

1 ENGROSSED SENATE  
2 BILL NO. 1545

By: Leewright and Bullard of  
the Senate

3 and

4 Roberts (Dustin) of the  
5 House

6  
7 [ bail - bailable offenses - court making certain  
8 determination - burden of proof to overcome certain  
9 presumption - public safety report system -  
information on court website - codification -  
effective date -

emergency ]

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

13 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1101, is  
14 amended to read as follows:

15 Section 1101. A. Except as otherwise provided by law, bail, by  
16 sufficient sureties, shall be admitted upon all arrests in criminal  
17 cases where the offense is not punishable by death and in such cases  
18 it may be taken by any of the persons or courts authorized by law to  
19 arrest, to imprison offenders or to perform pretrial services, or by  
20 the clerk of the district court or his or her deputy, or by the  
21 judge of such courts.

22 B. In criminal cases where the defendant is currently an  
23 escaped prisoner from the Department of Corrections, the defendant  
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1 must be processed back into the Department of Corrections prior to  
2 bail being set on new criminal charges.

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

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

7 2. Violent offenses;

8 3. Offenses where the maximum sentence may be life imprisonment  
9 or life imprisonment without parole;

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

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

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

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

23 E. When setting bail and conditions of release, the primary  
24 consideration of the court shall be the safety of the public and a

1 presumption against a personal recognizance release or release on an  
2 unsecured bond may only be overcome by clear and convincing evidence  
3 that the person is not a flight risk or danger to the public. In  
4 making such determination, the court shall consider whether:

5 1. The person has been convicted of a sexual offense, violent  
6 offense, or other felony within the past five (5) years;

7 2. The person is currently on release on another pending  
8 charge;

9 3. The person is currently on probation or parole;

10 4. The person has been charged with possession of a firearm  
11 when disqualified to do so based on a prior felony conviction;

12 5. The person has failed to appear as required in the current  
13 matter; and

14 6. The person has failed to appear as required any time in the  
15 previous three (3) years.

16 SECTION 2. NEW LAW A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1116.1 of Title 22, unless there  
18 is created a duplication in numbering, reads as follows:

19 A. The Administrative Office of the Courts shall develop and  
20 maintain a public safety report system that is available for use for  
21 purposes of Section 3 of this act. The public safety report system  
22 shall:

23 1. Provide the defendant's name and date of birth or, if  
24 impracticable, other identifying information, the cause number of

1 the case, if available, and the offense for which the defendant was  
2 arrested;

3 2. Provide information on the eligibility of the defendant for  
4 a personal recognizance bond;

5 3. Provide information regarding the applicability of any  
6 required or discretionary bond conditions;

7 4. Provide, in summary form, the criminal history of the  
8 defendant including information regarding any:

9 a. previous misdemeanor or felony convictions,

10 b. pending charges,

11 c. previous sentences imposing a term of confinement,

12 d. previous convictions or pending charges for violent  
13 offenses or offenses involving violence directed  
14 against a peace officer, and

15 e. previous failures of the defendant to appear in court  
16 following release on bail; and

17 5. Be designed to collect and maintain information designed to  
18 report to the Legislature and the public on the bail system.

19 C. The Administrative Office of the Courts shall provide access  
20 to the public safety report system to the appropriate officials in  
21 each county and each municipality at no cost. This subsection shall  
22 not be construed to require the Administrative Office of the Courts  
23 to provide an official or magistrate with any equipment or support  
24 related to accessing or using the public safety report system.

1 D. The public safety report system shall not:

2 1. Be the only item relied on by a judge or magistrate in  
3 making a bail decision;

4 2. Include a score, rating, or assessment of the defendant's  
5 risk or make any recommendation regarding the appropriate bail for  
6 the defendant; or

7 3. Include any information other than the information required  
8 by subsection B of this section.

