

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 1757

By: Ranson

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 189, which relates to time limitations for making arrests; authorizing the arrest of persons under certain circumstances; providing construing provision; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 189, is amended to read as follows:

Section 189. A. If the offense charged is a felony, the arrest may be made on any day, and at any time of the day or night.

B. If ~~it is~~ the offense charged is a misdemeanor, the arrest may be made only during the hours of ~~six o'clock~~ 6:00 a.m. to ~~ten o'clock~~ 10:00 p.m., inclusive, except as otherwise may be directed by the magistrate endorsed upon the warrant. Provided, an arrest on a warrant which charges a misdemeanor offense may be made at any time of the day or night if the defendant is in a public place ~~or,~~ on a public roadway, or at any other place and is contacted by a law enforcement officer during the performance of his or her duties.

1       Nothing in this subsection shall be construed to authorize a law  
2 enforcement officer to make contact with a defendant at a private  
3 residence for the sole purpose of serving a misdemeanor warrant for  
4 his or her arrest; provided, however, a defendant may be arrested if  
5 contact is made while the law enforcement officer is engaged in the  
6 lawful performance of his or her duties.

7       SECTION 2.   This act shall become effective November 1, 2021.

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9       58-1-6188           GRS       01/11/21