

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 57th Legislature (2019)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1294

 By: Miller

8 COMMITTEE SUBSTITUTE

9 An Act relating to criminal procedure; amending 22
10 O.S. 2011, Sections 453 and 458, which relate to
11 officers bringing persons in custody to court and
12 fixing amount of bail; providing gender-neutral
13 language; establishing time limitation for certain
14 court appearances; requiring counsel for defendant at
15 initial appearance; directing court to determine
16 ability of defendant to pay bail; amending 22 O.S.
17 2011, Section 470, which relates to arraignment
18 procedures; decreasing time limitation for
19 arraignment of defendants taken into custody;
20 requiring counsel for defendant at arraignment;
21 directing court to schedule preliminary hearing when
22 applicable; and providing an effective date.

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

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

 Section 453. ~~When his~~ Whether or not the personal appearance of
a defendant is necessary, if he ~~be~~ or she is in custody, the court
~~may shall~~ direct the officer in whose custody ~~he~~ the defendant is to
~~bring him before it to be arraigned, and the officer must do so~~

1 accordingly or her before the court as soon as possible, but in no
2 case later than forty-eight (48) hours after being taken into
3 custody, inclusive of weekends and holidays. The defendant shall be
4 entitled to counsel at the initial appearance.

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

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

11 The defendant is to be admitted to bail in the sum of
12 Dollars.

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

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

18 Section 470. The arraignment of the defendant shall be held
19 within ~~thirty (30) days~~ forty-eight (48) hours after the defendant
20 is ~~ordered held for trial~~ taken into custody upon a preliminary
21 information charging the commission of a felony; ~~provided, for good~~
22 ~~cause, the court may set a later date.~~ The defendant shall be
23 entitled to counsel at the arraignment and shall be provided a copy
24

1 of the charge against him or her. The court shall schedule a
2 preliminary hearing in applicable cases.

3 SECTION 4. This act shall become effective November 1, 2019.

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5 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02/27/2019 - DO
6 PASS, As Amended.

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