

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2722

By: Blancett

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Sections 1101, 1105, 1105.2, as amended by Section 1, Chapter 59, O.S.L. 2016, 1105.3, as last amended by Section 1, Chapter 2, O.S.L. 2018, 1106, 1108.1, 1109 and 1110 (22 O.S. Supp. 2020, Sections 1105.2 and 1105.3), which relate to bail and the Pretrial Release Act; modifying exceptions for eligibility for bail; modifying requirements for determination of denial of release; modifying information required for consideration by the court before determining conditions of release; authorizing court to consider recommendations of pretrial service provider; deleting rebuttable presumption related to persons arrested for certain offenses; requiring bond hearing within certain time period; authorizing continuance under certain circumstances; authorizing appointment of counsel under certain circumstances; authorizing presentation of evidence in certain proceeding; requiring persons charged with certain offenses to be released on personal recognizance; providing exceptions; authorizing reopening of hearings; requiring the least restrictive conditions on release; modifying certain eligibility exceptions; requiring discharge of certain defendants; modifying penalties for failure to appear after release; conforming language; updating statutory references; making language gender neutral; amending 59 O.S. 2011, Sections 1334 and 1335, which relate to personal recognizance; making language gender neutral; updating statutory references; reducing certain penalty; adding penalty; and providing an effective date.

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

2 SECTION 1. AMENDATORY 22 O.S. 2011, Section 1101, is
3 amended to read as follows:

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

11 B. In criminal cases where the defendant is currently an
12 escaped prisoner from the Department of Corrections, the defendant
13 must be processed back into the Department of Corrections prior to
14 bail being set on new criminal charges.

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

17 1. Capital offenses when the proof of guilt is evident, or the
18 presumption thereof is great. Such proof or presumption must be
19 supported by clear and convincing evidence;

20 2. Violent ~~offenses~~ crimes as defined in Section 571 of Title
21 57 of the Oklahoma Statutes;

22 3. Offenses where the maximum sentence may be life imprisonment
23 or life imprisonment without parole;

24

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

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

6 On all offenses specified in paragraphs 2 through 5 of this
7 subsection, the proof of guilt must be evident, or the presumption
8 must be great, demonstrated by clear and convincing evidence, and it
9 must be on the grounds that no condition of release would assure the
10 return of the person to court or the safety of the community or any
11 person.

12 ~~D. There shall be a rebuttable presumption that no condition of~~
13 ~~release would assure the safety of the community if the state shows~~
14 ~~by clear and convincing evidence that the person was arrested for a~~
15 ~~violation of Section 741 of Title 21 of the Oklahoma Statutes In~~
16 ~~setting the amount of bail, the court shall make an individualized~~
17 ~~determination of what is appropriate for the person. Bail shall not~~
18 ~~be set in an amount higher than what the court determines is~~
19 ~~reasonably necessary to ensure the return of the person to court.~~
20 In setting the amount of bail, the court shall make an
21 individualized determination of what is appropriate for the accused
22 person and shall consider specific factors including, but not
23 limited to, the following:

24 1. The seriousness of the crime charged against the defendant;

1 2. The apparent likelihood of conviction;

2 3. The extent of the punishment prescribed by the Legislature;

3 4. The criminal record of the defendant, if any, and previous
4 record on bail, if any;

5 5. The reputation and mental condition of the defendant;

6 6. The length of residency in the community;

7 7. The family ties and relationship of the defendant;

8 8. The employment status, record of employment and financial
9 condition of the defendant;

10 9. The identity of responsible members of the community who
11 would vouch for the reliability of the defendant;

12 10. The financial ability of the defendant to pay; and

13 11. Any other factors the court deems relevant to the setting
14 of bail.

15 E. In any case in which the court denies bail, the court shall
16 make an individualized determination supported by clear and
17 convincing evidence on the record, supported by written findings of
18 fact, that proof of guilt is evident or the presumption is great,
19 and that no condition of release would assure the return of the
20 defendant to court or the safety of the community or any person.

