

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 1381

By: Rader of the Senate

and

Harris of the House

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9 COMMITTEE SUBSTITUTE

10 [Pretrial Release Pilot Program - district court -
11 program requirements - procedures - bond conditions -
12 district attorney report - Pretrial Release Pilot
Assistance Revolving Fund - codification - effective
date]

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

16 SECTION 1. NEW LAW A new section of law to be codified
17 in the Oklahoma Statutes as Section 251.1 of Title 22, unless there
18 is created a duplication in numbering, reads as follows:

19 A. The Supreme Court is hereby authorized to establish a three-
20 year Pretrial Release Pilot Program to facilitate district courts in
21 conducting due process compliant individualized hearings for
22 detainees on criminal charges to determine whether they should be
23 held or released pending trial, and to set applicable release
24 conditions. The pilot program shall be implemented in a county with

1 a population of seven hundred fifty thousand (750,000) or more
2 according to the the latest Federal Decennial Census that is served
3 by an office of public defender.

4 B. The Pretrial Release Pilot Program shall require the
5 participating district court to:

6 1. Conduct a pretrial release hearing no later than forty-eight
7 (48) hours after a detainee is taken into custody, except on
8 weekends or holidays, in which case no later than seventy-two (72)
9 hours, to determine the conditions under which a detainee who is
10 incarcerated will be held or released pending trial;

11 2. At the time of booking into detention, provide notification
12 to a detainee of the upcoming pretrial release hearing and of his or
13 her rights at the hearing; and

14 3. At the pretrial release hearing:

15 a. provide appointed legal counsel unless the detainee
16 has retained counsel or has been advised of and
17 knowingly waives the assistance of counsel,

18 b. afford the detainee the opportunity to examine and
19 challenge evidence relevant to the release
20 determination presented to or considered by the court,
21 to cross-examine any witnesses, to present evidence
22 and witness testimony, and to make arguments,

23 c. give meaningful consideration and an individualized
24 determination by the judge of whether pretrial

1 detention of the detainee is necessary to ensure the
2 safety of the community or to ensure his or her return
3 to court, with the burden on the state to prove that
4 detention is necessary,

5 d. unless the detainee is to be held in detention, impose
6 the least restrictive condition or a set of
7 conditions, such as location monitoring, non-contact
8 orders, or other protective conditions, necessary to
9 reasonably prevent the risk of non-appearance and any
10 threat of physical harm to one or more members of the
11 public,

12 e. make specific findings as to financial ability of the
13 detainee to pay a secured bond, recognizing that the
14 imposition of unaffordable bail amounts to a de facto
15 order denying bail,

16 f. make audio recordings of pretrial release hearings,
17 findings and orders without the necessity of a request
18 from the detainee or his or her counsel, retained as
19 official records available for review purposes,
20 whether transcribed, with equipment and in a format
21 which will enable the preparation of a transcript, and

22 g. for orders denying bail for offenses under Section 8
23 of Article II of the Oklahoma Constitution, comply
24 with Brill v. Gurich, 965 P.2d 404.

1 C. Rules for the admissibility of evidence shall not apply at
2 pretrial release hearings.

3 D. If the detainee, his or her attorney, or the attorney for
4 the state requests the opportunity to call witnesses who are not
5 currently present or available, the court may render an initial
6 decision and continue the pretrial release hearing for up to three
7 (3) days, exclusive of weekends and holidays.

8 E. For detainees who are released on conditions other than cash
9 bail, the court shall require the attorney for the detainee to
10 ensure that the detainee is registered on the text messaging service
11 provided by the Supreme Court to receive text reminders before each
12 scheduled court appearance or to file a declaration opting out of
13 the service on a form provided by the district court.

14 F. Any secured or partially secured bond condition shall be
15 deemed an order denying bail unless the court finds the defendant
16 has the present ability to pay the secured portion of the bond.

17 G. The district attorney in the county where the pilot program
18 is implemented shall display quarterly on the district attorney's
19 official website the following information:

- 20 1. Total number of pretrial release hearings held;
- 21 2. Total number of people released;
- 22 3. Reasons for release;
- 23 4. Length of time from booking into detention to hearing; and

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1 5. Total number of people returned to custody for failure to
2 appear, violation of conditions, new offense, or other reasons.

3 H. The "Pretrial Release Pilot Assistance Revolving Fund" is
4 hereby created in the State Treasury for the Administrative Office
5 of the Courts. The fund shall be a continuing fund, not subject to
6 fiscal year limitations, and shall consist of all monies
7 appropriated to or otherwise received by the Administrative Office
8 of the Courts for the Pretrial Release Pilot Program from funds
9 appropriated to the fund, federal funds, gifts, donations, and
10 grants. All monies accruing to the credit of the fund are hereby
11 appropriated and may be budgeted and expended by the Administrative
12 Office of the Courts for the purpose of contracting with a district
13 court to provide a Pretrial Release Pilot Program. Expenditures
14 from the fund shall be made upon warrants issued by the State
15 Treasurer against claims filed as prescribed by law with the
16 Director of the Office of Management and Enterprise Services for
17 approval and payment.

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

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