

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3613

By: Pae

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8 COMMITTEE SUBSTITUTE

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

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

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

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

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

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

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

18 SECTION 2. This act shall become effective November 1, 2024.
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20 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
21 02/22/2024 - DO PASS, As Amended.
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