

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1256

By: Hines

AS INTRODUCED

An Act relating to bail; amending 22 O.S. 2021, Section 1105, as amended by Section 1, Chapter 172, O.S.L. 2025 (22 O.S. Supp. 2025, Section 1105), which relates to defendant discharged on giving bail; requiring ignition interlock device for certain defendant; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 1105, as amended by Section 1, Chapter 172, O.S.L. 2025 (22 O.S. Supp. 2025, Section 1105), is amended to read as follows:

Section 1105. A. Except as otherwise provided by this section, upon the allowance of bail and the execution of the requisite recognizance, bond, or undertaking to the state, the magistrate, judge, or court shall, if the defendant is in custody, make and sign an order for discharge. The court, in its discretion, may prescribe by court rule the conditions under which the court clerk or deputy court clerk, or the sheriff or deputy sheriff, may prepare and execute an order of release on behalf of the court.

1 B. No police officer or sheriff may release a person arrested
2 for a violation of an ex parte or final protective order as provided
3 in Sections 60.2 and 60.3 of this title, or arrested for an act
4 constituting domestic abuse as specified in Section 644 of Title 21
5 of the Oklahoma Statutes, or arrested for any act constituting
6 domestic abuse, stalking, or harassment as defined by Section 60.1
7 of this title, or arrested for an act constituting domestic assault
8 and battery or domestic assault and battery with a deadly weapon
9 pursuant to Section 644 of Title 21 of the Oklahoma Statutes,
10 without the violator appearing before a magistrate, judge, or court.
11 To the extent that any of the following information is available to
12 the court, the magistrate, judge, or court shall consider, in
13 addition to any other circumstances, before determining bond and
14 other conditions of release as necessary for the protection of the
15 alleged victim, the following:

16 1. Whether the person has a history of domestic violence or a
17 history of other violent acts;

18 2. The mental health of the person;

19 3. Whether the person has a history of violating the orders of
20 any court or governmental entity;

21 4. Whether the person is potentially a threat to any other
22 person;

23 5. Whether the person has a history of abusing alcohol or any
24 controlled substance;

1 6. Whether the person has access to deadly weapons or a history
2 of using deadly weapons;

3 7. The severity of the alleged violence that is the basis of
4 the alleged offense including, but not limited to:

- 5 a. the duration of the alleged violent incident,
- 6 b. whether the alleged violent incident involved serious
7 physical injury,
- 8 c. whether the alleged violent incident involved sexual
9 assault,
- 10 d. whether the alleged violent incident involved
11 strangulation,
- 12 e. whether the alleged violent incident involved abuse
13 during the pregnancy of the alleged victim,
- 14 f. whether the alleged violent incident involved the
15 abuse of pets, or
- 16 g. whether the alleged violent incident involved forcible
17 entry to gain access to the alleged victim;

18 8. Whether a separation of the person from the alleged victim
19 or a termination of the relationship between the person and the
20 alleged victim has recently occurred or is pending;

21 9. Whether the person has exhibited obsessive or controlling
22 behaviors toward the alleged victim including, but not limited to,
23 stalking, surveillance, or isolation of the alleged victim;

1 10. Whether the person has expressed suicidal or homicidal
2 ideations; and

3 11. Any information contained in the complaint and any police
4 reports, affidavits, or other documents accompanying the complaint.

5 C. A person arrested for:

6 1. A violation of an ex parte or final protective order as
7 provided in Sections 60.2 and 60.3 of this title;

8 2. An act constituting domestic abuse, domestic assault and
9 battery, or domestic assault and battery with a deadly weapon as
10 specified in Section 644 of Title 21 of the Oklahoma Statutes; or

11 3. An act constituting domestic abuse, stalking, or harassment
12 as defined by Section 60.1 of this title,
13 shall not be eligible for a personal recognizance bond pursuant to
14 Section 1108.1 of this title.

15 D. No police officer or sheriff may release a person arrested
16 for any violation of subsection G of Section 2-401 of Title 63 of
17 the Oklahoma Statutes, without the violator appearing before a
18 magistrate, judge, or court. In determining bond and other
19 conditions of release, the magistrate, judge, or court shall
20 consider any evidence that the person is in any manner dependent
21 upon a controlled dangerous substance or has a pattern of regular,
22 illegal use of any controlled dangerous substance. A rebuttable
23 presumption that no conditions of release on bond would assure the
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1 safety of the community or any person therein shall arise if the
2 state shows by clear and convincing evidence:

3 1. The person was arrested for a violation of subsection G of
4 Section 2-401 of Title 63 of the Oklahoma Statutes, relating to
5 manufacturing or attempting to manufacture a controlled dangerous
6 substance, or possessing any of the substances listed in subsection
7 G of Section 2-401 of Title 63 of the Oklahoma Statutes with the
8 intent to manufacture a controlled dangerous substance; and

9 2. The person is in any manner dependent upon a controlled
10 dangerous substance or has a pattern of regular illegal use of a
11 controlled dangerous substance, and the violation referred to in
12 paragraph 1 of this subsection was committed or attempted in order
13 to maintain or facilitate the dependence or pattern of illegal use
14 in any manner.

15 E. No police officer or sheriff may release a person arrested
16 for a second or subsequent violation of Section 11-902 of Title 47
17 of the Oklahoma Statutes, without the granting of bail by a
18 magistrate, court, judge, or on-call judge, whether by telephone or
19 in person. In determining bond and other conditions of release, the
20 magistrate, judge, on-call judge, or court shall consider any
21 evidence that the person is in any manner dependent upon alcohol or
22 a controlled dangerous substance or has a pattern of regular abuse
23 of alcohol or the illegal use of any controlled dangerous substance.
24 If the person was arrested for any crime provided for in Section 11-

1 902 of Title 47 of the Oklahoma Statutes, the court shall consider
2 the threat the person poses to the public safety and shall present
3 written findings on the bail amount. In addition, the person shall
4 be required to use an ignition interlock device as provided by
5 subparagraph n of paragraph 1 of subsection A of Section 991a of
6 Title 22 of the Oklahoma Statutes as a condition of bail.

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

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