

1 ENGROSSED HOUSE
2 BILL NO. 1294

By: Miller of the House

3 and

4 Coleman of the Senate

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7 [criminal procedure - requiring counsel for
8 defendant at initial appearance - effective date]
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12 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

13 SECTION 1. AMENDATORY 22 O.S. 2011, Section 453, is
14 amended to read as follows:

15 Section 453. ~~When his~~ Whether or not the personal appearance of
16 a defendant is necessary, if he ~~be~~ or she is in custody, the court
17 ~~may~~ shall direct the officer in whose custody ~~he~~ the defendant is to
18 bring him ~~before it to be arraigned, and the officer must do so~~
19 ~~accordingly~~ or her before the court as soon as possible, but in no
20 case later than forty-eight (48) hours after being taken into
21 custody, inclusive of weekends and holidays. The defendant shall be
22 entitled to counsel at the initial appearance.

23 SECTION 2. AMENDATORY 22 O.S. 2011, Section 458, is
24 amended to read as follows:

1 Section 458. A. If the offense charged is bailable the court,
2 upon directing the bench warrant to issue, must fix the amount of
3 bail and an endorsement must be made on the bench warrant and signed
4 by the clerk, to the following effect:

5 The defendant is to be admitted to bail in the sum of
6 Dollars.

7 B. At his or her initial appearance, the defendant shall be
8 entitled to counsel and a determination of his or her ability to pay
9 the bail fixed in the warrant.

10 SECTION 3. AMENDATORY 22 O.S. 2011, Section 470, is
11 amended to read as follows:

12 Section 470. The arraignment of the defendant shall be held
13 within ~~thirty (30) days~~ forty-eight (48) hours after the defendant
14 is ~~ordered held for trial~~ taken into custody upon a preliminary
15 information charging the commission of a felony; ~~provided, for good~~
16 ~~cause, the court may set a later date.~~ The defendant shall be
17 entitled to counsel at the arraignment and shall be provided a copy
18 of the charge against him or her. The court shall schedule a
19 preliminary hearing in applicable cases.

20 SECTION 4. This act shall become effective November 1, 2019.
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1 Passed the House of Representatives the 11th day of March, 2019.

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4 Presiding Officer of the House
5 of Representatives

6 Passed the Senate the ____ day of _____, 2019.

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9 Presiding Officer of the Senate