

# SENATE CHAMBER

STATE OF OKLAHOMA

DISPOSITION

☒ FLOOR AMENDMENT

No. 1

☐ COMMITTEE AMENDMENT


(Date)

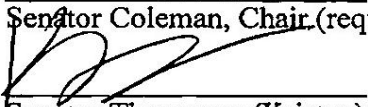
I move to amend Senate Bill No. 1573, by the attached floor substitute (#3585) for the title, enacting clause and entire body of the measure.

Submitted by:

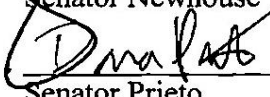
  
Senator Pemberton

I hereby grant permission for the floor substitute to be adopted.

  
Senator Coleman, Chair (required)


  
Senator Thompson (Kristen)

  
Senator Newhouse

  
Senator Prieto

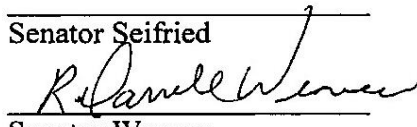
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Senator Brooks

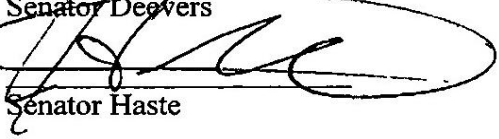
\_\_\_\_\_  
Senator Pugh

  
Senator Burns

\_\_\_\_\_  
Senator Seifried

  
Senator Deavers

  
Senator Weaver

  
Senator Haste

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Senator Young

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Senator Jett

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Senator Treat, President Pro Tempore

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Senator McCortney, Majority Floor Leader

Note: Business and Commerce committee majority requires seven (7) members' signatures.

Pemberton-MR-FA-SB1573

2/26/2024 9:06 AM

(Floor Amendments Only)

Date and Time Filed:

2-26-24

1:44 pm *gd*

☐ Untimely

☐ Amendment Cycle Extended

☐ Secondary Amendment

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

FLOOR SUBSTITUTE  
FOR

SENATE BILL NO. 1573

By: Pemberton of the Senate

and

Sneed of the House

FLOOR SUBSTITUTE

An Act relating to bail bondsmen; amending 59 O.S. 2021, Section 1311.3, which relates to unlawful acts; clarifying language; amending 59 O.S. 2021, Section 1327, as last amended by Section 1, Chapter 127, O.S.L. 2023 (59 O.S. Supp. 2023, Section 1327), which relates to surrender of defendant; allowing for proof of guarantee of payment in certain circumstances; and providing an effective date.

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

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

Section 1311.3. A. It shall be unlawful for any person who is not licensed to act as a bail bondsman or whose license to act as a bail bondsman has been suspended, revoked, surrendered, or refused, to do or perform any of the acts of a bail bondsman. Any person convicted of violating the provisions of this subsection shall be

1 guilty of a felony and shall be punished by a fine in an amount not  
2 exceeding Five Thousand Dollars (\$5,000.00).

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

10 C. The provisions of this section shall not apply to a  
11 suspended or formerly licensed bail bondsman who continues to submit  
12 monthly reports to the Insurance Department pursuant to subsection B  
13 of Section 1314 of this title or who contracts with a licensed bail  
14 enforcer pursuant to the Bail Enforcement and Licensing Act to cause  
15 the apprehension and surrender of his or her defendant clients to  
16 the appropriate authority. The defendant client must have a current  
17 undertaking or bail contract with the suspended or formerly licensed  
18 bail bondsman and such undertaking or bail contract must have been  
19 made in this state by the suspended or formerly licensed bail  
20 bondsman. No acts other than those listed in this subsection shall  
21 be authorized or recognized after a bail bondsman is suspended or no  
22 longer licensed in this state.

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1       SECTION 2.       AMENDATORY       59 O.S. 2021, Section 1327, as  
2 last amended by Section 1, Chapter 127, O.S.L. 2023 (59 O.S. Supp.  
3 2023, Section 1327), is amended to read as follows:

4       Section 1327. A. At any time before there has been a breach of  
5 the undertaking in any type of bail provided herein, the surety or  
6 bondsman or a licensed bail enforcer pursuant to a client contract  
7 authorized by the Bail Enforcement and Licensing Act may surrender  
8 the defendant, or the defendant may surrender himself or herself, to  
9 the official to whose custody the defendant was committed at the  
10 time bail was taken, or to the official into whose custody the  
11 defendant would have been given had he or she been committed. The  
12 defendant may be surrendered without the return of premium for the  
13 bond if he or she has been guilty of nonpayment of premium, changes  
14 address without notifying his or her bondsman, conceals himself or  
15 herself, leaves the jurisdiction of the court without the permission  
16 of his or her bondsman, or violates his or her contract with the  
17 bondsman in any way that does harm to the bondsman~~7~~ or the surety,  
18 or violates his or her obligation to the court. When a bondsman or  
19 surety, or a licensed bail enforcer, surrenders a defendant pursuant  
20 to this subsection, the bondsman or surety shall file written  
21 notification of the surrender. After surrender, and upon filing of  
22 written notification of the surrender with the court clerk, the bond  
23 shall be exonerated and the clerk shall enter a minute in the case  
24 exonerating the bond.

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

14       2. Except as provided for in paragraph 3 of this subsection,  
15 the premium for a bail bond shall be considered earned by the  
16 bondsman or the insurer, as applicable, when the defendant on the  
17 bond is released from custody and is not incarcerated in any  
18 capacity. If the bond premium has not been earned pursuant to the  
19 terms of this section, the payor of the premium or the depositor of  
20 any collateral, as applicable, may request the return of the premium  
21 or collateral given to the bondsman for the bond. The bondsman  
22 shall return any premium and collateral without delay. If a  
23 bondsman returns the premium to the payor pursuant to this section,  
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1 he or she may charge a usual, customary, and reasonable fee for his  
2 or her services provided in the transaction.

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

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

17 1. On a Recommitment of Defendant by Bondsman form approved by  
18 the Administrative Office of the Courts, the bondsman or surety  
19 shall personally affix his or her signature to an affidavit  
20 attesting to the following:

- 21 a. the defendant is presently in the custody of the  
22 jurisdiction in which the bondsman or surety has  
23 posted a bond or bonds,  
24 b. the case number, if any, assigned to each bond,

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

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

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

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

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

20 2. A bond posted for a petition for revocation of a suspended  
21 sentence, a petition for acceleration of a deferred sentence or any  
22 violation of a probationary term shall be exonerated by operation of  
23 law when:  
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1           a.    the defendant has confessed, stipulated or otherwise  
2                    agreed to the factual basis of the violation of  
3                    probation,

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

5           c.    the deferred sentence is accelerated in whole or part,  
6                    or

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

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

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



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

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

11       SECTION 3. This act shall become effective November 1, 2024.  
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13       59-2-3585       MR       2/26/2024 2:44:01 PM  
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