

1 **CORRECTED**

2 STATE OF OKLAHOMA

3 2nd Session of the 57th Legislature (2020)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1382

By: Taylor

7
8 COMMITTEE SUBSTITUTE

9
10 An Act relating to bail bondsmen; amending 59 O.S.
11 2011, Section 1327, as last amended by Section 1,
12 Chapter 270, O.S.L. 2019 (59 O.S. Supp. 2019, Section
13 1327), which relates to hold orders; providing for
14 certain reimbursement; and providing an effective
15 date.

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

17 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1327, as
18 last amended by Section 1, Chapter 270, O.S.L. 2019 (59 O.S. Supp.
19 2019, Section 1327), is amended to read as follows:

20 Section 1327. A. At any time before there has been a breach of
21 the undertaking in any type of bail provided herein, the surety or
22 bondsman or a licensed bail enforcer pursuant to a client contract
23 authorized by the Bail Enforcement and Licensing Act may surrender
24 the defendant, or the defendant may surrender himself or herself, to
the official to whose custody the defendant was committed at the

1 time bail was taken, or to the official into whose custody the
2 defendant would have been given had he or she been committed. The
3 defendant may be surrendered without the return of premium for the
4 bond if he or she has been guilty of nonpayment of premium, changes
5 address without notifying his or her bondsman, conceals himself or
6 herself, leaves the jurisdiction of the court without the permission
7 of his or her bondsman, or violates his or her contract with the
8 bondsman in any way that does harm to the bondsman, or the surety,
9 or violates his or her obligation to the court. When a bondsman or
10 surety, or a licensed bail enforcer, surrenders a defendant pursuant
11 to this subsection, the bondsman or surety shall file written
12 notification of the surrender. After surrender, and upon filing of
13 written notification of the surrender, the bond shall be exonerated
14 and the clerk shall enter a minute in the case exonerating the bond.

15 B. If the defendant has been placed in custody of another
16 jurisdiction, the district attorney shall direct a hold order to the
17 official, judge or law enforcement agency where the defendant is in
18 custody. All reasonable expenses accrued in returning the defendant
19 to the original court shall be borne by the bondsman who posted the
20 bond with that court; provided, however, except for instances
21 whereby the defendant is transported by a contracted transport
22 company, reasonable expenses shall mean the actual miles traveled in
23 transporting the defendant at a rate equal to the current Internal
24 Revenue Service standard mileage rate and any expenses agreed upon

1 prior to the transport. Upon application, the bond in the original
2 court shall be exonerated when the hold order is placed and upon
3 proof of payment of expenses by the bondsman.

4 C. If the defendant has been arrested on new charges and is in
5 the custody of the same jurisdiction in which the bondsman or surety
6 has posted an appearance bond or bonds for the defendant, and the
7 bond or bonds have not been exonerated, and certified copies of
8 bonds are not reasonably available, the bondsman or surety may
9 recommit the defendant to be held in custody on the charges for
10 which the bondsman or surety has previously posted appearance bonds
11 thereon, in accordance with the following procedure:

12 1. On a Recommitment of Defendant by Bondsman form approved by
13 the Administrative Office of the Courts, the bondsman or surety
14 shall personally affix his or her signature to an affidavit
15 attesting to the following:

- 16 a. the defendant is presently in the custody of the
17 jurisdiction in which the bondsman or surety has
18 posted a bond or bonds,
- 19 b. the case number, if any, assigned to each bond,
- 20 c. that the bond or bonds have not been exonerated, and
- 21 d. the specific charges and bond amount or amounts;

22 2. The bondsman or surety shall present the Recommitment of
23 Defendant by Bondsman form to the official in whose custody the
24 defendant is being held, and the official shall detain the defendant

1 in his or her custody, thereon, as upon a commitment, and by a
2 certificate in writing acknowledging the surrender; and

3 3. When a bondsman or surety recommits a defendant pursuant to
4 this subsection, the bondsman or surety shall file a written
5 notification thereof to the court, and after such notification, the
6 bond or bonds shall be exonerated, and the clerk shall enter a
7 minute in the case exonerating the bond or bonds.

8 D. When a defendant does appear before the court as required by
9 law and enters a plea of guilty or nolo contendere, is sentenced or
10 a deferred sentence is granted as provided for in Section 991c of
11 Title 22 of the Oklahoma Statutes, or deferred prosecution is
12 granted as provided by law, in such event the undertaking and
13 bondsman and insurer shall be exonerated from further liability.

14 E. The bond shall be exonerated by operation of law in any case
15 in which the defendant has been arrested on new charges in the same
16 jurisdiction in which the bondsman or insurer has posted the
17 appearance bond or bonds for the defendant, and the defendant has
18 been subsequently released on his or her own personal recognizance.

19 F. The bond shall be exonerated by operation of law in any case
20 in which the defendant has been arrested and there is an added
21 charge to a case that would result in a higher fine or longer term
22 of sentence if convicted, or an amendment to a charge that would
23 result in a higher fine or longer term of sentence if convicted;
24 provided, however, any premium paid by the defendant to the bondsman

1 or insurer from the original charge shall be at the same premium
2 rate and shall be credited to the defendant if the same bondsman or
3 insurer posts the appearance bond or bonds on the added or amended
4 charge.

5 SECTION 2. This act shall become effective November 1, 2020.

6

7 57-2-11548 SD 02/27/20

8

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24