21 SECTION 2. AMENDATORY 22 O.S. 2011, Section 1105, is
22 amended to read as follows:

23 Section 1105. A. Except as otherwise provided by this section,
24 upon the allowance of bail and the execution of the requisite

1 recognizance, bond, or undertaking to the state, the magistrate,
2 judge, or court, shall, if the defendant is in custody, make and
3 sign an order for discharge. The court, in its discretion, may
4 prescribe by court rule the conditions under which the court clerk
5 or deputy court clerk, or the sheriff or deputy sheriff, may prepare
6 and execute an order of release on behalf of the court.

7 B. No police officer or sheriff may release a person arrested
8 for a violation of an ex parte or final protective order as provided
9 in Sections 60.2 and 60.3 of this title, or arrested for an act
10 constituting domestic abuse as specified in Section 644 of Title 21
11 of the Oklahoma Statutes, or arrested for any act constituting
12 domestic abuse, stalking or harassment as defined by Section 60.1 of
13 this title, or arrested for an act constituting domestic assault and
14 battery or domestic assault and battery with a deadly weapon
15 pursuant to Section 644 of Title 21 of the Oklahoma Statutes,
16 without the violator appearing before a magistrate, judge or court.
17 To the extent that any of the following information is available to
18 the court, the magistrate, judge or court shall consider, in
19 addition to any other circumstances, before determining bond and
20 other conditions of release as necessary for the protection of the
21 alleged victim, the following:

- 22 1. Whether the person has a history of domestic violence or a
23 history of other violent acts;
- 24 2. The mental health of the person;

1 3. Whether the person has a history of violating the orders of
2 any court ~~or governmental entity~~;

3 4. Whether the person ~~is potentially~~ poses a threat to any
4 ~~other~~ a specific person;

5 5. Whether the person ~~has a history of~~ is presently abusing
6 alcohol ~~or any controlled substance~~;

7 6. Whether the person has access to deadly weapons or a history
8 of using deadly weapons;

9 7. The severity of the alleged violence that is the basis of
10 the alleged offense including, but not limited to:

11 a. the duration of the alleged violent incident,

12 b. whether the alleged violent incident involved serious
13 physical injury,

14 c. whether the alleged violent incident involved sexual
15 assault,

16 d. whether the alleged violent incident involved
17 strangulation,

18 e. whether the alleged violent incident involved abuse
19 during the pregnancy of the alleged victim,

20 f. whether the alleged violent incident involved the
21 abuse of pets, or

22 g. whether the alleged violent incident involved forcible
23 entry to gain access to the alleged victim;

24

1 8. Whether a separation of the person from the alleged victim
2 or a termination of the relationship between the person and the
3 alleged victim has recently occurred or is pending;

4 9. Whether the person has exhibited obsessive or controlling
5 behaviors toward the alleged victim including, but not limited to,
6 stalking, surveillance, or isolation of the alleged victim;

7 10. Whether the person has expressed suicidal or homicidal
8 ideations; and

9 11. Any information contained in the complaint and any police
10 reports, affidavits, or other documents accompanying the complaint.

11 C. No police officer or sheriff may release a person arrested
12 for any violation of subsection G of Section 2-401 of Title 63 of
13 the Oklahoma Statutes, without the violator appearing before a
14 magistrate, judge, or court pursuant to Section 1105.2 of this
15 title. In determining bond and other conditions of release, the
16 magistrate, judge, or court shall consider any evidence that the
17 person is in any manner dependent upon a controlled dangerous
18 substance or has a pattern of regular, illegal use of any controlled
19 dangerous substance. ~~A rebuttable presumption that no conditions of~~
20 ~~release on bond would assure the safety of the community or any~~
21 ~~person therein shall arise if the state shows by clear and~~
22 ~~convincing evidence:~~

23 1. ~~The person was arrested for a violation of subsection G of~~
24 ~~Section 2-401 of Title 63 of the Oklahoma Statutes, relating to~~

