

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

SENATE BILL 1545

By: Leewright

AS INTRODUCED

An Act relating to the Pretrial Release Act; amending 22 O.S. 2021, Section 1105.3, which relates to pretrial release programs; subjecting certain entities to requirements of the Pretrial Release Act; providing exception; requiring establishment of certain rules and procedures; requiring filing of rules and procedures with county clerk; providing for ineligibility to provide services upon certain noncompliance; updating statutory language; and providing an effective date.

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

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

Section 1105.3. A. 1. Any county pursuant to the provisions of the Pretrial Release Act may establish and fund a pretrial program to be utilized by the district court in that jurisdiction.

2. Except for licensed bail bondsmen, any nonprofit or for-profit entity that performs any pretrial release service shall be

1 subject to all requirements of the Pretrial Release Act applicable  
2 to any county or state pretrial program and shall establish written  
3 rules and procedures for the provision of any pretrial service by  
4 such entity. The rules and procedures shall be filed with the  
5 county clerk in the county in which the entity intends to operate.  
6 Any entity failing to comply with the requirements of the Pretrial  
7 Release Act shall be ineligible to provide any pretrial service in  
8 any county in this state.

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

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

1       31. Possession of a stolen vehicle;

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

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

6       34. Robbery by force or fear;

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

9       36. Sexual assault or violent offenses against children;

10       37. Shooting with intent to kill;

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

12       39. Two or more prior felony convictions; or

13       40. Unauthorized use of a motor vehicle.

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

3 E. Every pretrial services program operating pursuant to the  
4 provisions of the Pretrial Release Act shall meet the following  
5 minimum criteria:

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

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

21 3. The program shall make all reasonable attempts to provide  
22 the court with information appropriate to each person considered for  
23 pretrial release.  
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1 F. A pretrial program established pursuant to the Pretrial  
2 Release Act may provide different methods and levels of community-  
3 based supervision to meet any court-ordered conditions of release.  
4 The program may use existing supervision methods for persons who are  
5 released prior to trial. Pretrial programs which employ peace  
6 officers certified by the Council on Law Enforcement Education and  
7 Training (CLEET) are authorized to enforce court-ordered conditions  
8 of release.

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

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

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

18 3. The number of persons admitted to pretrial release that  
19 failed to appear; and

20 4. Any other information deemed appropriate by the reporting  
21 judicial district or that the program desires to report.

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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