

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 2224

By: Ford

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6 AS INTRODUCED

7 An Act relating to criminal procedure; amending 22  
8 O.S. 2021, Section 1105.3, which relates to the  
9 Pretrial Release Act; authorizing criminal background  
investigations for certain defendants; and providing  
an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1105.3, is  
14 amended to read as follows:

15 Section 1105.3 A. Any county pursuant to the provisions of the  
16 Pretrial Release Act may establish and fund a pretrial program to be  
17 utilized by the district court in that jurisdiction.

18 B. 1. When a pretrial release program is established pursuant  
19 to the Pretrial Release Act and private bail has not been furnished,  
20 the judge may order a person to be evaluated through the pretrial  
21 program. After conducting an evaluation of the person applying for  
22 pretrial release, the pretrial program shall make a recommendation  
23 to the court. The recommendation shall indicate any special  
24 supervisory conditions for pretrial release. The judge shall

1 consider the recommendations and may grant or deny pretrial release.  
2 The presiding judge of the judicial district may issue a standing  
3 order outlining criteria for cases that may automatically be  
4 evaluated for pretrial release by a pretrial program operating in  
5 the jurisdiction. The standing order may include amounts for bail  
6 and types of bonds deemed appropriate for certain offenses.

7 2. When a pretrial release program is established pursuant to  
8 the Pretrial Release Act, the pretrial program may conduct a  
9 criminal background investigation on all defendants arrested and  
10 placed in custody in a county jail and shall provide a copy of the  
11 criminal background investigation to the court for the purpose of  
12 conducting individualized bail hearings.

13 C. Except as otherwise authorized by the provisions of this  
14 subsection, persons accused of or detained for any of the following  
15 offenses or conditions shall not be eligible for pretrial release by  
16 any pretrial program:

17 1. Aggravated driving under the influence of an intoxicating  
18 substance;

19 2. Any felony driving under the influence of an intoxicating  
20 substance;

21 3. Any offense prohibited by the Trafficking In Illegal Drugs  
22 Act;

23 4. Any person having a violent felony conviction within the  
24 past ten (10) years;

- 1 5. Appeal bond;
- 2 6. Arson in the first degree, including attempts to commit
- 3 arson in the first degree;
- 4 7. Assault and battery on a police officer;
- 5 8. Bail jumping;
- 6 9. Bribery of a public official;
- 7 10. Burglary in the first or second degree;
- 8 11. Civil contempt proceedings;
- 9 12. Distribution of a controlled dangerous substance, including
- 10 the sale or possession of a controlled dangerous substance with
- 11 intent to distribute or conspiracy to distribute;
- 12 13. Domestic abuse, domestic assault or domestic assault and
- 13 battery with a dangerous weapon, or domestic assault and battery
- 14 with a deadly weapon;
- 15 14. Driving under the influence of intoxicating substance where
- 16 property damage or personal injury occurs;
- 17 15. Felony discharging a firearm from a vehicle;
- 18 16. Felony sex offenses;
- 19 17. Fugitive bond or a governor's fugitive warrant;
- 20 18. Immigration charges;
- 21 19. Kidnapping;
- 22 20. Juvenile or youthful offender detention;
- 23 21. Manslaughter;
- 24 22. Manufacture of a controlled dangerous substance;

- 1 23. Murder in the first degree, including attempts or  
2 conspiracy to commit murder in the first degree;
- 3 24. Murder in the second degree, including attempts or  
4 conspiracy to commit murder in the second degree;
- 5 25. Negligent homicide;
- 6 26. Out-of-county holds;
- 7 27. Persons currently on pretrial release who are arrested on a  
8 new felony offense;
- 9 28. Possession, manufacture, use, sale or delivery of an  
10 explosive device;
- 11 29. Possession of a controlled dangerous substance on Schedule  
12 I or II of the Controlled Dangerous Substances Act;
- 13 30. Possession of a firearm or other offensive weapon during  
14 the commission of a felony;
- 15 31. Possession of a stolen vehicle;
- 16 32. Rape in the first degree, including attempts to commit rape  
17 in the first degree;
- 18 33. Rape in the second degree, including attempts to commit  
19 rape in the second degree;
- 20 34. Robbery by force or fear;
- 21 35. Robbery with a firearm or dangerous weapon, including  
22 attempts to commit robbery with a firearm or dangerous weapon;
- 23 36. Sexual assault or violent offenses against children;
- 24 37. Shooting with intent to kill;

1 38. Stalking or violation of a Victim Protection Order;

2 39. Two or more prior felony convictions; or

3 40. Unauthorized use of a motor vehicle.

4 D. Other than a person accused of or detained for an offense  
5 provided for in paragraph 13 or paragraph 38 of subsection C of this  
6 section, a person not eligible for pretrial release pursuant to the  
7 provisions of subsection C of this section may be released upon  
8 order of a district judge, associate district judge or special judge  
9 under conditions prescribed by the judge, which may include an order  
10 to require the defendant, as a condition of pretrial release, to use  
11 or participate in any monitoring or testing including, but not  
12 limited to, a Global Positioning System (GPS) monitoring device and  
13 urinalysis testing. The court may further order the defendant to  
14 pay costs and expenses related to any supervision, monitoring or  
15 testing.

16 E. Every pretrial services program operating pursuant to the  
17 provisions of the Pretrial Release Act shall meet the following  
18 minimum criteria:

19 1. The program shall establish a procedure for screening and  
20 evaluating persons who are detained or have been arrested for the  
21 alleged commission of a crime. The program shall obtain criminal  
22 history records on detained persons through the National Crime  
23 Information Center (NCIC). The information obtained from the  
24 screening and evaluation process must be submitted in a written

1 report without unnecessary delay to the judge who is assigned to  
2 hear pretrial release applications when the person is eligible for  
3 pretrial release;

4 2. The program shall provide reliable information to the judge  
5 relating to the person applying for pretrial release so a reasonable  
6 decision can be made concerning the amount and type of bail  
7 appropriate for pretrial release. The information provided shall be  
8 based upon facts relating to the person's risk of danger to the  
9 community and the risk of failure to appear for court; and

10 3. The program shall make all reasonable attempts to provide  
11 the court with information appropriate to each person considered for  
12 pretrial release.

13 F. A pretrial program established pursuant to the Pretrial  
14 Release Act may provide different methods and levels of community-  
15 based supervision to meet any court-ordered conditions of release.  
16 The program may use existing supervision methods for persons who are  
17 released prior to trial. Pretrial programs which employ peace  
18 officers certified by the Council on Law Enforcement Education and  
19 Training (CLEET) are authorized to enforce court-ordered conditions  
20 of release.

21 G. Each pretrial program established pursuant to the Pretrial  
22 Release Act shall provide a quarterly report to the presiding judge  
23 of the judicial district of the jurisdiction in which it operates.  
24 A copy of the report shall be filed of record with the court clerk

1 of the jurisdiction. Each report shall include, but is not limited  
2 to, the following information:

3 1. The total number of persons screened, evaluated or otherwise  
4 considered for pretrial release;

5 2. The total number and nature of recommendations made;

6 3. The number of persons admitted to pretrial release that  
7 failed to appear; and

8 4. Any other information deemed appropriate by the reporting  
9 judicial district or that the program desires to report.

10 H. Every pretrial release program established pursuant to this  
11 section shall utilize the services of local providers; provided,  
12 however, any program in continuous existence since July 1, 1999,  
13 shall be exempt from the provisions of this subsection.

14 SECTION 2. This act shall become effective November 1, 2023.

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16 59-1-5785 GRS 01/11/23

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