1 ~~manufacturing or attempting to manufacture a controlled dangerous~~
2 ~~substance, or possessing any of the substances listed in subsection~~
3 ~~G of Section 2-401 of Title 63 of the Oklahoma Statutes with the~~
4 ~~intent to manufacture a controlled dangerous substance; and~~

5 2. ~~The person is in any manner dependent upon a controlled~~
6 ~~dangerous substance or has a pattern of regular illegal use of a~~
7 ~~controlled dangerous substance, and the violation referred to in~~
8 ~~paragraph 1 of this subsection was committed or attempted in order~~
9 ~~to maintain or facilitate the dependence or pattern of illegal use~~
10 ~~in any manner, and may consider the recommendations of a pretrial~~
11 service provider pursuant to Section 1105.3 of this title.

12 SECTION 3. AMENDATORY 22 O.S. 2011, Section 1105.2, as
13 amended by Section 1, Chapter 59, O.S.L. 2016 (22 O.S. Supp. 2020,
14 Section 1105.2), is amended to read as follows:

15 Section 1105.2 A. Following an arrest for a misdemeanor or
16 felony offense ~~and before formal charges have been filed or an~~
17 ~~indictment made,~~ the arrested person may have bail set by the court
18 as provided in ~~this act~~ the Pretrial Release Act; provided there are
19 no provisions of law to the contrary.

20 B. ~~When formal charges or an indictment has been filed, bail~~
21 ~~shall be set according to law and the pretrial bond, if any, may be~~
22 ~~reaffirmed unless additional security is required~~ If not otherwise
23 released, the arrested person shall be taken without unnecessary
24 delay before the most accessible magistrate in that county for a

1 bond hearing. In no case shall the delay from arrest to bond
2 hearing be more than forty-eight (48) hours, exclusive of weekends
3 and holidays.

4 C. Except for good cause, a continuance of the bond hearing on
5 motion of the person may not exceed five (5) business days, and a
6 continuance on motion of the attorney for the state may not exceed
7 three (3) business days. At the hearing, the person shall have the
8 right to be represented by counsel and, if financially unable to
9 obtain adequate representation, to have counsel appointed for the
10 limited purpose of the hearing. In counties served by the Oklahoma
11 Indigent Defense System, attorneys employed by or contracted with
12 the Oklahoma Indigent Defense System may be appointed for the
13 limited purpose of a bond hearing without the application required
14 by Section 1355A of this title upon representation by the defendant
15 that the defendant cannot afford an attorney for the bond hearing.
16 If the court finds that the presence of counsel at the hearing is
17 impractical, the hearing may be conducted via telephone conference
18 or videoconferencing.

19 D. In cases where the most serious offense with which the
20 arrested person is charged is not a violent crime, as defined in
21 Section 571 of Title 57 of the Oklahoma Statutes, domestic assault
22 and battery as defined in Sections 644, 645 and 647 of Title 21 of
23 the Oklahoma Statutes, violation of a protective order as provided
24 in Section 60.6 of this title, stalking as defined in Section 1173

1 of Title 21 of the Oklahoma Statutes, or felony offenses involving
2 escape or attempt to escape from lawful arrest or confinement as
3 provided in Section 434, 436, 443 or 444 of Title 21 of the Oklahoma
4 Statutes, the court shall release the person pending trial on the
5 person's own recognizance unless the court finds in writing or on
6 the record one or more of the following:

7 1. The person's own recognizance will not reasonably assure the
8 return of the person to court. In making a finding pursuant to this
9 paragraph, the court may consider any prior record of failing to
10 appear as required in the court in the last two (2) years or in the
11 present case, or any other pending criminal case of the arrested
12 person;

13 2. The person will obstruct or attempt to obstruct justice, or
14 threaten, injure or intimidate or attempt to threaten, injure or
15 intimidate a prospective witness or juror; and

16 3. The person will engage in conduct that threatens the safety
17 of himself or herself or another person.

18 E. The hearing may be reopened after an initial determination
19 by the court at any time before trial if the court finds that
20 information exists that:

21 1. Was not known to the person at the time of the hearing; and

22 2. Has a material bearing on whether there are conditions of
23 release that will reasonably assure the appearance of the person as
24 required and the safety of any other person and the community.

