

STATE OF OKLAHOMA

2nd Session of the 60th Legislature (2026)

SENATE BILL 1618

By: Gollihare

AS INTRODUCED

An Act relating to the Pretrial Release Act; amending 22 O.S. 2021, Section 1105.2, which relates to conditions of release; requiring judicial districts to utilize certain risk assessments; requiring assessment to be provided to certain counsel; requiring assessment to include certain information; requiring consideration of certain factors; creating certain presumption; allowing rebuttal of presumption under certain circumstances; updating statutory language; updating statutory references; and providing an effective date.

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

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

Section 1105.2. A. Following an arrest for a misdemeanor or felony offense and before formal charges have been filed or an indictment made, the arrested person may have bail set by the court as provided in ~~this act~~ the Pretrial Release Act; provided there are no provisions of law to the contrary.

B. When formal charges or an indictment has been filed, bail shall be set according to law and the pretrial bond, if any, may be reaffirmed unless additional security is required. Every judicial district may, upon the order of the presiding judge for the

1 district, establish a pretrial bail schedule for felony or  
2 misdemeanor offenses, except for traffic, wildlife, or water safety  
3 offenses included in subsections B, C and D of Section 1115.3 of  
4 ~~Title 22 of the Oklahoma Statutes~~ this title and those offenses  
5 specifically excluded herein. The bail schedule ~~established~~  
6 ~~pursuant to the authority of this act~~ shall exclude any offense for  
7 which bail is not allowed by law. The bail schedule ~~authorized by~~  
8 ~~this act~~ shall be set in accordance with guidelines relating to bail  
9 and shall be published and reviewed by March 1 of each year by the  
10 courts and district attorney of the judicial district.

11 C. Each judicial district shall utilize a validated pretrial  
12 risk assessment tool to produce a risk rating to be presented to the  
13 court that determines release conditions prior to the arrested  
14 person's initial appearance before a court. Results of the  
15 assessment shall be provided to counsel for the defendant prior to  
16 the initial appearance. The validated risk assessment tool shall  
17 include:

18 1. Information related to the defendant's:

- 19 a. criminal history,
- 20 b. ties to the community,
- 21 c. substance abuse history,
- 22 d. risk of flight, and
- 23 e. risk of danger to persons or the community; and

24 2. Consideration of the:

- a. nature and circumstances of the offense,
- b. seriousness of the offense, and
- c. weight of the evidence against the defendant.

D. When determining bail or conditions of pretrial release, the court shall presume the accuracy and validity of the pretrial risk assessment administered pursuant to subsection C of this section and shall set bail or conditions of release consistent with the risk rating determined by the assessment. Such presumption may be rebutted upon a showing by the state by clear and convincing evidence that deviation from the recommendation of the pretrial risk assessment is necessary to:

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

E. If the court deviates from the recommendation of the validated pretrial risk assessment, the court shall state on the record or in a written order, the specific facts and evidence relied upon to rebut the presumption and the reasons such evidence demonstrates the necessity for deviation.

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

1. Rescind the bond and proceed to enter a judgment against the defendant for the dollar amount of the pretrial bail if no private

1 bail was given at the time of release; provided, however, the court  
2 clerk shall follow the procedures as set forth in Section 1301 et  
3 seq. of Title 59 of the Oklahoma Statutes in collecting the  
4 forfeiture amount against the person who fails to appear in court;  
5 or

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

9 ~~D.~~ G. When a pretrial program exists in the judicial district  
10 where the person is being held, the ~~judge~~ court may utilize the  
11 services of the pretrial release program when ordering pretrial  
12 release, except when private bail has been furnished.

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

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

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

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