

1 **SENATE FLOOR VERSION**

2 February 24, 2026

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1618

6 By: Gollihare

7 [conditions of release - risk assessments -
8 presumption - effective date]
9

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

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

13 Section 1105.2. A. For the purposes of this section, "pretrial
14 risk assessment" means a validated actuarial assessment that
15 predicts a defendant's pretrial risk of danger to persons or the
16 community or risk of flight. The pretrial risk assessment may
17 include:

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

20 2. Consideration of the nature, circumstances, and seriousness
21 of the offense.

22 B. Following an arrest for a misdemeanor or felony offense and
23 before formal charges have been filed or an indictment made, the
24 arrested person may have bail set by the court as provided in ~~this~~

1 ~~act~~ the Pretrial Release Act; provided there are no provisions of
2 law to the contrary.

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

17 ~~C.~~ D. The court shall conduct a pretrial risk assessment to
18 assist in determining release conditions for a defendant. The
19 results of the assessment shall not be used as the sole basis to
20 grant or deny pretrial release. Upon request, results of the
21 assessment shall be provided to defense counsel.

22 E. When utilizing the results of the pretrial risk assessment
23 to determine bail or conditions of pretrial release, the court shall
24 presume the accuracy and validity of the pretrial risk assessment

1 administered pursuant to subsection D of this section and shall set
2 bail or conditions of release consistent with the risk rating
3 determined by the assessment. Such presumption may be rebutted upon
4 a showing by the state by clear and convincing evidence that
5 deviation from the results of the pretrial risk assessment is
6 necessary to:

- 7 1. Secure the appearance of the defendant as required;
- 8 2. Protect the safety of any other person or the community; or
- 9 3. Comply with a specific statutory requirement governing the
10 charged offense.

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

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

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

23 ~~D.~~ G. When a pretrial program exists in the judicial district
24 where the person is being held, the ~~judge~~ court may utilize the

1 services of the pretrial release program when ordering pretrial
2 release, except when private bail has been furnished.

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

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

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

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

13 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
14 February 24, 2026 - DO PASS AS AMENDED BY CS
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