

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 58th Legislature (2022)

4 ENGROSSED SENATE
5 BILL NO. 1545

 By: Leewright and Bullard of
 the Senate

6 and

7 Roberts (Dustin) of the
8 House

9
10 [bail -ailable offenses - court making certain
11 determination - burden of proof to overcome certain
12 presumption - public safety report system -
 information on court website - codification -
 effective date - emergency]

14
15 ~~BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:~~

16 SECTION 1. AMENDATORY 22 O.S. 2021, Section 1101, is
17 amended to read as follows:

18 Section 1101. A. Except as otherwise provided by law, bail, by
19 sufficient sureties, shall be admitted upon all arrests in criminal
20 cases where the offense is not punishable by death and in such cases
21 it may be taken by any of the persons or courts authorized by law to
22 arrest, to imprison offenders or to perform pretrial services, or by
23 the clerk of the district court or his or her deputy, or by the
24 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. When setting bail and conditions of release, the primary
2 consideration of the court shall be the safety of the public and a
3 presumption against a personal recognizance release or release on an
4 unsecured bond may only be overcome by clear and convincing evidence
5 that the person is not a flight risk or danger to the public. In
6 making such determination, the court shall consider whether:

7 1. The person has been convicted of a sexual offense, violent
8 offense, or other felony within the past five (5) years;

9 2. The person is currently on release on another pending
10 charge;

11 3. The person is currently on probation or parole;

12 4. The person has been charged with possession of a firearm
13 when disqualified to do so based on a prior felony conviction;

14 5. The person has failed to appear as required in the current
15 matter; and

16 6. The person has failed to appear as required any time in the
17 previous three (3) years.

18 SECTION 2. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1116.1 of Title 22, unless there
20 is created a duplication in numbering, reads as follows:

21 A. The Administrative Office of the Courts shall develop and
22 maintain a public safety report system that is available for use for
23 purposes of Section 3 of this act. The public safety report system
24 shall:

1 1. Provide the defendant's name and date of birth or, if
2 impracticable, other identifying information, the cause number of
3 the case, if available, and the offense for which the defendant was
4 arrested;

5 2. Provide information on the eligibility of the defendant for
6 a personal recognizance bond;

7 3. Provide information regarding the applicability of any
8 required or discretionary bond conditions;

9 4. Provide, in summary form, the criminal history of the
10 defendant including information regarding any:

11 a. previous misdemeanor or felony convictions,

12 b. pending charges,

13 c. previous sentences imposing a term of confinement,

14 d. previous convictions or pending charges for violent
15 offenses or offenses involving violence directed
16 against a peace officer, and

17 e. previous failures of the defendant to appear in court
18 following release on bail; and

19 5. Be designed to collect and maintain information designed to
20 report to the Legislature and the public on the bail system.

21 C. The Administrative Office of the Courts shall provide access
22 to the public safety report system to the appropriate officials in
23 each county and each municipality at no cost. This subsection shall
24 not be construed to require the Administrative Office of the Courts

1 to provide an official or magistrate with any equipment or support
2 related to accessing or using the public safety report system.

3 D. The public safety report system shall not:

4 1. Be the only item relied on by a judge or magistrate in
5 making a bail decision;

6 2. Include a score, rating, or assessment of the defendant's
7 risk or make any recommendation regarding the appropriate bail for
8 the defendant; or

9 3. Include any information other than the information required
10 by subsection B of this section.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 1161.2 of Title 22, unless there
13 is created a duplication in numbering, reads as follows:

14 A. A judicial officer at initial appearance to consider the
15 release on bail of a defendant charged with an offense punishable as
16 a felony offense shall consider the public safety report system
17 developed under Section 2 of this act and shall utilize the system
18 to prepare a public safety report with respect to the defendant.
19 Such public safety report shall be provided to the judicial officer
20 setting bail and conditions of release as soon as practicable but no
21 later than forty-eight (48) hours after the defendant's arrest. The
22 judicial officer shall consider such report when making a
23 determination on bail and conditions of release.

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1 B. In his or her discretion, a judicial officer may order,
2 prepare, or consider a public safety report as required in
3 subsection A of this section in setting bail and conditions of
4 release for a defendant charged with a misdemeanor.

5 SECTION 4. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 1161.3 of Title 22, unless there
7 is created a duplication in numbering, reads as follows:

8 A. The clerk of a court setting bail in criminal cases shall
9 report to the Administrative Office of the Courts:

10 1. The number of defendants for whom bail was set after arrest
11 including:

- 12 a. the number for each category of offense,
- 13 b. the number of personal recognizance bonds, and
- 14 c. the number of surety or cash bonds;

15 2. The number of defendants released on bail, personal
16 recognizance, pretrial services, or cash bond who subsequently
17 failed to appear;

18 3. The number of defendants released on bail, personal
19 recognizance, pretrial services, or cash bond who subsequently
20 violated a condition of release; and

21 4. The number of defendants who committed an offense while
22 released on bail, community supervision, or any other type of
23 pretrial services.

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1 B. The Administrative Office of the Courts shall post the
2 information provided as required by subsection A of this section on
3 the court website without disclosing any personal information of any
4 defendant, judge, or magistrate.

5 C. No later than October 1 of each year, with the previous
6 eight quarters of data to be reported on October 1, 2022, the
7 Administrative Office of the Courts shall submit a report containing
8 the data collected pursuant to this section during the preceding
9 fiscal year to the Governor, the President Pro Tempore of the
10 Senate, and the Speaker of the House of Representatives.

11 D. Beginning October 1, 2022, with the previous eight quarters
12 of data to be reported on October 1, 2022, each pretrial services
13 program shall provide an annual report to the Administrative Office
14 of the Courts no later than October 1 of each year. Such report
15 shall include but not be limited to:

16 1. The total number of pretrial assessments performed by the
17 program and submitted to the court;

18 2. The total number of closed cases by the program in which the
19 person was released from custody and supervised by the program;

20 3. The total number of closed cases in which the person was
21 released from custody, was supervised by the program, and appeared
22 for all scheduled court appearances on the case while under
23 supervision;

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1 4. The total number of closed cases in which the person was
2 released from custody, was supervised by the program, and was not
3 charged with a new criminal offense that was alleged to have
4 occurred while under supervision and that carried the possibility of
5 a sentence to jail or imprisonment;

6 5. The total number of closed cases in which the person was
7 released from custody and was supervised by the program, and the
8 person's bond was not revoked by the court due to a violation of any
9 other terms and conditions of supervision;

10 6. For all new crimes committed by defendants supervised by the
11 program, a complete listing of all of the new crime or crimes
12 alleged to have been committed by defendants, without identifying
13 information, while on supervision by the program; and

14 7. Any additional information the Administrative Office of the
15 Courts may request.

16 E. For the reports required pursuant to subsection D of this
17 section, the pretrial services program shall include information
18 detailing the number of persons released on a commercial surety bond
19 in addition to pretrial supervision, the number of persons released
20 on a cash, private surety, or property bond in addition to pretrial
21 supervision, and the number of persons released on any form of a
22 personal recognizance bond in addition to pretrial supervision.

23 SECTION 5. This act shall become effective July 1, 2022.
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1 SECTION 6. It being immediately necessary for the preservation
2 of the public peace, health or safety, an emergency is hereby
3 declared to exist, by reason whereof this act shall take effect and
4 be in full force from and after its passage and approval.

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6 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY - CRIMINAL, dated
7 04/13/2022 - DO PASS, As Amended.
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