenses;

18 3. Offenses where the maximum sentence may be life imprisonment
19 or life imprisonment without parole;

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

23 5. Controlled dangerous substances offenses where the maximum
24 sentence may be at least ten (10) ~~years~~ years of imprisonment.

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

5 D. There shall be a rebuttable presumption that no condition of
6 release would assure the safety of the community if the state shows
7 by clear and convincing evidence that the person was arrested for a
8 violation of Section 741 of Title 21 of the Oklahoma Statutes.

9 SECTION 2. NEW LAW A new section of law to be codified
10 in the Oklahoma Statutes as Section 1101.2 of Title 22, unless there
11 is created a duplication in numbering, reads as follows:

12 A. At the first appearance of a person in custody before any
13 court or any person designated by the court to set bond, the court
14 or designee shall determine the type of bond and conditions of
15 release unless the person is subject to the provisions of Section 4
16 of this act.

17 B. If an indictment, information or complaint has been filed
18 and the type of bond and conditions of release have been fixed upon
19 return of the indictment or filing of the information or complaint,
20 the court shall review the propriety of the type of bond and
21 conditions of release upon first appearance of a person in custody,
22 and may amend the bond and conditions of release.

23 C. 1. The type of bond and conditions of release shall be
24 sufficient to reasonably ensure the appearance of the person as

1 required and to protect the safety of any person or the community,
2 taking into consideration the individual characteristics of each
3 person in custody, including the financial condition of the person.

4 2. In determining the type of bond and conditions of release,
5 if practicable and available in the jurisdiction, the court shall
6 use an empirically developed risk-assessment instrument designed to
7 improve pretrial release decisions by providing to the court
8 information that classifies a person in custody based upon predicted
9 level of risk of pretrial failure.

10 D. When the type of bond and conditions of release are
11 determined by the court, the court shall:

12 1. Presume that all persons in custody are eligible for release
13 on bond with the appropriate and least-restrictive conditions
14 consistent with provisions in paragraph 1 of subsection C of this
15 section unless a person is otherwise ineligible for release pursuant
16 to the provisions of Section 4 of this act. Any monetary condition
17 of release imposed must be reasonable, and any other condition of
18 conduct not mandated by statute must be tailored to address a
19 specific concern;

20 2. To the extent a court uses a bond schedule, incorporate into
21 the bond schedule conditions of release and factors that consider
22 the individualized risk and circumstances of a person in custody and
23 all other relevant criteria and not solely the level of offense; and
24

1 3. Consider all methods of bond and conditions of release as
2 provided in Section 3 of this act to avoid unnecessary pretrial
3 incarceration and levels of community-based supervision as
4 conditions of pretrial release.

5 E. The court may also consider the following criteria as
6 appropriate and relevant in making a determination of the type of
7 bond and conditions of release:

8 1. The employment status and history of the person in custody;

9 2. The nature and extent of family relationships of the person
10 in custody;

11 3. Past and present residences of the person in custody;

12 4. The character and reputation of the person in custody;

13 5. The identity of persons who agree to assist the person in
14 custody in attending court at the proper time;

15 6. The likely sentence, considering the nature and the offense
16 presently charged;

17 7. The prior criminal record, if any, of the person in custody
18 and any prior failures to appear for court;

19 8. Any facts indicating the possibility of violations of the
20 law if the person in custody is released without certain conditions
21 of release;

22 9. Any facts indicating that the person is likely to intimidate
23 or harass possible witnesses; and
24

1 10. Any other facts tending to indicate that the person in
2 custody has strong ties to the community and is not likely to flee
3 the jurisdiction.

4 F. When a person is charged with an offense punishable by fine
5 only, any monetary condition of release shall not exceed the amount
6 of the maximum fine penalty.

