

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

COMMITTEE SUBSTITUTE

FOR

HOUSE BILL NO. 3613

By: Pae

COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; establishing time limitation for the filing of an indictment or information; providing an exception; allowing for extensions of time limitation upon a showing of good cause; authorizing arrested persons to request release on own recognizance bonds under certain circumstances; providing for codification; and providing an effective date.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 388.1 of Title 22, unless there is created a duplication in numbering, reads as follows:

A. When an arrested person is held in custody subsequent to an arrest, an indictment or information shall be filed by the State within five (5) days of the arrest, except if the fifth day is a weekend or holiday.

B. The State may move the court to extend the five-day period to file an information or indictment upon a showing of good cause.

1 C. If the information or indictment has not been filed upon the  
2 expiration of the five-day period to file an information or  
3 indictment, the arrested person may move the court for release from  
4 custody subject to an own recognizance bond, as provided for in  
5 Section 1108.1 of Title 22 of the Oklahoma Statutes. The expiration  
6 of the time limit to file an information or indictment shall be  
7 prima facie grounds for the release of an arrested person on an own  
8 recognizance bond, subject to the limitations on release set forth  
9 in subsection E of Section 1108.1 of Title 22 of the Oklahoma  
10 Statutes or as otherwise provided by law.

11 D. An arrested person may move the court for release on his or  
12 her own recognizance upon the expiration of the period to file an  
13 information or indictment even if the arrested person has already  
14 had bail set by the court, as provided for in Section 1105.2 of  
15 Title 22 of the Oklahoma Statutes.

16 SECTION 2. This act shall become effective November 1, 2024.

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18 59-2-10367 GRS 02/21/24

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