

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3885

By: Ford

AS INTRODUCED

An Act relating to bail; amending 22 O.S. 2021, Section 1115.1A, as amended by Section 7, Chapter 310, O.S.L. 2023 (22 O.S. Supp. 2023, Section 1115.1A), which relates to the State and Municipal Traffic, Water Safety, and Wildlife Bail Bond Procedure Act; increasing time limitation for certain notification requirement; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 1115.1A, as amended by Section 7, Chapter 310, O.S.L. 2023 (22 O.S. Supp. 2023, Section 1115.1A), is amended to read as follows:

Section 1115.1A A. In addition to other provisions of law for posting bail, any person, whether a resident of this state or a nonresident, who is arrested by a law enforcement officer solely for a misdemeanor violation of a state traffic law or municipal traffic ordinance, shall be released by the arresting officer upon personal recognizance if:

1. The arrested person has been issued a valid license to operate a motor vehicle by this state, another state jurisdiction

1 within the United States, which is a participant in the Nonresident
2 Violator Compact or any party jurisdiction of the Nonresident
3 Violator Compact;

4 2. The arresting officer is satisfied as to the identity of the
5 arrested person and certifies the date and time and the location of
6 the violation, as evidenced by the electronic signature of the
7 officer;

8 3. The arrested person acknowledges, as evidenced by the
9 electronic signature of the person, a written promise to appear as
10 provided for on the citation, unless the person is unconscious or
11 injured and requires immediate medical treatment as determined by a
12 treating physician; and

13 4. The violation does not constitute:

- 14 a. a felony,
- 15 b. negligent homicide,
- 16 c. driving or being in actual physical control of a motor
17 vehicle while impaired or under the influence of
18 alcohol or other intoxicating substances, unless the
19 person is unconscious or injured and requires
20 immediate medical treatment as determined by a
21 treating physician,
- 22 d. eluding or attempting to elude a law enforcement
23 officer,

- e. operating a motor vehicle without having been issued a valid driver license or while the driving privilege and driver license is under suspension, revocation, denial or cancellation,
- f. an arrest based upon an outstanding warrant, or
- g. a traffic violation coupled with any offense stated in subparagraphs a through f of this paragraph.

B. If the arrested person is eligible for release on personal recognizance as provided for in subsection A of this section, then the arresting officer shall on the citation:

1. Designate the traffic charge;
2. Record information from the driver license of the arrested person on the citation form, including the name, address, date of birth, physical description, type of driver license, driver license number, issuing state, and expiration date;
3. Record the motor vehicle make, model and tag information;
4. Record the date and time on which, or before which, the arrested person promises, as evidenced by the electronic signature of the person, to contact, pay, or appear at the court, as applicable to the court;
5. Record the electronic signature of the arrested person which shall serve as evidence and acknowledgment of a promise to contact, pay, or appear at the court, as provided for in the citation; and

1 6. Record the electronic signature of the arrested person which
2 shall serve as evidence to certify the date and time and the
3 location that the arrested person was served with a copy of the
4 citation and notice to appear,
5 after which, the arresting officer shall then release the person
6 upon personal recognizance based upon the acknowledged promise to
7 appear. The citation shall contain a written notice to the arrested
8 person that release upon personal recognizance based upon an
9 acknowledged promise to appear, as evidenced by the electronic
10 signature of the person, for arraignment is conditional and that
11 failure to timely appear for arraignment shall result in the
12 suspension of the driving privilege and driver license of the
13 arrested person in this state, or in the home state of the
14 nonresident pursuant to the Nonresident Violator Compact.

15 C. The court, or the court clerk as directed by the court, may
16 continue or reschedule the date and time of arraignment at the
17 discretion of the court or upon request of the arrested person or
18 the attorney for that person. If the arraignment is continued or
19 rescheduled, the arrested person shall remain on personal
20 recognizance and acknowledged promise to appear until such
21 arraignment, in the same manner and with the same consequences as if
22 the continued or rescheduled arraignment was entered on the citation
23 by the arresting officer and electronically signed by the defendant.
24 An arraignment may be continued or rescheduled more than one time.
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1 Provided, however, the court shall require an arraignment to be had
2 within a reasonable time. It shall remain the duty of the defendant
3 to appear for arraignment unless the citation is satisfied as
4 provided for in subsection D of this section.

5 D. A defendant released upon personal recognizance may elect to
6 enter a plea of guilty or nolo contendere to the violation charged
7 at any time before the defendant is required to appear for
8 arraignment by indicating such plea on the copy of the citation
9 furnished to the defendant or on a legible copy, together with the
10 date of the plea and signature of the defendant, or such plea may be
11 entered by the defendant using an electronic method provided by the
12 court for such purposes, either through the website of the court or
13 otherwise. The defendant shall be responsible for assuring full
14 payment of the fine and costs to the appropriate court clerk.

