

1 ENGROSSED HOUSE AMENDMENT
TO
2 ENGROSSED SENATE BILL NO. 1941 By: Coleman of the Senate
3 and
4 Sneed of the House
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6
7 An Act relating to bail bondsmen; amending 59 O.S.
8 2021, Section 1327, as last amended by Section 1,
9 Chapter 127, O.S.L. 2023 (59 O.S. Supp. 2023, Section
10 1327), which relates to surrender of defendant prior
11 to breach; specifying proof needed for payment of
12 expenses; amending 59 O.S. 2021, Section 1332, which
13 relates to forfeiture procedure; providing for
14 conditions of travel expense reimbursement; and
15 providing an effective date.
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18 AMENDMENT NO. 1. Strike the title, enacting clause, and entire bill
19 and insert:
20
21 "An Act relating to professions and occupations;
22 amending 59 O.S. 2021, Sections 1311.3 and 1327, as
23 last amended by Section 1, Chapter 127, O.S.L. 2023
24 (59 O.S. Supp. 2023, Section 1327), which relate to
bail bondsmen; clarifying language related to
unlawful acts; specifying proof needed for payment of
expenses; amending 59 O.S. 2021, Section 1332, which
relates to forfeiture procedure; providing for
conditions of travel expense reimbursement; and
providing an effective date.

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

1 SECTION 1. AMENDATORY 59 O.S. 2021, Section 1311.3, is
2 amended to read as follows:

3 Section 1311.3 A. It shall be unlawful for any person who is
4 not licensed to act as a bail bondsman or whose license to act as a
5 bail bondsman has been suspended, revoked, surrendered, or refused,
6 to do or perform any of the acts of a bail bondsman. Any person
7 convicted of violating the provisions of this subsection shall be
8 guilty of a felony and shall be punished by a fine in an amount not
9 exceeding Five Thousand Dollars (\$5,000.00).

10 B. It shall be unlawful for any bail bondsman to assist, aid,
11 or conspire with a person who is not licensed to act as a bail
12 bondsman or whose license as a bail bondsman has been suspended,
13 revoked, surrendered, or refused, to engage in any acts as a bail
14 bondsman. Any person convicted of violating the provisions of this
15 subsection shall be guilty of a felony and shall be punished by a
16 fine in an amount not to exceed Five Thousand Dollars (\$5,000.00).

17 C. The provisions of this section shall not apply to a
18 suspended or formerly licensed bail bondsman who continues to submit
19 monthly reports to the Insurance Department pursuant to subsection B
20 of Section 1314 of this title or who contracts with a licensed bail
21 enforcer pursuant to the Bail Enforcement and Licensing Act to cause
22 the apprehension and surrender of his or her defendant clients to
23 the appropriate authority. The defendant client must have a current
24 undertaking or bail contract with the suspended or formerly licensed

1 bail bondsman and such undertaking or bail contract must have been
2 made in this state by the suspended or formerly licensed bail
3 bondsman. No acts other than those listed in this subsection shall
4 be authorized or recognized after a bail bondsman is suspended or no
5 longer licensed in this state.

6 SECTION 2. AMENDATORY 59 O.S. 2021, Section 1327, as
7 last amended by Section 1, Chapter 127, O.S.L. 2023 (59 O.S. Supp.
8 2023, Section 1327), is amended to read as follows:

9 Section 1327. A. At any time before there has been a breach of
10 the undertaking in any type of bail provided herein, the surety or
11 bondsman or a licensed bail enforcer pursuant to a client contract
12 authorized by the Bail Enforcement and Licensing Act may surrender
13 the defendant, or the defendant may surrender himself or herself, to
14 the official to whose custody the defendant was committed at the
15 time bail was taken, or to the official into whose custody the
16 defendant would have been given had he or she been committed. The
17 defendant may be surrendered without the return of premium for the
18 bond if he or she has been guilty of nonpayment of premium, changes
19 address without notifying his or her bondsman, conceals himself or
20 herself, leaves the jurisdiction of the court without the permission
21 of his or her bondsman, or violates his or her contract with the
22 bondsman in any way that does harm to the bondsman, or the surety,
23 or violates his or her obligation to the court. When a bondsman or
24 surety, or a licensed bail enforcer, surrenders a defendant pursuant

1 to this subsection, the bondsman or surety shall file written
2 notification of the surrender. After surrender, and upon filing of
3 written notification of the surrender with the court clerk, the bond
4 shall be exonerated and the clerk shall enter a minute in the case
5 exonerating the bond.

6 B. 1. If the defendant has been placed in custody of another
7 jurisdiction, the district attorney shall direct a hold order to the
8 official, judge or law enforcement agency where the defendant is in
9 custody. All reasonable expenses accrued in returning the defendant
10 to the original court shall be borne by the bondsman who posted the
11 bond with that court; provided, however, except for instances
12 whereby the defendant is transported by a contracted transport
13 company, reasonable expenses shall mean the actual miles traveled in
14 transporting the defendant at a rate equal to the current Internal
15 Revenue Service standard mileage rate. Upon application, the bond
16 in the original court shall be exonerated when the hold order is
17 placed and upon proof of guarantee of payment of expenses by the
18 bondsman.