7 SECTION 3. NEW LAW A new section of law to be codified
8 in the Oklahoma Statutes as Section 1101.3 of Title 22, unless there
9 is created a duplication in numbering, reads as follows:

10 A. The court shall determine, after consideration of all
11 relevant criteria, which of the following types of bond is
12 appropriate for the pretrial release of a person in custody after
13 considering each type of bond in the order enumerated below. The
14 person shall be released upon execution of the first of the
15 following types of bonds that the court finds sufficient:

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

19 2. An unsecured personal recognizance bond with additional
20 nonmonetary conditions of release designed specifically to
21 reasonably ensure the appearance of the person in court and the
22 safety of any person in the community; or

23 3. A bond with secured monetary conditions when reasonable and
24 necessary to ensure the appearance of the person in court or the

1 safety of any person in the community, which may be satisfied as
2 follows:

- 3 a. by a deposit with the clerk of the court of an amount
4 of cash equal to the monetary condition of the bond,
- 5 b. by real estate situated in this state with
6 unencumbered equity not exempt from execution owned by
7 the accused or any other person acting as surety on
8 the bond, which unencumbered equity shall be at least
9 one and one-half (1 1/2) the amount of the security
10 set in the bond,
- 11 c. by sureties worth at least one and one-half (1 1/2) of
12 the security set in the bond, or
- 13 d. by a licensed bail bonding agent when reasonable and
14 necessary to ensure the appearance of the person in
15 court or the safety of any person in the community.

16 B. Unless the district attorney consents or unless the court
17 imposes additional individualized conditions of release, a person
18 shall not be released on an unsecured personal recognizance bond
19 pursuant to paragraph 1 of subsection A of this section under the
20 following circumstances:

- 21 1. The person is presently free on another bond of any kind in
22 another criminal action involving a felony;
- 23 2. The person has willfully failed to appear on bond in any
24 case involving a felony charge in the preceding five (5) years; or

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

4 C. Subject to any other provision of law, for any person
5 charged with a misdemeanor offense, an unsecured personal
6 recognizance bond shall be presumed sufficient and so ordered unless
7 the court states in the record or notes in the court minutes the
8 specific reasons an unsecured personal recognizance bond is
9 insufficient to ensure the appearance of the person in court or the
10 safety of any person in the community, or the person is subject to
11 the provisions of subsection B of this section.

12 SECTION 4. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 1101.4 of Title 22, unless there
14 is created a duplication in numbering, reads as follows:

15 A. For each bond, the court shall require that the released
16 person appear to answer the charge against the person at a place and
17 upon a date certain and at any place or upon any date to which the
18 proceeding is transferred or continued. This condition is the only
19 condition for which a breach of surety or security on the bail bond
20 shall be subject to forfeiture.

21 B. For a person who has been arrested for a felony offense, the
22 court shall require as a condition of a bond that the person execute
23 a waiver of extradition stating the person consents to extradition
24 to this state and waives all formal procedures incidental to

1 extradition proceedings in the event that he or she is arrested in
2 another state while at liberty on such bail bond and acknowledging
3 that he or she shall not be admitted to bail in any other state
4 pending extradition to this state.

5 C. For a person arrested for any crime of violence against a
6 person or abuse, stalking or violation of a protective order, the
7 court shall order that the person have no contact with the alleged
8 victim unless the victim requests that contact be allowed or the
9 court specifically finds good cause for allowing contact.

10 D. Additional conditions of every bond requires that the
11 released person not commit any felony while free on such a bail
12 bond, and the court in which the action is pending has the power to
13 revoke the release of the person, to change any bond condition,
14 including the amount of any monetary condition if it is shown that a
15 competent court has found probable cause to believe that the person
16 has committed a felony while released, pending the resolution of a
17 prior felony charge.

18 E. In addition to the conditions specified in this section, the
19 court may impose any additional conditions on the conduct of the
20 person released that will assist in obtaining the appearance of the
21 person in court and the safety of any person in the community.
22 These conditions may include, but are not limited to, supervision by
23 a qualified person or organization or supervision by a pretrial
24 services program. While under the supervision of a qualified

1 organization or pretrial services program, the conditions of release
2 imposed by the court may include, but are not limited to:

3 1. Periodic telephone contact with the pretrial services
4 program or organization;

5 2. Periodic office visits by the person to the pretrial
6 services program or organization;

7 3. Periodic visits to the home of the person by the pretrial
8 services program or organization;

9 4. Mental health or substance abuse treatment for the person
10 including residential treatment if the person consents to the
11 treatment;

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

13 6. Domestic violence counseling for the person if the person
14 consents to the counseling;

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

16 8. Pretrial work release for the person; and

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

20 F. A person seeking relief from any of the conditions imposed
21 pursuant to this section shall file a motion with the court, and the
22 court shall conduct a hearing upon the motion. The court shall
23 consider whether the condition from which the person is seeking
24

1 relief is in the interest of justice and whether public safety would
2 be endangered if the condition were not enforced.

