

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

HOUSE BILL 3756

By: Sterling

AS INTRODUCED

An Act relating to criminal procedure; 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 release on bail; modifying and deleting conditions related to bail procedures; providing appearance requirements and compliance with conditions imposed by the court; specifying compliance with certain provision of the Uniform Criminal Extradition Act; providing for advance waivers of extradition under certain circumstances; stating requirements of waiver; directing the court or magistrate to provide certain written notice to the defendant; requiring signature and acknowledgment of notice; providing for the filing of notices with bonds; declaring written acknowledgment by the defendant as consent for delivery of the defendant; construing advanced waivers as being in harmony with the Uniform Criminal Extradition Act; clarifying certain rights of defendants; providing for codification; 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~~ When a defendant is admitted to bail and, the

1 ~~execution of the requisite recognizance, bond, or undertaking to the~~  
2 ~~state, the magistrate, judge, or court shall, if shall be~~  
3 ~~conditioned upon the appearance of the defendant is in custody, make~~  
4 ~~and sign an order for discharge. The before the court, in its~~  
5 ~~discretion, may prescribe by court rule the at such times as may be~~  
6 ~~ordered and upon compliance with all lawful conditions under which~~  
7 ~~the court clerk or deputy court clerk, or the sheriff or deputy~~  
8 ~~sheriff, may prepare and execute an order of release on behalf of~~  
9 ~~imposed by the court.~~

10 B. ~~No police officer or sheriff may release a person arrested~~  
11 ~~for a violation of an ex parte or final protective order as provided~~  
12 ~~in Sections 60.2 and 60.3 of this title, or arrested for an act~~  
13 ~~constituting domestic abuse as specified in Section 644 of Title 21~~  
14 ~~of the Oklahoma Statutes, or arrested for any act constituting~~  
15 ~~domestic abuse, stalking or harassment as defined by Section 60.1 of~~  
16 ~~this title, or arrested for an act constituting domestic assault and~~  
17 ~~battery or domestic assault and battery with a deadly weapon~~  
18 ~~pursuant to Section 644 of Title 21 of the Oklahoma Statutes,~~  
19 ~~without the violator appearing before a magistrate, judge or court.~~  
20 ~~To the extent that any of the following information is available to~~  
21 ~~the court, the magistrate, judge or court shall consider, in~~  
22 ~~addition to any other circumstances, before determining bond and~~  
23 ~~other~~ In all felony cases where bail is granted, the conditions of  
24

1 release as necessary for the protection of the alleged victim, the  
2 following:

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

5 2. The mental health of the person;

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

8 4. Whether the person is potentially a threat to any other  
9 person;

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

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

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

16 a. the duration of the alleged violent incident;

17 b. whether the alleged violent incident involved serious  
18 physical injury;

19 c. whether the alleged violent incident involved sexual  
20 assault;

21 d. whether the alleged violent incident involved  
22 strangulation;

23 e. whether the alleged violent incident involved abuse  
24 during the pregnancy of the alleged victim;

1           ~~f. whether the alleged violent incident involved the~~  
2           ~~abuse of pets, or~~

3           ~~g. whether the alleged violent incident involved forcible~~  
4           ~~entry to gain access to the alleged victim;~~

5           ~~8. Whether a separation of the person from the alleged victim~~  
6           ~~or a termination of the relationship between the person and the~~  
7           ~~alleged victim has recently occurred or is pending;~~

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

11           ~~10. Whether the person has expressed suicidal or homicidal~~  
12           ~~ideations; and~~

13           ~~11. Any information contained in the complaint and any police~~  
14           ~~reports, affidavits, or other documents accompanying the complaint.~~

15           ~~C. A person arrested for:~~

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

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

21           ~~3. An act constituting domestic abuse, stalking or harassment~~  
22           ~~as defined by Section 60.1 of this title,~~  
23           ~~shall not be eligible for a personal recognizance bond pursuant to~~  
24           ~~Section 1108.1 of this title.~~