19 2. Except as provided for in paragraph 3 of this subsection,
20 the premium for a bail bond shall be considered earned by the
21 bondsman or the insurer, as applicable, when the defendant on the
22 bond is released from custody and is not incarcerated in any
23 capacity. If the bond premium has not been earned pursuant to the
24 terms of this section, the payor of the premium or the depositor of

1 any collateral, as applicable, may request the return of the premium
2 or collateral given to the bondsman for the bond. The bondsman
3 shall return any premium and collateral without delay. If a
4 bondsman returns the premium to the payor pursuant to this section,
5 he or she may charge a usual, customary, and reasonable fee for his
6 or her services provided in the transaction.

7 3. The premium for a bail bond shall be considered earned by
8 the bondsman, regardless of whether the defendant on the bond is
9 released from custody, if the bondsman and the payor of the bond
10 premium have agreed in writing that the purpose of the bond is to
11 secure the transfer of the defendant to another jurisdiction and the
12 defendant is in fact transferred to that jurisdiction.

13 C. If the defendant has been arrested on new charges and is in
14 the custody of the same jurisdiction in which the bondsman or surety
15 has posted an appearance bond or bonds for the defendant, and the
16 bond or bonds have not been exonerated, and certified copies of
17 bonds are not reasonably available, the bondsman or surety may
18 recommit the defendant to be held in custody on the charges for
19 which the bondsman or surety has previously posted appearance bonds
20 thereon, in accordance with the following procedure:

21 1. On a Recommitment of Defendant by Bondsman form approved by
22 the Administrative Office of the Courts, the bondsman or surety
23 shall personally affix his or her signature to an affidavit
24 attesting to the following:

- a. the defendant is presently in the custody of the jurisdiction in which the bondsman or surety has posted a bond or bonds,
- b. the case number, if any, assigned to each bond,
- c. that the bond or bonds have not been exonerated, and
- d. the specific charges and bond amount or amounts;

2. The bondsman or surety shall present the Recommitment of Defendant by Bondsman form to the official in whose custody the defendant is being held, and the official shall detain the defendant in his or her custody, thereon, as upon a commitment, and by a certificate in writing acknowledging the surrender; and

3. When a bondsman or surety recommits a defendant pursuant to this subsection, the bondsman or surety shall file a written notification thereof to the court, and after such notification, the bond or bonds shall be exonerated, and the clerk shall enter a minute in the case exonerating the bond or bonds.

D. 1. When a defendant does appear before the court as required by law and enters a plea of guilty or nolo contendere, is sentenced or a deferred sentence is granted as provided for in Section 991c of Title 22 of the Oklahoma Statutes, or deferred prosecution is granted as provided by law, in such event the undertaking and bondsman and insurer shall be exonerated from further liability.

1 2. A bond posted for a petition for revocation of a suspended
2 sentence, a petition for acceleration of a deferred sentence or any
3 violation of a probationary term shall be exonerated by operation of
4 law when:

5 a. the defendant has confessed, stipulated or otherwise
6 agreed to the factual basis of the violation of
7 probation,

8 b. the suspended sentence is revoked in whole or part,

9 c. the deferred sentence is accelerated in whole or part,
10 or

11 d. any additional sanction is imposed by the court.

12 E. The bond shall be exonerated by operation of law in any case
13 in which the defendant has been arrested on new charges or on any
14 warrant in the same jurisdiction in which the bondsman or insurer
15 has posted the appearance bond or bonds for the defendant, and the
16 defendant has been subsequently released on his or her own personal
17 recognizance or a pretrial release has been authorized by the court.

18 F. The bond shall be exonerated by operation of law in any case
19 in which the defendant has been arrested and there is an added
20 charge to a case that would result in a higher fine or longer term
21 of sentence if convicted, or an amendment to a charge that would
22 result in a higher fine or longer term of sentence if convicted;
23 provided, however, any premium paid by the defendant to the bondsman
24 or insurer from the original charge shall be at the same premium

1 rate and shall be credited to the defendant if the same bondsman or
2 insurer posts the appearance bond or bonds on the added or amended
3 charge.

4 G. For purposes of this section, a "usual, customary, and
5 reasonable fee" means a charge to the payor that is based on the
6 amount of time spent by the bondsman or his or her employees
7 researching, drafting, and executing the bail bond. Such fee shall
8 be detailed in a written document provided to the payor.

9 H. The court shall not issue an order modifying the terms of a
10 previously set bond unless the order has also been signed by the
11 bail bondsman, bail bondsman surety, or both acknowledging the
12 changes made to the bond prior to the defendant's release. Failure
13 to provide this notice shall exonerate the bond by operation of law.

