

1 ENGROSSED HOUSE  
2 BILL NO. 4194

By: Echols of the House

3 and

4 Thompson of the Senate

5  
6 An Act relating to criminal procedure; amending 22  
7 O.S. 2021, Section 1101, which relates to persons  
8 authorized to take bail; directing courts to assess  
9 patterns of abuse and present written findings for  
10 persons arrested for certain crimes; and providing an  
11 effective date.

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  
24 must be processed back into the Department of Corrections prior to  
bail being set on new criminal charges.

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

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

5 2. Violent offenses;

6 3. Offenses where the maximum sentence may be life imprisonment  
7 or life imprisonment without parole;

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

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

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

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

21 E. If the person was arrested for any crime provided for in the  
22 Protection from Domestic Abuse Act or a violent crime provided for  
23 in Section 571 of Title 57 of the Oklahoma Statutes, the court shall  
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1 be responsible for assessing prior patterns of abuse and shall  
2 present written findings on the bail amount.

3 SECTION 2. This act shall become effective November 1, 2022.

4 Passed the House of Representatives the 21st day of March, 2022.

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6 \_\_\_\_\_  
7 Presiding Officer of the House  
8 of Representatives

9 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2022.

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12 Presiding Officer of the Senate  
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