

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                                   STATE OF OKLAHOMA

3                                   2nd Session of the 59th Legislature (2024)

4 COMMITTEE SUBSTITUTE  
5 FOR  
6 HOUSE BILL NO. 3782

By: George

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8                                   COMMITTEE SUBSTITUTE

9                   An Act relating to criminal procedure; amending 22  
10 O.S. 2021, Section 1101, as amended by Section 1,  
11 Chapter 117, O.S.L. 2022 (22 O.S. Supp. 2023, Section  
12 1101), which relates to persons authorized to take  
13 bail; providing for the denial of release on bond  
14 under certain circumstances; and providing an  
15 effective date.

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

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

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

1 the clerk of the district court or his or her deputy, or by the  
2 judge of such courts.

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

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

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

11 2. Violent offenses;

12 3. Offenses where the maximum sentence may be life imprisonment  
13 or life imprisonment without parole;

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

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

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

23 D. There shall be a rebuttable presumption that no condition of  
24 release would assure the safety of the community if the state shows

1 by clear and convincing evidence that the person was arrested for a  
2 violation of Section 741 of Title 21 of the Oklahoma Statutes.

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

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

12 1. The person was arrested for a violent offense and was  
13 released on bond; and

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

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

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19 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated  
20 02/07/2024 - DO PASS, As Amended.

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