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

5 Section 1104. A. The qualifications of bail are the same as
6 those in civil cases, and the sureties must in all cases justify by
7 affidavits taken before the magistrate, court or judge, or before
8 the clerk or deputy clerk of the district or superior court ~~or his~~
9 ~~deputy~~, that they each possess those qualifications.

10 B. As used in this section, "bail" means a security, which may
11 include a personal recognizance bond or other bond with or without
12 monetary conditions, required by a court for the release of a person
13 in custody set to provide reasonable assurance of public safety and
14 court appearance.

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

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

23 B. When formal charges or an indictment has been filed, bail
24 shall be set according to law and the pretrial bond, if any, may be

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

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

17 1. Rescind the bond and proceed to enter a judgment against the
18 defendant for the dollar amount of the pretrial bail if no private
19 bail was given at the time of release; provided, however, the court
20 clerk shall follow the procedures as set forth in Section 1301 et
21 seq. of Title 59 of the Oklahoma Statutes in collecting the
22 forfeiture amount against the person who fails to appear in court;
23 or
24

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

4 D. When a pretrial program exists in the judicial district
5 where the person is being held, the judge may utilize the services
6 of the pretrial release program when ordering pretrial release,
7 except when private bail has been furnished.

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

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

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

17 SECTION 7. AMENDATORY 22 O.S. 2011, Section 1105.3, as
18 last amended by Section 2, Chapter 59, O.S.L. 2016 (22 O.S. Supp.
19 2016, Section 1105.3), is amended to read as follows:

20 Section 1105.3 A. ~~Any county~~ To reduce barriers to the
21 pretrial release of persons in custody whose release on bond with
22 appropriate conditions reasonably assures court appearance and
23 public safety, all counties pursuant to the provisions of this act
24 may establish in consultation with the chief judge of the judicial

1 district or designee and fund a pretrial program to be utilized by
2 the district court in that jurisdiction. The chief judge of any
3 judicial district shall endeavor to consult on an annual basis with
4 the county or counties within the judicial district in an effort to
5 support and encourage the development by the county or counties, to
6 the extent practicable and within available resources, of pretrial
7 services programs that support the work of the court and evidence-
8 based decision-making in determining the type of bond and conditions
9 of release.

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

23 C. Except as otherwise authorized by the provisions of ~~this~~
24 subsection D of this section, persons accused of or detained for any

1 of the following offenses or conditions shall not be eligible for
2 pretrial release by any pretrial program:

3 1. Aggravated driving under the influence of an intoxicating
4 substance;

5 2. Any felony driving under the influence of an intoxicating
6 substance;

7 3. Any offense prohibited by the Trafficking In Illegal Drugs
8 Act;

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

11 5. Appeal bond;

12 6. Arson in the first degree, including attempts to commit
13 arson in the first degree;

14 7. Assault and battery on a police officer;

15 8. Bail jumping;

16 9. Bribery of a public official;

17 10. Burglary in the first or second degree;

18 11. Civil contempt proceedings;

19 12. Distribution of a controlled dangerous substance, including
20 the sale or possession of a controlled dangerous substance with
21 intent to distribute or conspiracy to distribute;

22 13. Domestic abuse, domestic assault or domestic assault and
23 battery with a dangerous weapon, or domestic assault and battery
24 with a deadly weapon;

- 1 14. Driving under the influence of intoxicating substance where
- 2 property damage or personal injury occurs;
- 3 15. Felony discharging a firearm from a vehicle;
- 4 16. Felony sex offenses;
- 5 17. Fugitive bond or a governor's fugitive warrant;
- 6 18. Immigration charges;
- 7 19. Kidnapping;
- 8 20. Juvenile or youthful offender detention;
- 9 21. Manslaughter;
- 10 22. Manufacture of a controlled dangerous substance;
- 11 23. Murder in the first degree, including attempts or
- 12 conspiracy to commit murder in the first degree;
- 13 24. Murder in the second degree, including attempts or
- 14 conspiracy to commit murder in the second degree;
- 15 25. Negligent homicide;
- 16 26. Out-of-county holds;
- 17 27. Persons currently on pretrial release who are arrested on a
- 18 new felony offense;
- 19 28. Possession, manufacture, use, sale or delivery of an
- 20 explosive device;
- 21 29. Possession of a controlled dangerous substance on Schedule
- 22 I or II of the Controlled Dangerous Substances Act;
- 23 30. Possession of a firearm or other offensive weapon during
- 24 the commission of a felony;