1 F. In cases where a person is not released on his or her own
2 recognizance pursuant to subsection E of this section, the court
3 shall set appropriate conditions or shall set reasonable bail. In
4 all cases, the court shall set the least restrictive conditions
5 necessary to reasonably assure the appearance of the person.

6 G. Every judicial district may, upon the order of the presiding
7 judge for the district, establish a pretrial bail schedule for use
8 by the sheriff or other operator of the detention facility to set
9 bail prior to the initial appearance of the person before a court
10 for felony or misdemeanor offenses, ~~except for traffic.~~ Any such
11 pretrial bail schedule shall not apply to traffic offenses included
12 in subsections B, C and D of Section 1115.3 of ~~Title 22 of the~~
13 Oklahoma Statutes this title and those offenses specifically
14 excluded herein. The bail schedule established pursuant to the
15 authority of ~~this act~~ the Pretrial Release Act shall exclude any
16 offense for which bail is not allowed by law. The bail schedule
17 authorized by ~~this act~~ the Pretrial Release Act shall be set in
18 accordance with guidelines relating to bail and shall be, published
19 and reviewed by March 1 of each year by the courts and district
20 attorney of the judicial district, and displayed in the public area
21 of the jail.

22 G. H. The pretrial bail shall be set in a numerical dollar
23 amount. If the person fails to appear in court as required the
24 judge shall:

1 1. Rescind the bond and proceed to enter a judgment against the
2 defendant for the dollar amount of the pretrial bail if no private
3 bail was given at the time of release; provided, however, the court
4 clerk shall follow the procedures as set forth in Section 1301 et
5 seq. of Title 59 of the Oklahoma Statutes in collecting the
6 forfeiture amount against the person who fails to appear in court;
7 or

8 2. Rescind and forfeit the private bail if cash, property or
9 surety bail was furnished at the time of release as set forth in
10 Section 1301 et seq. of Title 59 of the Oklahoma Statutes.

11 ~~D.~~ I. When a pretrial program exists in the judicial district
12 where the person is being held, the judge may utilize the services
13 of the pretrial release program when ordering pretrial release,
14 except when private bail has been furnished.

15 ~~E.~~ J. Upon an order for pretrial release or release on bond,
16 the person shall be released from custody without undue delay.

17 ~~F.~~ K. The court may require the person to be placed on an
18 electronic monitoring device as a condition of pretrial release.

19 ~~G.~~ L. In instances where an electronic monitoring device has
20 been ordered, the court may impose payment of a supervision fee.
21 Payment of the fee, in whole or according to a court-ordered
22 installment schedule, shall be a condition of pretrial release. The
23 court clerk shall collect the supervision fees.

24

1 SECTION 4. AMENDATORY 22 O.S. 2011, Section 1105.3, as
2 last amended by Section 1, Chapter 2, O.S.L. 2018 (22 O.S. Supp.
3 2020, Section 1105.3), is amended to read as follows:

4 Section 1105.3 A. Any county pursuant to the provisions of
5 ~~this act~~ the Pretrial Release Act may establish and fund a pretrial
6 program to be utilized by the district court in that jurisdiction.

7 B. When a pretrial release program is established pursuant to
8 ~~this act~~ the Pretrial Release Act and private bail has not been
9 furnished, the judge may order a person to be evaluated through the
10 pretrial program. After conducting an evaluation of the person
11 applying for pretrial release, the pretrial program shall make a
12 recommendation to the court. The recommendation shall indicate any
13 special supervisory conditions for pretrial release. The judge
14 shall consider the recommendations and ~~may grant or deny pretrial~~
15 ~~release~~ shall order the least restrictive conditions that will
16 reasonably assure the return of the person to court. The presiding
17 judge of the judicial district may issue a standing order outlining
18 criteria for cases that may automatically be evaluated for pretrial
19 release by a pretrial program operating in the jurisdiction. The
20 standing order may include amounts for bail and types of bonds
21 deemed appropriate for certain offenses.

