

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 SENATE BILL 1682

By: Murdock

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5
6 AS INTRODUCED

7 An Act relating to the Pretrial Release Act; amending
8 22 O.S. 2021, Section 1105.3, which relates to
9 pretrial release programs; requiring program to
10 conduct background investigation using certain
11 records; requiring certain hearing for eligibility
12 for program; modifying certain criteria for operating
13 as a pretrial services program; requiring monthly
14 reports from program; providing for public access to
15 certain reports; adding information to be included in
16 certain reports; clarifying language; and providing
17 an effective date.

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

19 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1105.3, is
20 amended to read as follows:

21 Section 1105.3. A. Any county pursuant to the provisions of
22 the Pretrial Release Act may establish and fund a pretrial program
23 to be utilized by the district court in that jurisdiction.

24 B. When a pretrial release program is established pursuant to
the Pretrial Release Act and private bail has not been furnished at
any time prior to release from jail, the judge may order a person to
be evaluated through ~~the~~ a pretrial program. After conducting ~~an~~
~~evaluation~~ a background check of the person applying for pretrial

1 release, using records from the Oklahoma State Courts Network, the
2 Department of Corrections, National Crime Information Center, when
3 available, and any other records available to determine any past or
4 current criminal charges, the pretrial program shall make a written
5 report that lists any current criminal charges or failure to appear
6 for any hearing and shall provide a recommendation to the court.

7 The recommendation shall indicate any special supervisory conditions
8 for pretrial release. The judge shall consider the recommendations
9 and may grant or deny pretrial release. The presiding judge of the
10 judicial district may issue a standing order outlining criteria for
11 cases that may automatically be evaluated for pretrial release by a
12 pretrial program operating in the jurisdiction. The standing order
13 may include amounts for bail and types of bonds deemed appropriate
14 for certain offenses.

15 C. ~~Except as otherwise authorized by the provisions of this~~
16 ~~subsection, persons~~ Persons accused of or detained for any of the
17 following offenses or conditions shall not be eligible for pretrial
18 release by any pretrial program until after a hearing in district
19 court in which any victim has been allowed to be present and be
20 heard concerning the release:

21 1. Aggravated driving under the influence of an intoxicating
22 substance;

23 2. Any felony driving under the influence of an intoxicating
24 substance;

- 1 3. Any offense prohibited by the Trafficking In Illegal Drugs
2 Act;
- 3 4. Any person having a violent felony conviction within the
4 past ten (10) years;
- 5 5. Appeal bond;
- 6 6. Arson in the first degree, including attempts to commit
7 arson in the first degree;
- 8 7. Assault and battery on a police officer;
- 9 8. Bail jumping;
- 10 9. Bribery of a public official;
- 11 10. Burglary in the first or second degree;
- 12 11. Civil contempt proceedings;
- 13 12. Distribution of a controlled dangerous substance, including
14 the sale or possession of a controlled dangerous substance with
15 intent to distribute or conspiracy to distribute;
- 16 13. Domestic abuse, domestic assault or domestic assault and
17 battery with a dangerous weapon, or domestic assault and battery
18 with a deadly weapon;
- 19 14. Driving under the influence of intoxicating substance where
20 property damage or personal injury occurs;
- 21 15. Felony discharging a firearm from a vehicle;
- 22 16. Felony sex offenses;
- 23 17. Fugitive bond or a governor's fugitive warrant;
- 24 18. Immigration charges;

- 1 19. Kidnapping;
- 2 20. Juvenile or youthful offender detention;
- 3 21. Manslaughter;
- 4 22. Manufacture of a controlled dangerous substance;
- 5 23. Murder in the first degree, including attempts or
6 conspiracy to commit murder in the first degree;
- 7 24. Murder in the second degree, including attempts or
8 conspiracy to commit murder in the second degree;
- 9 25. Negligent homicide;
- 10 26. Out-of-county holds;
- 11 27. Persons currently on pretrial release who are arrested on a
12 new felony offense;
- 13 28. Possession, manufacture, use, sale or delivery of an
14 explosive device;
- 15 29. Possession of a controlled dangerous substance on Schedule
16 I or II of the Uniform Controlled Dangerous Substances Act;
- 17 30. Possession of a firearm or other offensive weapon during
18 the commission of a felony;
- 19 31. Possession of a stolen vehicle;
- 20 32. Rape in the first degree, including attempts to commit rape
21 in the first degree;
- 22 33. Rape in the second degree, including attempts to commit
23 rape in the second degree;
- 24 34. Robbery by force or fear;

