

1 ENGROSSED HOUSE
2 BILL NO. 3613

By: Pae of the House

3 and

4 Rader of the Senate

5
6 [criminal procedure - time limitation for filing of
7 an indictment or information - exception -
8 extensions of time limitation - release on own
9 recognizance bonds - codification - effective date
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BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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SECTION 1. NEW LAW A new section of law to be codified

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in the Oklahoma Statutes as Section 388.1 of Title 22, unless there
17 is created a duplication in numbering, reads as follows:

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A. 1. When an arrested person is held in custody subsequent to
19 an arrest, an indictment or information shall be filed by the state
20 within five (5) days of the arrest, except if the fifth day is a
21 weekend or holiday.

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2. When an arrested person is held in custody subsequent to an
23 arrest, an indictment or information shall be filed by the state
24 within ten (10) days of the arrest, except if the tenth day is a

1 weekend or holiday, in counties with a population of more than five
2 hundred thousand (500,000) as determined by the latest Federal
3 Decennial Census.

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

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

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

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

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1 Passed the House of Representatives the 14th day of March, 2024.

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4 Presiding Officer of the House
of Representatives

5 Passed the Senate the ____ day of _____, 2024.

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9 Presiding Officer of the Senate