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April 5, 2022

ENGROSSED HOUSE
BILL NO. 4194

By: Echols of the House

and

Thompson of the Senate

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

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

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

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

B. In criminal cases where the defendant is currently an escaped prisoner from the Department of Corrections, the defendant

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. If the person was arrested for any crime provided for in the
24 Protection from Domestic Abuse Act or a violent crime provided for

1 in Section 571 of Title 57 of the Oklahoma Statutes, the court shall
2 be responsible for assessing prior patterns of abuse and shall
3 present written findings on the bail amount.

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

5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
6 April 5, 2022 - DO PASS
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