1 35. Robbery with a firearm or dangerous weapon, including
2 attempts to commit robbery with a firearm or dangerous weapon;

3 36. Sexual assault or violent offenses against children;

4 37. Shooting with intent to kill;

5 38. Stalking or violation of a Victim Protection Order;

6 39. Two or more prior felony convictions; or

7 40. Unauthorized use of a motor vehicle.

8 D. ~~Other than a person accused of or detained for an offense~~
9 ~~provided for in paragraph 13 or paragraph 38 of subsection C of this~~
10 ~~section, a person not eligible for pretrial release~~ After a hearing
11 as required pursuant to the provisions of subsection C of this
12 section, a person may be released upon order of a district judge,
13 associate district judge or special judge under conditions
14 prescribed by the judge, which may include an order to require the
15 defendant, as a condition of pretrial release, to use or participate
16 in any monitoring or testing including, but not limited to, a Global
17 Positioning System (GPS) monitoring device and urinalysis testing.
18 The court may further order the defendant to pay costs and expenses
19 related to any supervision, monitoring or testing.

20 E. Every pretrial services program operating ~~pursuant to the~~
21 ~~provisions of the Pretrial Release Act~~ in this state shall meet the
22 following minimum criteria:

23 1. The program shall establish a procedure for screening and
24 evaluating persons who are detained or have been arrested for the

1 alleged commission of a crime. The program shall obtain criminal
2 history records on detained persons through the National Crime
3 Information Center (NCIC) when available, or records from the
4 Department of Corrections and any other records available to
5 determine any past or current criminal charges including any prior
6 failure to appeal in a court proceeding. The information obtained
7 from the screening and evaluation process must be submitted in a
8 written report without unnecessary delay to the judge who is
9 assigned to hear pretrial release applications when the person is
10 eligible for pretrial release;

11 2. The program shall provide reliable information to the judge
12 relating to the person applying for pretrial release so a reasonable
13 decision can be made concerning the amount and type of bail
14 appropriate for pretrial release. The information provided shall be
15 based upon facts relating to the person's risk of danger to the
16 community and the risk of failure to appear for court; and

17 3. The program shall make all reasonable attempts to provide
18 the court with information appropriate to each person considered for
19 pretrial release.

20 F. A pretrial program ~~established pursuant to the Pretrial~~
21 ~~Release Act~~ operating in this state may provide different methods
22 and levels of community-based supervision to meet any court-ordered
23 conditions of release. The program may use existing supervision
24 methods for persons who are released prior to trial. Pretrial

1 programs which employ peace officers certified by the Council on Law
2 Enforcement Education and Training (CLEET) are authorized to enforce
3 court-ordered conditions of release.

4 G. Each pretrial program established pursuant to the Pretrial
5 Release Act shall provide a ~~quarterly~~ monthly report to the
6 presiding judge of the judicial district of the jurisdiction in
7 which it operates. A copy of the report shall be filed of record
8 with the court clerk of the jurisdiction and shall be an open record
9 available to the public upon request. Each report shall include,
10 but is not limited to, the following information:

11 1. The total number of persons screened, evaluated or otherwise
12 considered for pretrial release;

13 2. The total number and nature of recommendations made;

14 3. The number of persons admitted to pretrial release that
15 failed to appear; ~~and~~

16 4. Any other information deemed appropriate by the reporting
17 judicial district or that the program desires to report;

18 5. The name, case number and charge of each person released to
19 the program; and

20 6. The name, case number and charge of each person who failed
21 to appear in court or failed to fulfill the program requirements.

22 H. Every pretrial release program established pursuant to this
23 section shall utilize the services of local providers; provided,
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1 however, any program in continuous existence since July 1, 1999,
2 shall be exempt from the provisions of this subsection.

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

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