

STATE OF OKLAHOMA

2nd Session of the 59th Legislature (2024)

HOUSE BILL 3782

By: George

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 1101, as amended by Section 1, Chapter 117, O.S.L. 2022 (22 O.S. Supp. 2023, Section 1101), which relates to persons authorized to take bail; providing for the denial of release on bond under certain circumstances; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 1101, as amended by Section 1, Chapter 117, O.S.L. 2022 (22 O.S. Supp. 2023, Section 1101), is amended to read as follows:

Section 1101. A. Except as otherwise provided by law, bail, by sufficient sureties, shall be admitted upon all arrests in criminal cases where the offense is not punishable by death and in such cases it may be taken by any of the persons or courts authorized by law to arrest, to imprison offenders or to perform pretrial services, or by the clerk of the district court or his or her deputy, or by the judge of such courts.

1 B. In criminal cases where the defendant is currently an
2 escaped prisoner from the Department of Corrections, the defendant
3 must be processed back into the Department of Corrections prior to
4 bail being set on new criminal charges.

5 C. All persons shall be bailable by sufficient sureties, except
6 that bail may be denied for:

7 1. Capital offenses when the proof of guilt is evident, or the
8 presumption thereof is great;

9 2. Violent offenses;

10 3. Offenses where the maximum sentence may be life imprisonment
11 or life imprisonment without parole;

12 4. Felony offenses where the person charged with the offense
13 has been convicted of two or more felony offenses arising out of
14 different transactions; and

15 5. Controlled dangerous substances offenses where the maximum
16 sentence may be at least ten (10) years' imprisonment.

17 On all offenses specified in paragraphs 2 through 5 of this
18 subsection, the proof of guilt must be evident, or the presumption
19 must be great, and it must be on the grounds that no condition of
20 release would assure the safety of the community or any person.

21 D. There shall be a rebuttable presumption that no condition of
22 release would assure the safety of the community if the state shows
23 by clear and convincing evidence that the person was arrested for a
24 violation of Section 741 of Title 21 of the Oklahoma Statutes.

1 E. If the person was arrested for any crime provided for in the
2 Protection from Domestic Abuse Act or a violent crime provided for
3 in Section 571 of Title 57 of the Oklahoma Statutes, the court shall
4 be responsible for assessing prior patterns of abuse and shall
5 present written findings on the bail amount.

6 F. There shall be a rebuttable presumption that no conditions
7 of release on bond would assure the safety of the community or any
8 person therein if the state shows by clear and convincing evidence
9 that:

10 1. The person was arrested for a violent offense and released
11 on bond; and

12 2. While out on said bond, the person was subsequently arrested
13 and charged for a violent crime as set forth for in Section 571 of
14 Title 57 of the Oklahoma Statutes.

15 SECTION 2. This act shall become effective November 1, 2024.

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