

1 STATE OF OKLAHOMA

2 2nd Session of the 60th Legislature (2026)

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1618

6 By: Gollihare

7 COMMITTEE SUBSTITUTE

8 An Act relating to the Pretrial Release Act; amending
9 22 O.S. 2021, Section 1105.2, which relates to
10 conditions of release; defining term; requiring court
11 to conduct certain risk assessments; requiring
12 assessment to be provided to defense counsel upon
13 request; creating certain presumption; allowing
14 rebuttal of presumption under certain circumstances;
15 updating statutory language; updating statutory
16 references; and providing an effective date.

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

18 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1105.2, is
19 amended to read as follows:

20 Section 1105.2. A. For the purposes of this section, "pretrial
21 risk assessment" means a validated actuarial assessment that
22 predicts a defendant's pretrial risk of danger to persons or the
23 community or risk of flight. The pretrial risk assessment may
24 include:

25 1. Information related to the defendant's criminal and
26 substance abuse history, and ties to the community; and

1 2. Consideration of the nature, circumstances, and seriousness
2 of the offense.

3 B. Following an arrest for a misdemeanor or felony offense and
4 before formal charges have been filed or an indictment made, the
5 arrested person may have bail set by the court as provided in ~~this~~
6 ~~act~~ the Pretrial Release Act; provided there are no provisions of
7 law to the contrary.

8 ~~B.~~ C. When formal charges or an indictment has been filed, bail
9 shall be set according to law and the pretrial bond, if any, may be
10 reaffirmed unless additional security is required. Every judicial
11 district may, upon the order of the presiding judge for the
12 district, establish a pretrial bail schedule for felony or
13 misdemeanor offenses, except for traffic, wildlife, or water safety
14 offenses included in subsections B, C and D of Section 1115.3 of
15 ~~Title 22 of the Oklahoma Statutes~~ this title and those offenses
16 specifically excluded herein. The bail schedule ~~established~~
17 ~~pursuant to the authority of this act~~ shall exclude any offense for
18 which bail is not allowed by law. The bail schedule ~~authorized by~~
19 ~~this act~~ shall be set in accordance with guidelines relating to bail
20 and shall be published and reviewed by March 1 of each year by the
21 courts and district attorney of the judicial district.

22 ~~C.~~ D. The court shall conduct a pretrial risk assessment to
23 assist in determining release conditions for a defendant. The
24 results of the assessment shall not be used as the sole basis to

1 grant or deny pretrial release. Upon request, results of the
2 assessment shall be provided to defense counsel.

3 E. When utilizing the results of the pretrial risk assessment
4 to determine bail or conditions of pretrial release, the court shall
5 presume the accuracy and validity of the pretrial risk assessment
6 administered pursuant to subsection D of this section and shall set
7 bail or conditions of release consistent with the risk rating
8 determined by the assessment. Such presumption may be rebutted upon
9 a showing by the state by clear and convincing evidence that
10 deviation from the results of the pretrial risk assessment is
11 necessary to:

- 12 1. Secure the appearance of the defendant as required;
13 2. Protect the safety of any other person or the community; or
14 3. Comply with a specific statutory requirement governing the
15 charged offense.

16 F. The pretrial bail shall be set in a numerical dollar amount.
17 If the person fails to appear in court as required the judge shall:

- 18 1. Rescind the bond and proceed to enter a judgment against the
19 defendant for the dollar amount of the pretrial bail if no private
20 bail was given at the time of release; provided, however, the court
21 clerk shall follow the procedures as set forth in Section 1301 et
22 seq. of Title 59 of the Oklahoma Statutes in collecting the
23 forfeiture amount against the person who fails to appear in court;
24 or

1 2. Rescind and forfeit the private bail if cash, property or
2 surety bail was furnished at the time of release as set forth in
3 Section 1301 et seq. of Title 59 of the Oklahoma Statutes.

4 ~~D.~~ G. When a pretrial program exists in the judicial district
5 where the person is being held, the ~~judge~~ court may utilize the
6 services of the pretrial release program when ordering pretrial
7 release, except when private bail has been furnished.

8 ~~E.~~ H. Upon an order for pretrial release or release on bond,
9 the person shall be released from custody without undue delay.

10 ~~F.~~ I. The court may require the person to be placed on an
11 electronic monitoring device as a condition of pretrial release.

12 ~~G.~~ J. In instances where an electronic monitoring device has
13 been ordered, the court may impose payment of a supervision fee.
14 Payment of the fee, in whole or according to a court-ordered
15 installment schedule, shall be a condition of pretrial release. The
16 court clerk shall collect the supervision fees.

17 SECTION 2. This act shall become effective November 1, 2026.

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