

1 ENGROSSED HOUSE  
2 BILL NO. 3782

By: George of the House

and

Gollihare of the Senate

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8 An Act relating to criminal procedure; amending 22  
9 O.S. 2021, Section 1101, as amended by Section 1,  
10 Chapter 117, O.S.L. 2022 (22 O.S. Supp. 2023, Section  
11 1101), which relates to persons authorized to take  
12 bail; providing for the denial of release on bond  
under certain circumstances; and providing an  
effective date.

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

14 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1101, as  
15 amended by Section 1, Chapter 117, O.S.L. 2022 (22 O.S. Supp. 2023,  
16 Section 1101), is amended to read as follows:

17 Section 1101. A. Except as otherwise provided by law, bail, by  
18 sufficient sureties, shall be admitted upon all arrests in criminal  
19 cases where the offense is not punishable by death and in such cases  
20 it may be taken by any of the persons or courts authorized by law to  
21 arrest, to imprison offenders or to perform pretrial services, or by  
22 the clerk of the district court or his or her deputy, or by the  
23 judge of such courts.  
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1       B. In criminal cases where the defendant is currently an  
2 escaped prisoner from the Department of Corrections, the defendant  
3 must be processed back into the Department of Corrections prior to  
4 bail being set on new criminal charges.

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

7       1. Capital offenses when the proof of guilt is evident, or the  
8 presumption thereof is great;

9       2. Violent offenses;

10       3. Offenses where the maximum sentence may be life imprisonment  
11 or life imprisonment without parole;

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

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

17       On all offenses specified in paragraphs 2 through 5 of this  
18 subsection, the proof of guilt must be evident, or the presumption  
19 must be great, and it must be on the grounds that no condition of  
20 release would assure the safety of the community or any person.

21       D. There shall be a rebuttable presumption that no condition of  
22 release would assure the safety of the community if the state shows  
23 by clear and convincing evidence that the person was arrested for a  
24 violation of Section 741 of Title 21 of the Oklahoma Statutes.

1 E. If the person was arrested for any crime provided for in the  
2 Protection from Domestic Abuse Act or a violent crime provided for  
3 in Section 571 of Title 57 of the Oklahoma Statutes, the court shall  
4 be responsible for assessing prior patterns of abuse and shall  
5 present written findings on the bail amount.

6 F. There shall be a rebuttable presumption that no conditions  
7 of release on bond would assure the safety of the community or any  
8 person therein if the state shows by clear and convincing evidence  
9 that:

10 1. The person was arrested for a violent offense and released  
11 on bond; and

12 2. While out on said bond, the person was subsequently arrested  
13 and charged for a violent crime as set forth for in Section 571 of  
14 Title 57 of the Oklahoma Statutes.

15 SECTION 2. This act shall become effective November 1, 2024.  
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1 Passed the House of Representatives the 5th day of March, 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