14 SECTION 3. AMENDATORY 59 O.S. 2021, Section 1332, is
15 amended to read as follows:

16 Section 1332. A. If there is a breach of an undertaking, the
17 court before which the cause is pending shall issue, within ten (10)
18 days, an arrest warrant for the defendant and declare the
19 undertaking and any money, property, or securities that have been
20 deposited as bail, forfeited on the day the defendant failed to
21 appear. Within fifteen (15) days from the date of the forfeiture,
22 the order and judgment of forfeiture shall be filed with the clerk
23 of the trial court. Failure to timely issue the arrest warrant or
24 file the order and judgment of forfeiture as provided in this

1 subsection shall exonerate the bond by operation of law. In the
2 event of the forfeiture of a bail bond the clerk of the trial court
3 shall, within thirty (30) days after the order and judgment of
4 forfeiture is filed in the court, by mail with return receipt
5 requested, mail a true and correct copy of the order and judgment of
6 forfeiture to the bondsman, and if applicable, the insurer, whose
7 risk it is, and keep at least one copy of the order and judgment of
8 forfeiture on file; provided, the clerk shall not be required to
9 mail the order and judgment of forfeiture to the bondsman or insurer
10 if, within fifteen (15) days from the date of forfeiture, the
11 defendant is returned to custody, the bond is reinstated by the
12 court with the bondsman's approval, or the order of forfeiture is
13 vacated or set aside by the court. Failure of the clerk of the
14 trial court to comply with the thirty-day notice provision in this
15 subsection shall exonerate the bond by operation of law.

16 B. The order and judgment of forfeiture shall be on forms
17 prescribed by the Administrative Director of the Courts.

18 C. 1. The bail bondsman shall have ninety (90) days from
19 receipt of the order and judgment of forfeiture from the court clerk
20 or mailing of the notice if no receipt is made to return the
21 defendant to custody.

22 2. The bondsman may contract with a licensed bail enforcer
23 pursuant to the Bail Enforcement and Licensing Act to recover and
24 return the defendant to custody within the ninety-day period, or as

1 agreed, or notwithstanding the Bail Enforcement and Licensing Act if
2 the bondsman is duly appointed in this state by an insurer operating
3 in this state, the bondsman may seek the assistance of another
4 licensed bondsman in this state who is appointed by the same
5 insurer.

6 3. When the court record indicates that the defendant is
7 returned to custody in the jurisdiction where forfeiture occurred,
8 within the ninety-day period, the court clerk shall enter minutes
9 vacating the forfeiture and exonerating the bond. If the defendant
10 has been timely returned to custody, but this fact is not reflected
11 by the court record, the court shall vacate the forfeiture and
12 exonerate the bond.

13 4. For the purposes of this section, "return to custody" means:
14 a. the return of the defendant to the appropriate
15 Oklahoma law enforcement agency by the bondsman,
16 b. an appearance of the defendant in open court in the
17 court where charged,
18 c. arrest or incarceration within this state of the
19 defendant by law enforcement personnel, provided the
20 bondsman has requested that a hold be placed on the
21 defendant in the jurisdiction wherein the forfeiture
22 lies and has guaranteed reasonable travel expenses for
23 the return of the defendant, or
24

1 d. arrest or incarceration of the defendant in any other
2 jurisdiction, provided the bondsman has requested that
3 a hold be placed on the defendant in the jurisdiction
4 wherein the forfeiture lies and has guaranteed
5 reasonable travel expenses for the return of the
6 defendant.

7 5. In addition to the provisions set forth in paragraphs 3 and
8 4 of this subsection, the bond shall be exonerated by operation of
9 law in any case in which:

10 a. the bondsman has requested in writing of the sheriff's
11 department in the county where the forfeiture occurred
12 that the defendant be entered into the computerized
13 records of the National Crime Information Center
14 (NCIC), and the request has not been honored within
15 fourteen (14) business days of the receipt of the
16 written request by the department,

17 b. the defendant has been arrested outside of this state
18 and the court record shows the prosecuting attorney
19 has declined to proceed with extradition, or

20 c. the warrant issued by the court has not been entered
21 into an active warrant database available to law
22 enforcement within five (5) business days after its
23 issued date.

1 6. The court may, in its discretion, vacate the order of
2 forfeiture and exonerate the bond where good cause has been shown
3 for:

- 4 a. the defendant's failure to appear, or
- 5 b. the bondsman's failure to return the defendant to
6 custody within ninety (90) days.

7 7. When a bondsman or insurer ("requestor") has guaranteed
8 travel expenses to return a defendant to custody:

- 9 a. the law enforcement agency that placed the hold shall
10 promptly advise the requestor of a hit confirmation,
- 11 b. prior to transporting the defendant, the law
12 enforcement agency that placed the hold shall provide
13 the requestor a good faith estimate of the reasonable
14 return expenses to return the defendant to custody.
15 The requestor may request to decline to pay travel
16 expenses, and the law enforcement agency may release
17 its hold and the defendant shall not be considered
18 returned to custody. If the law enforcement agency
19 cannot contact the requestor, the requestor's
20 guarantee of travel expenses shall be honored by the
21 requestor, and
- 22 c. a requestor may request to withdraw their NCIC request
23 any time prior to a defendant's arrest.