22 C. Except as otherwise authorized by the provisions of this
23 subsection, persons accused of or detained for any of the following
24

1 offenses or conditions shall not be eligible for pretrial release by
2 any pretrial program:

3 1. Aggravated driving under the influence of an intoxicating
4 substance;

5 2. Any felony driving under the influence of an intoxicating
6 substance;

7 3. Any offense prohibited by the Trafficking In Illegal Drugs
8 Act;

9 4. Any person having a violent felony conviction within the
10 past ten (10) years;

11 5. Appeal bond;

12 6. Arson in the first degree, including attempts to commit
13 arson in the first degree;

14 7. Assault and battery on a police officer;

15 8. Bail jumping;

16 9. Bribery of a public official;

17 10. Burglary in the first or second degree;

18 11. Civil contempt proceedings;

19 12. Distribution of a controlled dangerous substance, including
20 the sale or possession of a controlled dangerous substance with
21 intent to distribute or conspiracy to distribute;

22 13. Domestic abuse, domestic assault or domestic assault and
23 battery with a dangerous weapon, or domestic assault and battery
24 with a deadly weapon;

- 1 14. Driving under the influence of intoxicating substance where
- 2 property damage or personal injury occurs;
- 3 15. Felony discharging a firearm from a vehicle;
- 4 16. Felony sex offenses;
- 5 17. Fugitive bond or a governor's fugitive warrant;
- 6 18. Immigration charges;
- 7 19. Kidnapping;
- 8 20. Juvenile or youthful offender detention;
- 9 21. Manslaughter;
- 10 22. Manufacture of a controlled dangerous substance;
- 11 23. Murder in the first degree, including attempts or
- 12 conspiracy to commit murder in the first degree;
- 13 24. Murder in the second degree, including attempts or
- 14 conspiracy to commit murder in the second degree;
- 15 25. Negligent homicide;
- 16 26. Out-of-county holds;
- 17 27. Persons currently on pretrial release who are arrested on a
- 18 new felony offense;
- 19 28. Possession, manufacture, use, sale or delivery of an
- 20 explosive device;
- 21 ~~29. Possession of a controlled dangerous substance on Schedule~~
- 22 ~~I or II of the Controlled Dangerous Substances Act;~~
- 23 ~~30.~~ Possession of a firearm or other offensive weapon during
- 24 the commission of a felony;

1 ~~31.~~ 30. Possession of a stolen vehicle;

2 ~~32.~~ 31. Rape in the first degree, including attempts to commit
3 rape in the first degree;

4 ~~33.~~ 32. Rape in the second degree, including attempts to commit
5 rape in the second degree;

6 ~~34.~~ 33. Robbery by force or fear;

7 ~~35.~~ 34. Robbery with a firearm or dangerous weapon, including
8 attempts to commit robbery with a firearm or dangerous weapon;

9 ~~36.~~ 35. Sexual assault or violent offenses against children;

10 ~~37.~~ 36. Shooting with intent to kill;

11 ~~38.~~ 37. Stalking or violation of a Victim Protection Order;

12 ~~39.~~ 38. Two or more prior felony convictions; or

13 ~~40.~~ 39. Unauthorized use of a motor vehicle.

14 D. A person not eligible for pretrial release pursuant to the
15 provisions of subsection C of this section may be released upon
16 order of a district judge, associate district judge or special judge
17 under conditions prescribed by the judge, which may include an order
18 to require the defendant, as a condition of pretrial release, to use
19 or participate in any monitoring or testing including, but not
20 limited to, a Global Positioning System (GPS) monitoring device and
21 urinalysis testing. The court may further order the defendant to
22 pay costs and expenses related to any supervision, monitoring or
23 testing.

