

1 ENGROSSED SENATE  
2 BILL NO. 44

By: Hicks of the Senate

3 and

4 Strom of the House

5  
6 An Act relating to criminal procedure; amending 22  
7 O.S. 2011, Section 209, which relates to failure to  
8 appear; requiring dismissal of charges and warrant  
9 for failure to appear upon certain showing; updating  
10 outline; making language gender neutral; and  
11 providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2011, Section 209, is  
14 amended to read as follows:

15 Section 209. ~~(1)~~ A. A law enforcement officer who has arrested  
16 a person on a misdemeanor charge or violation of city ordinance,  
17 without a warrant, may issue a citation to such person to appear in  
18 court.

19 ~~(2)~~ B. In issuing a citation hereunder the officer shall  
20 proceed as follows:

21 ~~(a)~~ He 1. The officer shall prepare a written citation to  
22 appear in court, containing the name and address of the cited person  
23 and the offense charged, and stating when the person shall appear in  
24 court. Unless the person requests an earlier date, the time

1 specified in the citation to appear shall be at least five (5) days  
2 after the issuance of the citation.

3 ~~(b)~~ 2. One copy of the citation to appear shall be delivered to  
4 the person cited, and such person shall sign a duplicate written  
5 citation which shall be retained by the officer.

6 ~~(c)~~ 3. The officer shall thereupon release the cited person  
7 from any custody.

8 ~~(d)~~ 4. As soon as practicable, the officer shall file one copy  
9 of the citation with the court specified therein and shall deliver  
10 one copy to the prosecuting attorney.

11 ~~(3)~~ C. In any case in which the judicial officer finds  
12 sufficient grounds for issuing a warrant, he or she may issue a  
13 summons commanding the defendant to appear in lieu of a warrant.

14 ~~(4)~~ D. If a person summoned fails to appear in response to the  
15 summons, a warrant for his or her arrest shall issue, and any person  
16 who willfully fails to appear in response to a summons is guilty of  
17 a misdemeanor; provided, however, any charges or warrant for failure  
18 to appear shall be dismissed if the person can show the court that  
19 the person was incarcerated or otherwise detained by law enforcement  
20 at the time of the failure to appear.

21 SECTION 2. This act shall become effective November 1, 2021.  
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1 Passed the Senate the 1st day of March, 2021.

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3 \_\_\_\_\_  
4 Presiding Officer of the Senate

5 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
6 2021.

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9 Presiding Officer of the House  
10 of Representatives