1 D. 1. If, within ninety (90) days from receipt of the order
2 and judgment of forfeiture from the court clerk, or mailing of the
3 notice if no receipt is made, the defendant is not returned to
4 custody, or the forfeiture has not been stayed, the bondsman and, if
5 applicable, the insurer whose risk it is shall deposit cash or other
6 valuable securities in the face amount of the bond with the court
7 clerk ninety-one (91) days from receipt of the order and judgment of
8 forfeiture from the court clerk, or mailing of the notice if no
9 receipt is made; provided, this provision shall not apply if the
10 defendant has been returned to custody within the ninety-day period
11 and the court has failed to vacate the forfeiture pursuant to
12 paragraphs 3 through 6 of subsection C of this section.

13 2. After the order and judgment has been paid within ninety-one
14 (91) days from receipt of the order and judgment of forfeiture from
15 the court clerk, or mailing of the notice if no receipt is made, as
16 required in paragraph 1 of this subsection, the bondsman and, if
17 applicable, the insurer whose risk it is shall have one (1) year
18 from the date payment is due to return the defendant to custody as
19 defined by paragraph 4 of subsection C of this section. In the
20 event the defendant is returned to custody and all expenses for the
21 defendant's return have been ~~paid~~ guaranteed by the bondsman or
22 insurer, the bondsman's or insurer's property shall be returned;
23 provided, the request for remitter be made by motion filed within
24 one (1) year from the date payment is due.

1 3. If the additional cash or securities are not deposited with
2 the court clerk on or before the ninety-first day after the date of
3 service of the order and judgment of forfeiture from the court
4 clerk, or mailing of the notice if no receipt is made, then the
5 court clerk shall notify the Insurance Commissioner by sending a
6 certified copy of the order and judgment of forfeiture and proof
7 that the bondsman and, if applicable, the insurer have been notified
8 by mail with return receipt requested.

9 4. The Insurance Commissioner shall:

10 a. in the case of a surety bondsman, immediately cancel
11 the license privilege and authorization of the insurer
12 to do business within the State of Oklahoma and cancel
13 the appointment of all surety bondsman agents of the
14 insurer who are licensed by Section 1301 et seq. of
15 this title, and

16 b. in the case of a professional bondsman, withdraw the
17 face amount of the forfeiture from the deposit
18 provided in Section 1306 of this title. The
19 Commissioner shall then immediately direct the
20 professional bondsman, by mail with return receipt
21 requested, to make additional deposits to bring the
22 original deposit to the required level. Should the
23 professional bondsman, after being notified, fail to
24 make an additional deposit within ten (10) days from

1 the receipt of notice, or mailing of notice if no
2 receipt is made, the license shall be revoked and all
3 sums presently on deposit shall be held by the
4 Commissioner to secure the face amounts of bonds
5 outstanding. Upon release of the bonds, any amount of
6 deposit in excess of the bonds shall be returned to
7 the bondsman; provided, the bail bondsman shall have
8 had notice as required by the court, at the place of
9 the bondsman's business, of the trial or hearing of
10 the defendant named in the bond. The notice shall
11 have been at least ten (10) days before the required
12 appearance of the defendant, unless the appearance is
13 scheduled at the time of execution of the bond.
14 Notwithstanding the foregoing, the bondsman shall be
15 deemed to have had notice of the trial or hearing if
16 the defendant named in the bond shall have been
17 recognized back in open court to appear at a date
18 certain for the trial or hearing.

19 5. If the actions of any bail bondsman force the Insurance
20 Commissioner to withdraw monies, deposited pursuant to Section 1306
21 of this title, to pay past-due executions more than two (2) times in
22 a consecutive twelve-month period, then the license of the
23 professional bondsman shall, in addition to other penalties, be
24 suspended automatically for one (1) year or until a deposit equal to

1 all outstanding forfeitures due is made. The deposit shall be
2 maintained until the Commissioner deems it feasible to reduce the
3 deposit. In no case shall an increased deposit exceed two (2) years
4 unless there is a recurrence of withdrawals as stated herein.

5 E. 1. If the defendant's failure to appear was the result of
6 the defendant's death or of being in the custody of a court other
7 than the court in which the appearance was scheduled, forfeiture
8 shall not lie. Upon proof to the court that the bondsman paid the
9 order and judgment of forfeiture without knowledge that the
10 defendant was deceased or in custody of another court on the day the
11 defendant was due to appear, and all expenses for the defendant's
12 return have been paid by the bondsman, the bondsman's property shall
13 be returned.

14 2. Where the defendant is in the custody of another court, the
15 district attorney or municipal attorney shall direct a hold order to
16 the official, judge, court or law enforcement agent wherein the
17 defendant is in custody; provided, that all expenses accrued as a
18 result of returning the custody of the defendant shall be borne by
19 the bondsman.

20 F. The district attorney or municipal attorney shall not
21 receive any bonuses or other monies or property for or by reason of
22 services or actions in connection with or collection of bond
23 forfeitures under the provisions of Section 1301 et seq. of this
24 title, except that the court may award a reasonable attorney fee in

1 favor of the prevailing party for legal services in any civil action
2 or proceeding to collect upon a judgment of forfeiture.