15 Payment of the fine and costs may be made by personal, cashier's,
16 traveler's, certified or guaranteed bank check, postal or commercial
17 money order, or other form of payment approved by the court in an
18 amount prescribed as bail for the offense. Provided, however, the
19 defendant shall not use currency for payment by mail. Payment of
20 the fine and costs which is not accompanied by a written plea of
21 guilty or nolo contendere shall constitute a plea of nolo contendere
22 entered by the defendant as allowed by law, and shall function as a
23 written, dated and signed citation form acceptable to the court. A
24 plea of guilty or nolo contendere as provided for in this subsection

1 shall be accepted by the court and the amount of the fine and costs
2 shall be:

3 1. As prescribed in Section 1115.3 of this title as bail for
4 the violation;

5 2. In case of a municipal violation, as prescribed by municipal
6 ordinance for the violation charged; or

7 3. In the absence of such law or ordinance, then as prescribed
8 by the court.

9 E. 1. If, pursuant to the provisions of subsection D of this
10 section, the defendant does not timely elect to enter a plea of
11 guilty or nolo contendere and fails to timely appear for
12 arraignment, the court may issue a warrant for the arrest of the
13 defendant. The municipal or district court clerk, within one
14 ~~hundred twenty (120) calendar days~~ year from the date the citation
15 was issued by the arresting officer, shall notify Service Oklahoma
16 that:

17 a. the defendant was issued a traffic citation and
18 released upon personal recognizance after
19 acknowledging a written promise to appear for
20 arraignment as provided for in the citation,

21 b. the defendant has failed to appear for arraignment
22 without good cause shown,
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1 c. the defendant has not posted bail, paid a fine, or
2 made any other arrangement with the court to satisfy
3 the citation, and

4 d. the citation has not been satisfied as provided by
5 law.

6 Additionally, the court clerk shall request Service Oklahoma to
7 either suspend the driving privilege and driver license of the
8 defendant to operate a motor vehicle in this state, or notify the
9 home state of the defendant and request suspension of the driving
10 privilege and driver license of the defendant in accordance with the
11 provisions of the Nonresident Violator Compact. The notice and
12 request shall be on a form approved or furnished by Service
13 Oklahoma.

14 2. The court clerk shall not process the notification and
15 request provided for in paragraph 1 of this subsection if, with
16 respect to such charges:

17 a. the defendant was arraigned, posted bail, paid a fine,
18 was jailed, or otherwise settled the case,

19 b. the defendant was not released upon personal
20 recognizance upon an acknowledged written promise to
21 appear as provided for in this section or if released,
22 was not permitted to remain on such personal
23 recognizance for arraignment,

24 c. the violation relates to parking or standing, or
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1 d. a period of one ~~hundred twenty (120)~~ calendar ~~days~~
2 year or more has elapsed from the date the citation
3 was issued by the arresting officer.

4 F. Following receipt of the notice and request from the court
5 clerk for driving privilege and driver license suspension as
6 provided for in subsection E of this section, Service Oklahoma shall
7 proceed as provided for in Section 1115.5 of this title.

8 G. The municipal or district court clerk shall maintain a
9 record of each request for driving privilege and driver license
10 suspension submitted to Service Oklahoma pursuant to the provisions
11 of this section. When the court or court clerk receives appropriate
12 bail or payment of the fine and costs, settles the citation, makes
13 other arrangements with the defendant, or otherwise closes the case,
14 the court clerk shall furnish proof thereof to the defendant, if the
15 defendant personally appears, or shall mail such proof by first-
16 class mail, postage prepaid, to the defendant at the address noted
17 on the citation or at such other address as is furnished by the
18 defendant or by email if the defendant has furnished an email
19 address for such purposes. Additionally, the court or court clerk
20 shall notify the home jurisdiction of the defendant as listed on the
21 citation, if such jurisdiction is a member of the Nonresident
22 Violator Compact, and shall, in all other cases, notify Service
23 Oklahoma of the resolution of the case. The form of proof and the
24 procedures for notification shall be approved by Service Oklahoma.

1 Provided however, failure by the court or court clerk to furnish
2 such proof or notice in the manner provided for in this subsection
3 shall in no event create any civil liability upon the court, the
4 court clerk, the State of Oklahoma or any political subdivision
5 thereof, or any state department or agency or any employee thereof
6 but duplicate proof shall be furnished to the person entitled to
7 such proof or notice upon request.

8 H. For purposes of this section, "electronic signature" shall
9 have the same meaning as defined in Section 15-102 of Title 12A of
10 the Oklahoma Statutes.

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

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13 59-2-9680 GRS 12/31/2023
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