1 E. Every pretrial services program operating pursuant to the
2 provisions of ~~this act~~ the Pretrial Release Act shall meet the
3 following minimum criteria:

4 1. The program shall establish a procedure for screening and
5 evaluating persons who are detained or have been arrested for the
6 alleged commission of a crime. The program shall obtain criminal
7 history records on detained persons through the National Crime
8 Information Center (NCIC). The information obtained from the
9 screening and evaluation process must be submitted in a written
10 report without unnecessary delay to the judge who is assigned to
11 hear pretrial release applications when the person is eligible for
12 pretrial release;

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

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

22 F. A pretrial program established pursuant to ~~this act~~ the
23 Pretrial Release Act may provide different methods and levels of
24 community-based supervision to meet any court-ordered conditions of

1 release. The program may use existing supervision methods for
2 persons who are released prior to trial. Pretrial programs which
3 employ peace officers certified by the Council on Law Enforcement
4 Education and Training (CLEET) are authorized to enforce court-
5 ordered conditions of release.

6 G. Each pretrial program established pursuant to ~~this act~~ the
7 Pretrial Release Act shall provide a quarterly report to the
8 presiding judge of the judicial district of the jurisdiction in
9 which it operates. A copy of the report shall be filed of record
10 with the court clerk of the jurisdiction. Each report shall
11 include, but is not limited to, the following information:

- 12 1. The total number of persons screened, evaluated or otherwise
13 considered for pretrial release;
- 14 2. The total number and nature of recommendations made;
- 15 3. The number of persons admitted to pretrial release that
16 failed to appear; and
- 17 4. Any other information deemed appropriate by the reporting
18 judicial district or that the program desires to report.

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

23 SECTION 5. AMENDATORY 22 O.S. 2011, Section 1106, is
24 amended to read as follows:

1 Section 1106. A deposit of the sum of money mentioned in ~~the~~
2 any order admitting to bail with financial conditions is equivalent
3 to bail and upon such deposit the defendant must be discharged from
4 custody.

5 SECTION 6. AMENDATORY 22 O.S. 2011, Section 1108.1, is
6 amended to read as follows:

7 Section 1108.1 A. Own recognizance bonds ~~set in a penal amount~~
8 ordered by the court pursuant to subsection D of Section 1105.2 of
9 this title shall be posted by executing an own recognizance
10 indenture contract which shall be executed and maintained by the
11 district court clerk. The indenture shall constitute an inchoate
12 obligation to pay in the event forfeiture proceedings are commenced
13 and result in a final order of forfeiture by the authorizing and
14 issuing judge of the district court.

15 B. Setting aside of forfeitures shall be governed by the same
16 rules and procedures applicable to cash, property or surety bonds,
17 provided that if the forfeiture is set aside, the district court
18 shall exempt from forfeiture set aside all reasonable costs of
19 recovery to return the defendant to custody, and an administrative
20 fee to be retained by the court fund in a sum not to exceed ten
21 percent (10%) of the total penal bond amount plus all costs incurred
22 in processing the forfeiture proceeding to include costs of notices,
23 warrants, service and execution.

24

1 C. The final judgment of forfeiture shall constitute a judgment
2 enforceable through all procedures available for the collection of a
3 civil judgment, provided that the judgment shall be considered a
4 debt in the nature of defalcation as defined by the United States
5 Bankruptcy Code, and shall not be subject to other forms of debtor
6 relief. The judgment shall be subject to collection as costs in the
7 underlying action regardless of final disposition or determination
8 of guilt.

9 D. The district attorney or the Administrator of the District
10 Court Cost Collection Division as determined by administration order
11 in each judicial district shall initiate the forfeiture action and
12 collection of forfeitures and shall receive one-third (1/3) of all
13 sums collected from the ten percent (10%) premium, not to include
14 costs as defined in subsection B of this section, to offset the
15 costs of administering the program.

16 E. This section does not apply to traffic or wildlife cases.

17 SECTION 7. AMENDATORY 22 O.S. 2011, Section 1109, is
18 amended to read as follows:

19 Section 1109. When proof is made to any court, judge or other
20 magistrate having authority to commit on criminal charges and the
21 court finds by a preponderance of the evidence, that a person
22 previously admitted to bail on any such charge is about to abscond,
23 or ~~that his bail is insufficient~~ information was made available that
24 was not presented at the previous bond hearing, or has removed from

1 the state, the judge or magistrate shall require such person to give
2 better security, or for default thereof cause ~~him~~ the person to be
3 committed to prison; and an order for ~~his~~ the arrest of the person
4 may be endorsed on the former commitment, or a new warrant therefor
5 may be issued by such judge or magistrate, setting forth the cause
6 thereof.

