

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1785

By: Murdock

AS INTRODUCED

An Act relating to bail enforcement; amending 59 O.S. 2021, Section 1350.6, which relates to prohibition of breaking and entering; removing felony condition for entry by bond enforcer; and providing an effective date.

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

SECTION 1. AMENDATORY 59 O.S. 2021, Section 1350.6, is amended to read as follows:

Section 1350.6. A. Notwithstanding any other provision of law, it shall be unlawful for a bail enforcer to break into and enter the dwelling house of any defendant or third-party for purposes of recovery or attempted recovery of a defendant either:

1. By forcibly bursting or breaking the wall, or an outer door, window, or shutter of a window of such house or the lock or bolts of such door, or the fastening of such window or shutter;

2. By breaking in any other manner, being armed with a weapon or being assisted or aided by one or more persons then actually present; or

1       3. By unlocking an outer door by means of false keys or by  
2 picking the lock thereof, or by lifting a latch or opening a window.

3       B. A person violating the provisions of this section shall be  
4 guilty of burglary in the first degree and, upon conviction,  
5 punished as provided in Section 1436 of Title 21 of the Oklahoma  
6 Statutes. Provided, however, the offense and penalty stated in this  
7 section shall not apply to a licensed bail enforcer during an active  
8 attempt at recovery of a ~~felony~~ defendant under the following  
9 conditions:

- 10           a. the bail enforcer has first-hand or eyes-on knowledge  
11               that the defendant entered the dwelling house during  
12               an attempt to recover the defendant and the defendant  
13               after reasonable request is refusing to surrender,  
14           b. the bail enforcer has first-hand or eyes-on knowledge  
15               that the defendant is actually within the dwelling  
16               house and after reasonable request is refusing to  
17               surrender, or  
18           c. the bail enforcer has obtained knowledge confirming  
19               beyond a reasonable doubt that the defendant is  
20               actually within the dwelling house and after  
21               reasonable request refuses to surrender.

22       For purposes of this subsection, "first-hand knowledge" means  
23 information received from direct eye-witness testimony, actual  
24 visual contact with and confirmed identification of the defendant by

1 a person who knows the defendant or resides at the dwelling house,  
2 or other factual evidence provided directly to the licensed bail  
3 enforcer that confirms the identity and presence of the defendant  
4 within the dwelling house.

5 The exceptions to the offense and penalty in this section shall  
6 not limit or restrict another person within or without the dwelling  
7 house, or owning the dwelling house, from taking any action in  
8 response to or to defend a forced entry into such dwelling house,  
9 including use of a firearm as may be authorized by law. The use of  
10 an exception provided in this subsection by a licensed bail enforcer  
11 shall be a fact to be determined by the district attorney in  
12 considering whether to prosecute an offense under this section. Any  
13 person exercising his or her right to respond or protect the  
14 dwelling house or its occupants shall not be liable for injury to  
15 another who was forcing entry into such dwelling house. An owner or  
16 occupant of a dwelling house may seek damages to his or her property  
17 in a civil action if such damage resulted from a forced entry by a  
18 licensed bail enforcer.

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