9 SECTION 3. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 1161.2 of Title 22, unless there  
11 is created a duplication in numbering, reads as follows:

12 A. A judicial officer at initial appearance to consider the  
13 release on bail of a defendant charged with an offense punishable as  
14 a felony offense shall consider the public safety report system  
15 developed under Section 2 of this act and shall utilize the system  
16 to prepare a public safety report with respect to the defendant.  
17 Such public safety report shall be provided to the judicial officer  
18 setting bail and conditions of release as soon as practicable but no  
19 later than forty-eight (48) hours after the defendant's arrest. The  
20 judicial officer shall consider such report when making a  
21 determination on bail and conditions of release.

22 B. In his or her discretion, a judicial officer may order,  
23 prepare, or consider a public safety report as required in  
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1 subsection A of this section in setting bail and conditions of  
2 release for a defendant charged with a misdemeanor.

3 SECTION 4. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 1161.3 of Title 22, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. The clerk of a court setting bail in criminal cases shall  
7 report to the Administrative Office of the Courts:

8 1. The number of defendants for whom bail was set after arrest  
9 including:

10 a. the number for each category of offense,

11 b. the number of personal recognizance bonds, and

12 c. the number of surety or cash bonds;

13 2. The number of defendants released on bail, personal  
14 recognizance, pretrial services, or cash bond who subsequently  
15 failed to appear;

16 3. The number of defendants released on bail, personal  
17 recognizance, pretrial services, or cash bond who subsequently  
18 violated a condition of release; and

19 4. The number of defendants who committed an offense while  
20 released on bail, community supervision, or any other type of  
21 pretrial services.

22 B. The Administrative Office of the Courts shall post the  
23 information provided as required by subsection A of this section on  
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1 the court website without disclosing any personal information of any  
2 defendant, judge, or magistrate.

3 C. No later than October 1 of each year, with the previous  
4 eight quarters of data to be reported on October 1, 2022, the  
5 Administrative Office of the Courts shall submit a report containing  
6 the data collected pursuant to this section during the preceding  
7 fiscal year to the Governor, the President Pro Tempore of the  
8 Senate, and the Speaker of the House of Representatives.

9 D. Beginning October 1, 2022, with the previous eight quarters  
10 of data to be reported on October 1, 2022, each pretrial services  
11 program shall provide an annual report to the Administrative Office  
12 of the Courts no later than October 1 of each year. Such report  
13 shall include but not be limited to:

14 1. The total number of pretrial assessments performed by the  
15 program and submitted to the court;

16 2. The total number of closed cases by the program in which the  
17 person was released from custody and supervised by the program;

18 3. The total number of closed cases in which the person was  
19 released from custody, was supervised by the program, and appeared  
20 for all scheduled court appearances on the case while under  
21 supervision;

22 4. The total number of closed cases in which the person was  
23 released from custody, was supervised by the program, and was not  
24 charged with a new criminal offense that was alleged to have

1 occurred while under supervision and that carried the possibility of  
2 a sentence to jail or imprisonment;

3 5. The total number of closed cases in which the person was  
4 released from custody and was supervised by the program, and the  
5 person's bond was not revoked by the court due to a violation of any  
6 other terms and conditions of supervision;

7 6. For all new crimes committed by defendants supervised by the  
8 program, a complete listing of all of the new crime or crimes  
9 alleged to have been committed by defendants, without identifying  
10 information, while on supervision by the program; and

11 7. Any additional information the Administrative Office of the  
12 Courts may request.

13 E. For the reports required pursuant to subsection D of this  
14 section, the pretrial services program shall include information  
15 detailing the number of persons released on a commercial surety bond  
16 in addition to pretrial supervision, the number of persons released  
17 on a cash, private surety, or property bond in addition to pretrial  
18 supervision, and the number of persons released on any form of a  
19 personal recognizance bond in addition to pretrial supervision.

20 SECTION 5. This act shall become effective July 1, 2022.

21 SECTION 6. It being immediately necessary for the preservation  
22 of the public peace, health or safety, an emergency is hereby  
23 declared to exist, by reason whereof this act shall take effect and  
24 be in full force from and after its passage and approval.



1 Passed the Senate the 24th day of March, 2022.

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4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2022.

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9 Presiding Officer of the House  
10 of Representatives