7 SECTION 8. AMENDATORY 22 O.S. 2011, Section 1110, is
8 amended to read as follows:

9 Section 1110. Whoever, having been admitted to bail or released
10 on recognizance, bond, or undertaking for appearance before any
11 magistrate or court of ~~the State of Oklahoma~~ this state, incurs a
12 forfeiture of the bail or violates such undertaking or recognizance
13 and willfully fails to surrender himself or herself within ~~five (5)~~
14 thirty (30) days following the date of such forfeiture shall, ~~if be~~
15 subject to the following penalties:

16 1. If the bail was given or undertaking or recognizance
17 extended in connection with a charge of felony or pending appeal or
18 certiorari after conviction of any such offense, be guilty of a
19 felony and shall be fined not more than One Thousand Dollars
20 (\$1,000.00) or imprisoned not more than one (1) year, or both; or

21 2. If the bail was given or undertaking or recognizance
22 extended in connection with a charge of a crime other than a felony
23 or pending appeal or certiorari after conviction of any such
24 offense, be guilty of a misdemeanor and shall be fined not more than

1 Five Hundred Dollars (\$500.00) or imprisoned not more than six (6)
2 months, or both.

3 Nothing in this section shall be construed to interfere with or
4 prevent the exercise by any court of its power to punish for
5 contempt.

6 SECTION 9. AMENDATORY 59 O.S. 2011, Section 1334, is
7 amended to read as follows:

8 Section 1334. A. Any person in custody before a court or
9 magistrate of ~~the State of Oklahoma~~ this state subject to discretion
10 of the court may be admitted to bail on his or her personal
11 recognizance ~~subject to such conditions as the court or magistrate~~
12 ~~may reasonably prescribe to assure his appearance when required in~~
13 accordance with the requirements of Sections 1101 through 1115.5 of
14 Title 22 of the Oklahoma Statutes.

15 B. When a person is admitted to bail on his or her personal
16 recognizance, the court or magistrate may determine an amount of
17 money, property, or securities which shall be paid or forfeited as a
18 penalty by the defendant for failure to comply with the terms of his
19 or her admission to bail on personal recognizance. This penalty
20 shall be in addition to the penalties provided for in Section 1335
21 of this title.

22 C. Any person admitted to bail as herein provided shall be
23 fully appraised by the court or magistrate of the penalties provided
24 for failure to comply with the terms of his or her recognizance and,

1 upon a failure of compliance, a warrant for the arrest of such
2 person shall be issued forthwith.

3 SECTION 10. AMENDATORY 59 O.S. 2011, Section 1335, is
4 amended to read as follows:

5 Section 1335. Whoever, having been admitted to bail for
6 appearance before any district court in ~~the State of Oklahoma, (1)~~
7 this state incurs a forfeiture of the bail and willfully fails to
8 surrender himself or herself within thirty (30) days following the
9 date of such forfeiture, or ~~(2)~~ willfully fails to comply with the
10 terms of his or her personal recognizance, shall be subject to the
11 following penalties:

12 1. If the underlying offense for which the defendant was
13 admitted to bail was a felony, the defendant shall be guilty of a
14 felony and shall be fined not more than Five Thousand Dollars
15 (\$5,000.00) or imprisoned not more than ~~two (2) years~~ one (1) year,
16 or both; or

17 2. If the underlying offense for which the defendant was
18 admitted to bail was a crime other than a felony, the defendant
19 shall be guilty of a misdemeanor and shall be fined not more than
20 Five Hundred Dollars (\$500.00) or imprisoned not more than six (6)
21 months, or both.

22 SECTION 11. This act shall become effective November 1, 2021.

23

24 58-1-6344 GRS 01/04/21