

STATE OF OKLAHOMA

2nd Session of the 57th Legislature (2020)

SENATE BILL 1804

By: Brooks

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 181, which relates to delay in taking before magistrate; specifying allowable time period for initial appearance for certain offenses; providing exception; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 181, is amended to read as follows:

Section 181. A. The defendant must, in all cases, be taken before the magistrate without unnecessary delay.

B. A person arrested for an act constituting domestic abuse as specified in Section 644 of Title 21 of the Oklahoma Statutes, or arrested for any act constituting domestic abuse, stalking or harassment as defined by Section 60.1 of this title, or arrested for an act constituting domestic assault and battery or domestic assault and battery with a deadly weapon pursuant to Section 644 of Title 21 of the Oklahoma Statutes, and not taken before a magistrate within seventy-two (72) hours shall not constitute an unnecessary delay,

1 unless the person arrested can establish prejudice by reason of the
2 delay.

3 SECTION 2. This act shall become effective November 1, 2020.
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