3 G. The above procedures shall be subject to the bondsman's
4 rights of appeal. The bondsman or insurer may appeal an order and
5 judgment of forfeiture pursuant to the procedures for appeal set
6 forth in Section 951 et seq. of Title 12 of the Oklahoma Statutes.
7 To stay the execution of the order and judgment of forfeiture, the
8 bondsman or insurer shall comply with the provisions set forth in
9 Section 990.4 of Title 12 of the Oklahoma Statutes.

10 H. For municipal courts of record, the above procedures are
11 criminal in nature and ancillary to the criminal procedures before
12 the trial court and shall be subject to the bondsman's right of
13 appeal. The bondsman or insurer may appeal an order and judgment of
14 forfeiture by the municipal courts of record to the Court of
15 Criminal Appeals.

16 I. Upon a motion to the court, any person executing a bail bond
17 as principal or as surety shall be exonerated after three (3) years
18 have elapsed from the posting of the bond, unless a judgment has
19 been entered against the surety or the principal for the forfeiture
20 of the bond, or unless the court grants an extension of the three-
21 year time period for good cause shown, upon motion by the
22 prosecuting attorney.

23 SECTION 4. This act shall become effective November 1, 2024."
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1 Passed the House of Representatives the 15th day of April, 2024.

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4 Presiding Officer of the House of
Representatives
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6 Passed the Senate the ____ day of _____, 2024.

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9 Presiding Officer of the Senate
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1 ENGROSSED SENATE
2 BILL NO. 1941

By: Coleman of the Senate

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4 Sneed of the House

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6 An Act relating to bail bondsmen; amending 59 O.S.
7 2021, Section 1327, as last amended by Section 1,
8 Chapter 127, O.S.L. 2023 (59 O.S. Supp. 2023, Section
9 1327), which relates to surrender of defendant prior
10 to breach; specifying proof needed for payment of
11 expenses; amending 59 O.S. 2021, Section 1332, which
12 relates to forfeiture procedure; providing for
13 conditions of travel expense reimbursement; and
14 providing an effective date.

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

16 SECTION 5. AMENDATORY 59 O.S. 2021, Section 1327, as
17 last amended by Section 1, Chapter 127, O.S.L. 2023 (59 O.S. Supp.
18 2023, Section 1327), is amended to read as follows:

19 Section 1327. A. At any time before there has been a breach of
20 the undertaking in any type of bail provided herein, the surety or
21 bondsman or a licensed bail enforcer pursuant to a client contract
22 authorized by the Bail Enforcement and Licensing Act may surrender
23 the defendant, or the defendant may surrender himself or herself, to
24 the official to whose custody the defendant was committed at the
time bail was taken, or to the official into whose custody the
defendant would have been given had he or she been committed. The

1 defendant may be surrendered without the return of premium for the
2 bond if he or she has been guilty of nonpayment of premium, changes
3 address without notifying his or her bondsman, conceals himself or
4 herself, leaves the jurisdiction of the court without the permission
5 of his or her bondsman, or violates his or her contract with the
6 bondsman in any way that does harm to the bondsman, or the surety,
7 or violates his or her obligation to the court. When a bondsman or
8 surety, or a licensed bail enforcer, surrenders a defendant pursuant
9 to this subsection, the bondsman or surety shall file written
10 notification of the surrender. After surrender, and upon filing of
11 written notification of the surrender with the court clerk, the bond
12 shall be exonerated and the clerk shall enter a minute in the case
13 exonerating the bond.

14 B. 1. If the defendant has been placed in custody of another
15 jurisdiction, the district attorney shall direct a hold order to the
16 official, judge or law enforcement agency where the defendant is in
17 custody. All reasonable expenses accrued in returning the defendant
18 to the original court shall be borne by the bondsman who posted the
19 bond with that court; provided, however, except for instances
20 whereby the defendant is transported by a contracted transport
21 company, reasonable expenses shall mean the actual miles traveled in
22 transporting the defendant at a rate equal to the current Internal
23 Revenue Service standard mileage rate. Upon application, the bond
24 in the original court shall be exonerated when the hold order is

1 placed and upon proof of guarantee of payment of expenses by the
2 bondsman.

3 2. Except as provided for in paragraph 3 of this subsection,
4 the premium for a bail bond shall be considered earned by the
5 bondsman or the insurer, as applicable, when the defendant on the
6 bond is released from custody and is not incarcerated in any
7 capacity. If the bond premium has not been earned pursuant to the
8 terms of this section, the payor of the premium or the depositor of
9 any collateral, as applicable, may request the return of the premium
10 or collateral given to the bondsman for the bond. The bondsman
11 shall return any premium and collateral without delay. If a
12 bondsman returns the premium to the payor pursuant to this section,
13 he or she may charge a usual, customary, and reasonable fee for his
14 or her services provided in the transaction.

15 3. The premium for a bail bond shall be considered earned by
16 the bondsman, regardless of whether the defendant on the bond is
17 released from custody, if the bondsman and the payor of the bond
18 premium have agreed in writing that the purpose of the bond is to
19 secure the transfer of the defendant to another jurisdiction and the
20 defendant is in fact transferred to that jurisdiction.