1 31. Possession of a stolen vehicle;

2 32. Rape in the first degree, including attempts to commit rape
3 in the first degree;

4 33. Rape in the second degree, including attempts to commit
5 rape in the second degree;

6 34. Robbery by force or fear;

7 35. Robbery with a firearm or dangerous weapon, including
8 attempts to commit robbery with a firearm or dangerous weapon;

9 36. Sexual assault or violent offenses against children;

10 37. Shooting with intent to kill;

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

12 39. Two or more prior felony convictions; or

13 40. Unauthorized use of a motor vehicle.

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

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

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

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

18 3. The program shall make all reasonable attempts to provide
19 the court with information appropriate to each person considered for
20 pretrial release.

21 F. A pretrial program established pursuant to this act may
22 provide different methods and levels of community-based supervision
23 to meet any court-ordered conditions of release. The program may
24 use existing supervision methods for persons who are released prior

1 to trial. Pretrial programs which employ peace officers certified
2 by the Council on Law Enforcement Education and Training (CLEET) are
3 authorized to enforce court-ordered conditions of release.

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

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

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

13 3. The number of persons admitted to pretrial release that
14 failed to appear; and

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

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

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

1 A. If a person is in custody and the court imposed a monetary
2 condition of bond for release and, after seven (7) days from the
3 setting of the monetary condition of bond, the person is unable to
4 meet the monetary obligations of the bond, the person may file a
5 written motion for reconsideration of the monetary conditions of the
6 bond. The person may only file the written motion pursuant to this
7 section one time during the pendency of the case and may only file
8 the written motion if he or she believes that, upon presentation of
9 evidence not fully considered by the court, he or she is entitled to
10 a personal recognizance bond, an unsecured bond with conditions of
11 release or a change in the monetary conditions of bond. The court
12 shall promptly conduct a hearing on this motion for reconsideration,
13 but the hearing must be held within fourteen (14) days after filing
14 the motion. However, the court may summarily deny the motion if the
15 court finds that there is no additional evidence not fully
16 considered by the court presented in the written motion. In
17 considering the motion, the court shall consider the results of any
18 empirically developed risk-assessment instrument.

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

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

1 A. Upon application by the district attorney or the defendant,
2 the court before which the proceeding is pending may:

- 3 1. Increase or decrease the financial conditions of bond;
- 4 2. Require additional security for a bond;
- 5 3. Dispense with security theretofore provided; or
- 6 4. Alter any other condition of the bond, as necessary.

7 Provided, all such modifications shall be in compliance with
8 Sections 2 through 4 of this act.

9 B. Reasonable notice of an application for modification of a
10 bond by the defendant shall be given to the district attorney.

11 C. Reasonable notice of application for modification of a bond
12 by the district attorney shall be given to the defendant, except as
13 provided in subsection D of this section.

14 D. Upon verified application by the district attorney stating
15 facts or circumstances constituting a breach or a threatened breach
16 of any of the conditions of the bond, the court may issue a warrant
17 commanding any peace officer to bring the defendant without
18 unnecessary delay before the court for a hearing on the matters set
19 forth in the application. Upon issuance of the warrant, the court
20 clerk shall notify the bail bond agent of record by electronic mail,
21 if available, to the agent within twenty-four (24) hours or by
22 certified mail not more than fourteen (14) days after the warrant is
23 issued. At the conclusion of the hearing, the court may enter an
24 order authorized by subsection A of this section.

1 E. The district attorney has the right to appear at all
2 hearings seeking modification of the terms and conditions of bond
3 and may advise the court on all pertinent matters during the
4 hearing.

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

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7 56-1-5240 GRS 12/30/16
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