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

12       ~~1. The person was arrested for a violation of subsection G of~~  
13 ~~Section 2-401 of Title 63 of the Oklahoma Statutes, relating to~~  
14 ~~manufacturing or attempting to manufacture a controlled dangerous~~  
15 ~~substance, or possessing any of the substances listed in subsection~~  
16 ~~G of Section 2-401 of Title 63 of the Oklahoma Statutes with the~~  
17 ~~intent to manufacture a controlled dangerous substance; and~~

18       ~~2. The person is in any manner dependent upon a controlled~~  
19 ~~dangerous substance or has a pattern of regular illegal use of a~~  
20 ~~controlled dangerous substance, and the violation referred to in~~  
21 ~~paragraph 1 of this subsection was committed or attempted in order~~  
22 ~~to maintain or facilitate the dependence or pattern of illegal use~~  
23 ~~in any manner.~~

1       ~~E. No police officer or sheriff may release a person arrested~~  
2 ~~for a second or subsequent violation of Section 11-902 of Title 47~~  
3 ~~of the Oklahoma Statutes, without the granting of bail by a~~  
4 ~~magistrate, court, judge, or on-call judge, whether by telephone or~~  
5 ~~in person. In determining bond and other conditions of release, the~~  
6 ~~magistrate, judge, on-call judge or court shall consider any~~  
7 ~~evidence that the person is in any manner dependent upon alcohol or~~  
8 ~~a controlled dangerous substance or has a pattern of regular abuse~~  
9 ~~of alcohol or the illegal use of any controlled dangerous substance.~~  
10 ~~If the person was arrested for any crime provided for in Section 11-~~  
11 ~~902 of Title 47 of the Oklahoma Statutes, the court shall consider~~  
12 ~~the threat the person poses to the public safety and shall present~~  
13 ~~written findings on the bail amount~~ shall include compliance with  
14 the provisions of Section 2 of this act regarding advance waiver of  
15 extradition upon flight from the State of Oklahoma.

16       SECTION 2.       NEW LAW       A new section of law to be codified  
17 in the Oklahoma Statutes as Section 1141.31 of Title 22, unless  
18 there is created a duplication in numbering, reads as follows:

19       A. In any felony criminal proceeding in this state, when a  
20 defendant is admitted to bail, the execution or posting of bond  
21 shall constitute a knowing and voluntary agreement by the defendant  
22 that if the defendant fails to appear, as required, flees the State  
23 of Oklahoma to avoid prosecution, and is thereafter apprehended in  
24

1 another jurisdiction, the defendant waives the right to contest  
2 extradition to the State of Oklahoma.

3 B. The waiver provided for in subsection A of this section  
4 shall include a waiver of:

5 1. The issuance and service of a warrant of the Governor  
6 pursuant to the Uniform Criminal Extradition Act; and

7 2. The right to seek habeas corpus relief or other judicial  
8 proceedings challenging extradition, to the fullest extent permitted  
9 by law.

10 C. At the time bond is approved, the court or magistrate shall  
11 provide the defendant with a written notice stating the following:

12 "By posting this bond, you agree that if you fail to appear in  
13 court and are arrested in another state or territory, you waive your  
14 right to fight extradition back to Oklahoma, including the right to  
15 a warrant of the Governor and an extradition hearing."

16 The defendant shall sign an acknowledgment of receipt and  
17 understanding of the notice, which shall be filed with the bond and  
18 become part of the court record.

19 D. Upon proof that a defendant subject to this section has  
20 failed to appear and is detained in another jurisdiction, the  
21 written acknowledgment shall constitute sufficient legal consent for  
22 the immediate delivery of the defendant to authorized Oklahoma law  
23 enforcement officers.

1 E. The provisions of this section shall be construed in harmony  
2 with the Uniform Criminal Extradition Act and shall be deemed an  
3 advance implementation of the waiver authorized under Section  
4 1141.25 of Title 22 of the Oklahoma Statutes. Nothing in this  
5 section shall impair the right of a defendant to contest mistaken  
6 identity.

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

8  
9 60-2-14002 GRS 01/06/26  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24