21 C. If the defendant has been arrested on new charges and is in
22 the custody of the same jurisdiction in which the bondsman or surety
23 has posted an appearance bond or bonds for the defendant, and the
24 bond or bonds have not been exonerated, and certified copies of

1 bonds are not reasonably available, the bondsman or surety may
2 recommit the defendant to be held in custody on the charges for
3 which the bondsman or surety has previously posted appearance bonds
4 thereon, in accordance with the following procedure:

5 1. On a Recommitment of Defendant by Bondsman form approved by
6 the Administrative Office of the Courts, the bondsman or surety
7 shall personally affix his or her signature to an affidavit
8 attesting to the following:

9 a. the defendant is presently in the custody of the
10 jurisdiction in which the bondsman or surety has
11 posted a bond or bonds,

12 b. the case number, if any, assigned to each bond,

13 c. that the bond or bonds have not been exonerated, and

14 d. the specific charges and bond amount or amounts;

15 2. The bondsman or surety shall present the Recommitment of
16 Defendant by Bondsman form to the official in whose custody the
17 defendant is being held, and the official shall detain the defendant
18 in his or her custody, thereon, as upon a commitment, and by a
19 certificate in writing acknowledging the surrender; and

20 3. When a bondsman or surety recommits a defendant pursuant to
21 this subsection, the bondsman or surety shall file a written
22 notification thereof to the court, and after such notification, the
23 bond or bonds shall be exonerated, and the clerk shall enter a
24 minute in the case exonerating the bond or bonds.

1 D. 1. When a defendant does appear before the court as
2 required by law and enters a plea of guilty or nolo contendere, is
3 sentenced or a deferred sentence is granted as provided for in
4 Section 991c of Title 22 of the Oklahoma Statutes, or deferred
5 prosecution is granted as provided by law, in such event the
6 undertaking and bondsman and insurer shall be exonerated from
7 further liability.

8 2. A bond posted for a petition for revocation of a suspended
9 sentence, a petition for acceleration of a deferred sentence or any
10 violation of a probationary term shall be exonerated by operation of
11 law when:

12 a. the defendant has confessed, stipulated or otherwise
13 agreed to the factual basis of the violation of
14 probation,

15 b. the suspended sentence is revoked in whole or part,

16 c. the deferred sentence is accelerated in whole or part,
17 or

18 d. any additional sanction is imposed by the court.

19 E. The bond shall be exonerated by operation of law in any case
20 in which the defendant has been arrested on new charges or on any
21 warrant in the same jurisdiction in which the bondsman or insurer
22 has posted the appearance bond or bonds for the defendant, and the
23 defendant has been subsequently released on his or her own personal
24 recognizance or a pretrial release has been authorized by the court.

1 F. The bond shall be exonerated by operation of law in any case
2 in which the defendant has been arrested and there is an added
3 charge to a case that would result in a higher fine or longer term
4 of sentence if convicted, or an amendment to a charge that would
5 result in a higher fine or longer term of sentence if convicted;
6 provided, however, any premium paid by the defendant to the bondsman
7 or insurer from the original charge shall be at the same premium
8 rate and shall be credited to the defendant if the same bondsman or
9 insurer posts the appearance bond or bonds on the added or amended
10 charge.

11 G. For purposes of this section, a "usual, customary, and
12 reasonable fee" means a charge to the payor that is based on the
13 amount of time spent by the bondsman or his or her employees
14 researching, drafting, and executing the bail bond. Such fee shall
15 be detailed in a written document provided to the payor.

16 H. The court shall not issue an order modifying the terms of a
17 previously set bond unless the order has also been signed by the
18 bail bondsman, bail bondsman surety, or both acknowledging the
19 changes made to the bond prior to the defendant's release. Failure
20 to provide this notice shall exonerate the bond by operation of law.

21 SECTION 6. AMENDATORY 59 O.S. 2021, Section 1332, is
22 amended to read as follows:

23 Section 1332. A. If there is a breach of an undertaking, the
24 court before which the cause is pending shall issue, within ten (10)

1 days, an arrest warrant for the defendant and declare the
2 undertaking and any money, property, or securities that have been
3 deposited as bail, forfeited on the day the defendant failed to
4 appear. Within fifteen (15) days from the date of the forfeiture,
5 the order and judgment of forfeiture shall be filed with the clerk
6 of the trial court. Failure to timely issue the arrest warrant or
7 file the order and judgment of forfeiture as provided in this
8 subsection shall exonerate the bond by operation of law. In the
9 event of the forfeiture of a bail bond the clerk of the trial court
10 shall, within thirty (30) days after the order and judgment of
11 forfeiture is filed in the court, by mail with return receipt
12 requested, mail a true and correct copy of the order and judgment of
13 forfeiture to the bondsman, and if applicable, the insurer, whose
14 risk it is, and keep at least one copy of the order and judgment of
15 forfeiture on file; provided, the clerk shall not be required to
16 mail the order and judgment of forfeiture to the bondsman or insurer
17 if, within fifteen (15) days from the date of forfeiture, the
18 defendant is returned to custody, the bond is reinstated by the
19 court with the bondsman's approval, or the order of forfeiture is
20 vacated or set aside by the court. Failure of the clerk of the
21 trial court to comply with the thirty-day notice provision in this
22 subsection shall exonerate the bond by operation of law.

