

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1878

6 By: Hamilton

7 COMMITTEE SUBSTITUTE

8 An Act relating to criminal procedure; defining term;
9 authorizing bail to be met with a surety bond;
10 prohibiting differing bond amounts based on type of
11 payment; requiring the Court of Criminal Appeals to
12 adopt a uniform statewide bond schedule; prohibiting
13 downward deviations from the uniform statewide bond
14 schedule; authorizing the Court of Criminal Appeals
15 to authorize downward deviations in certain
16 circumstances; authorizing judges to increase bond
17 without approval; authorizing judicial discretion in
18 individual cases; prohibiting bond in certain
19 circumstances; amending 59 O.S. 2021, Section 1334,
20 which relates to bail; prohibiting release of certain
21 defendants; making language gender neutral; updating
22 statutory language; providing for codification; and
23 providing an effective date.
24

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

19 SECTION 1. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 457.1 of Title 22, unless there
21 is created a duplication in numbering, reads as follows:

22 A. As used in this section, "bond" includes any and all forms
23 of pretrial release.
24

1 B. Any monetary or cash component of any form of pretrial
2 release may be met by a surety bond. Different monetary amounts may
3 not be set forth for cash, surety, or other forms of pretrial
4 release. Except as authorized in subsection C of this section, only
5 a judge may set, reduce, or otherwise alter a defendant's bond.
6 Upon motion of a defendant or on the court's own motion, a court may
7 reconsider the monetary component of a defendant's bond if he or she
8 is unable to post a monetary bond.

9 C. 1. Except as provided in subsection D of this section,
10 beginning January 1, 2027, and annually thereafter, the Court of
11 Criminal Appeals shall adopt a uniform statewide bond schedule for
12 misdemeanor offenses for which a person may be released on bond
13 before and in lieu of his or her initial appearance or bond
14 determination. The Court shall make the uniform statewide bond
15 schedule available to each judicial district.

16 2. The chief judge of a judicial district shall not establish a
17 local bond schedule that sets a lower bond amount than that required
18 by the uniform statewide bond schedule for the purpose of setting a
19 defendant's bond before an initial appearance or bond determination.
20 The chief judge of a judicial district may petition the Court of
21 Criminal Appeals for approval of a local bond schedule that sets a
22 lower bond amount than is required by the uniform statewide bond
23 schedule. If the Court reviews and approves the local bond
24 schedule, such schedule may be used for the purpose of setting a

1 defendant's bond before an initial appearance or bond determination
2 pending the adoption of a revised uniform statewide bond schedule
3 pursuant to paragraph 1 of this subsection.

4 3. The chief judge of a judicial district may establish a local
5 bond schedule that increases the monetary bond applicable to an
6 offense that is included in the uniform statewide bond schedule
7 adopted by the Court of Criminal Appeals. Such a deviation from the
8 uniform statewide bond schedule shall not require approval by the
9 Court.

10 4. In adopting the uniform statewide bond schedule or reviewing
11 a petition for a local bond schedule that deviates from the uniform
12 statewide bond schedule, the Court of Criminal Appeals shall
13 evaluate the amount of monetary bond necessary to protect the
14 community from risk of physical harm, to assure the presence of the
15 defendant at trial, and to protect the integrity of the judicial
16 process.

17 5. The uniform statewide bond schedule shall not bind a judge
18 in an individual case who is presiding over an initial appearance or
19 making a bond determination.

20 D. A person shall not be released before his or her initial
21 appearance or bond determination if the person:

22 1. Is currently on probation in this state or any other state
23 at the time of arrest;

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1 2. Is designated as a sex offender or sexual predator in this
2 state or any other state;

3 3. Is arrested for violating a protective injunction;

4 4. Is already on bond for any other offense;

5 5. Has, at any time prior to the current arrest, failed to
6 appear at a required court proceeding while on bond;

7 6. Has been arrested three (3) or more times in the six (6)
8 months immediately preceding his or her arrest for the current
9 offense; or

10 7. Is currently under arrest for any domestic abuse offense.

11 SECTION 2. AMENDATORY 59 O.S. 2021, Section 1334, is
12 amended to read as follows:

13 Section 1334. A. Any person in custody before a court or
14 magistrate of ~~the State of Oklahoma~~ this state subject to discretion
15 of the court may be admitted to bail on his or her personal
16 recognizance subject to such conditions as the court or magistrate
17 may reasonably prescribe to assure his or her appearance when
18 required.

19 B. When a person is admitted to bail on his or her personal
20 recognizance, the court or magistrate may determine an amount of
21 money, property, or securities which shall be paid or forfeited as a
22 penalty by the defendant for failure to comply with the terms of his
23 or her admission to bail on personal recognizance. This penalty
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1 shall be in addition to the penalties provided for in Section 1335
2 of this title.

3 C. Any person admitted to bail as ~~herein~~ provided in this
4 section shall be fully ~~appraised~~ apprised by the court or magistrate
5 of the penalties provided for failure to comply with the terms of
6 his or her recognizance and, upon a failure of compliance, a warrant
7 for the arrest of such person shall be issued ~~forthwith~~.

8 D. Any person admitted to bail as provided in this section who
9 has previously failed to comply with the terms of his or her
10 recognizance shall not be eligible for any subsequent release on his
11 or her personal recognizance.

12 SECTION 3. This act shall become effective November 1, 2026.

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