23 B. The order and judgment of forfeiture shall be on forms
24 prescribed by the Administrative Director of the Courts.

1 C. 1. The bail bondsman shall have ninety (90) days from
2 receipt of the order and judgment of forfeiture from the court clerk
3 or mailing of the notice if no receipt is made to return the
4 defendant to custody.

5 2. The bondsman may contract with a licensed bail enforcer
6 pursuant to the Bail Enforcement and Licensing Act to recover and
7 return the defendant to custody within the ninety-day period, or as
8 agreed, or notwithstanding the Bail Enforcement and Licensing Act if
9 the bondsman is duly appointed in this state by an insurer operating
10 in this state, the bondsman may seek the assistance of another
11 licensed bondsman in this state who is appointed by the same
12 insurer.

13 3. When the court record indicates that the defendant is
14 returned to custody in the jurisdiction where forfeiture occurred,
15 within the ninety-day period, the court clerk shall enter minutes
16 vacating the forfeiture and exonerating the bond. If the defendant
17 has been timely returned to custody, but this fact is not reflected
18 by the court record, the court shall vacate the forfeiture and
19 exonerate the bond.

20 4. For the purposes of this section, "return to custody" means:

- 21 a. the return of the defendant to the appropriate
22 Oklahoma law enforcement agency by the bondsman,
- 23 b. an appearance of the defendant in open court in the
24 court where charged,

- 1 c. arrest or incarceration within this state of the
2 defendant by law enforcement personnel, provided the
3 bondsman has requested that a hold be placed on the
4 defendant in the jurisdiction wherein the forfeiture
5 lies and has guaranteed reasonable travel expenses for
6 the return of the defendant, or
- 7 d. arrest or incarceration of the defendant in any other
8 jurisdiction, provided the bondsman has requested that
9 a hold be placed on the defendant in the jurisdiction
10 wherein the forfeiture lies and has guaranteed
11 reasonable travel expenses for the return of the
12 defendant.

13 5. In addition to the provisions set forth in paragraphs 3 and
14 4 of this subsection, the bond shall be exonerated by operation of
15 law in any case in which:

- 16 a. the bondsman has requested in writing of the sheriff's
17 department in the county where the forfeiture occurred
18 that the defendant be entered into the computerized
19 records of the National Crime Information Center
20 (NCIC), and the request has not been honored within
21 fourteen (14) business days of the receipt of the
22 written request by the department,

1 b. the defendant has been arrested outside of this state
2 and the court record shows the prosecuting attorney
3 has declined to proceed with extradition, or

4 c. the warrant issued by the court has not been entered
5 into an active warrant database available to law
6 enforcement within five (5) business days after its
7 issued date.

8 6. The court may, in its discretion, vacate the order of
9 forfeiture and exonerate the bond where good cause has been shown
10 for:

11 a. the defendant's failure to appear, or

12 b. the bondsman's failure to return the defendant to
13 custody within ninety (90) days.

14 7. When a bondsman or insurer ("requester") has guaranteed
15 travel expenses to return a defendant to custody:

16 a. the law enforcement agency that placed the hold shall
17 promptly advise the requestor of a hit confirmation,

18 b. prior to transporting the defendant, the law
19 enforcement agency that placed the hold shall provide
20 the requestor a good faith estimate of the reasonable
21 return expenses to return the defendant to custody.

22 The requestor may request to decline to pay travel
23 expenses, and the law enforcement agency may release
24 its hold and the defendant shall not be considered

1 returned to custody. If the law enforcement agency
2 cannot contact the requestor, the requestor's
3 guarantee of travel expenses shall be honored by the
4 requestor, and

5 c. a requestor may request to withdraw their NCIC request
6 anytime prior to a defendant's arrest.

7 D. 1. If, within ninety (90) days from receipt of the order
8 and judgment of forfeiture from the court clerk, or mailing of the
9 notice if no receipt is made, the defendant is not returned to
10 custody, or the forfeiture has not been stayed, the bondsman and, if
11 applicable, the insurer whose risk it is shall deposit cash or other
12 valuable securities in the face amount of the bond with the court
13 clerk ninety-one (91) days from receipt of the order and judgment of
14 forfeiture from the court clerk, or mailing of the notice if no
15 receipt is made; provided, this provision shall not apply if the
16 defendant has been returned to custody within the ninety-day period
17 and the court has failed to vacate the forfeiture pursuant to
18 paragraphs 3 through 6 of subsection C of this section.

19 2. After the order and judgment has been paid within ninety-one
20 (91) days from receipt of the order and judgment of forfeiture from
21 the court clerk, or mailing of the notice if no receipt is made, as
22 required in paragraph 1 of this subsection, the bondsman and, if
23 applicable, the insurer whose risk it is shall have one (1) year
24 from the date payment is due to return the defendant to custody as

1 defined by paragraph 4 of subsection C of this section. In the
2 event the defendant is returned to custody and all expenses for the
3 defendant's return have been ~~paid~~ guaranteed by the bondsman or
4 insurer, the bondsman's or insurer's property shall be returned;
5 provided, the request for remitter be made by motion filed within
6 one (1) year from the date payment is due.

7 3. If the additional cash or securities are not deposited with
8 the court clerk on or before the ninety-first day after the date of
9 service of the order and judgment of forfeiture from the court
10 clerk, or mailing of the notice if no receipt is made, then the
11 court clerk shall notify the Insurance Commissioner by sending a
12 certified copy of the order and judgment of forfeiture and proof
13 that the bondsman and, if applicable, the insurer have been notified
14 by mail with return receipt requested.

15 4. The Insurance Commissioner shall:

- 16 a. in the case of a surety bondsman, immediately cancel
17 the license privilege and authorization of the insurer
18 to do business within the State of Oklahoma and cancel
19 the appointment of all surety bondsman agents of the
20 insurer who are licensed by Section 1301 et seq. of
21 this title, and
22 b. in the case of a professional bondsman, withdraw the
23 face amount of the forfeiture from the deposit
24 provided in Section 1306 of this title. The

1 Commissioner shall then immediately direct the
2 professional bondsman, by mail with return receipt
3 requested, to make additional deposits to bring the
4 original deposit to the required level. Should the
5 professional bondsman, after being notified, fail to
6 make an additional deposit within ten (10) days from
7 the receipt of notice, or mailing of notice if no
8 receipt is made, the license shall be revoked and all
9 sums presently on deposit shall be held by the
10 Commissioner to secure the face amounts of bonds
11 outstanding. Upon release of the bonds, any amount of
12 deposit in excess of the bonds shall be returned to
13 the bondsman; provided, the bail bondsman shall have
14 had notice as required by the court, at the place of
15 the bondsman's business, of the trial or hearing of
16 the defendant named in the bond. The notice shall
17 have been at least ten (10) days before the required
18 appearance of the defendant, unless the appearance is
19 scheduled at the time of execution of the bond.
20 Notwithstanding the foregoing, the bondsman shall be
21 deemed to have had notice of the trial or hearing if
22 the defendant named in the bond shall have been
23 recognized back in open court to appear at a date
24 certain for the trial or hearing.

1 5. If the actions of any bail bondsman force the Insurance
2 Commissioner to withdraw monies, deposited pursuant to Section 1306
3 of this title, to pay past-due executions more than two (2) times in
4 a consecutive twelve-month period, then the license of the
5 professional bondsman shall, in addition to other penalties, be
6 suspended automatically for one (1) year or until a deposit equal to
7 all outstanding forfeitures due is made. The deposit shall be
8 maintained until the Commissioner deems it feasible to reduce the
9 deposit. In no case shall an increased deposit exceed two (2) years
10 unless there is a recurrence of withdrawals as stated herein.

11 E. 1. If the defendant's failure to appear was the result of
12 the defendant's death or of being in the custody of a court other
13 than the court in which the appearance was scheduled, forfeiture
14 shall not lie. Upon proof to the court that the bondsman paid the
15 order and judgment of forfeiture without knowledge that the
16 defendant was deceased or in custody of another court on the day the
17 defendant was due to appear, and all expenses for the defendant's
18 return have been paid by the bondsman, the bondsman's property shall
19 be returned.

20 2. Where the defendant is in the custody of another court, the
21 district attorney or municipal attorney shall direct a hold order to
22 the official, judge, court or law enforcement agent wherein the
23 defendant is in custody; provided, that all expenses accrued as a
24

1 result of returning the custody of the defendant shall be borne by
2 the bondsman.

3 F. The district attorney or municipal attorney shall not
4 receive any bonuses or other monies or property for or by reason of
5 services or actions in connection with or collection of bond
6 forfeitures under the provisions of Section 1301 et seq. of this
7 title, except that the court may award a reasonable attorney fee in
8 favor of the prevailing party for legal services in any civil action
9 or proceeding to collect upon a judgment of forfeiture.

10 G. The above procedures shall be subject to the bondsman's
11 rights of appeal. The bondsman or insurer may appeal an order and
12 judgment of forfeiture pursuant to the procedures for appeal set
13 forth in Section 951 et seq. of Title 12 of the Oklahoma Statutes.
14 To stay the execution of the order and judgment of forfeiture, the
15 bondsman or insurer shall comply with the provisions set forth in
16 Section 990.4 of Title 12 of the Oklahoma Statutes.

17 H. For municipal courts of record, the above procedures are
18 criminal in nature and ancillary to the criminal procedures before
19 the trial court and shall be subject to the bondsman's right of
20 appeal. The bondsman or insurer may appeal an order and judgment of
21 forfeiture by the municipal courts of record to the Court of
22 Criminal Appeals.

23 I. Upon a motion to the court, any person executing a bail bond
24 as principal or as surety shall be exonerated after three (3) years

have elapsed from the posting of the bond, unless a judgment has been entered against the surety or the principal for the forfeiture of the bond, or unless the court grants an extension of the three-year time period for good cause shown, upon motion by the prosecuting attorney.

SECTION 7. This act shall become effective November 1, 2024.

Passed the Senate the 5th day of March, 2024.

Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____,
2024.

Presiding Officer of the House
of Representatives