

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 ENGROSSED SENATE
5 BILL NO. 44

By: Hicks of the Senate

and

6 Strom of the House
7
8

9 An Act relating to criminal procedure; amending 22
10 O.S. 2011, Section 209, which relates to failure to
11 appear; requiring dismissal of charges and warrant
12 for failure to appear upon certain showing; updating
13 outline; making language gender neutral; and
14 providing an effective date.

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

16 SECTION 1. AMENDATORY 22 O.S. 2011, Section 209, is
17 amended to read as follows:

18 Section 209. ~~(1)~~ A. A law enforcement officer who has arrested
19 a person on a misdemeanor charge or violation of city ordinance,
20 without a warrant, may issue a citation to such person to appear in
21 court.

22 ~~(2)~~ B. In issuing a citation hereunder the officer shall
23 proceed as follows:
24

1 ~~(a)~~ He 1. The officer shall prepare a written citation to
2 appear in court, containing the name and address of the cited person
3 and the offense charged, and stating when the person shall appear in
4 court. Unless the person requests an earlier date, the time
5 specified in the citation to appear shall be at least five (5) days
6 after the issuance of the citation.

7 ~~(b)~~ 2. One copy of the citation to appear shall be delivered to
8 the person cited, and such person shall sign a duplicate written
9 citation which shall be retained by the officer.

10 ~~(c)~~ 3. The officer shall thereupon release the cited person
11 from any custody.

12 ~~(d)~~ 4. As soon as practicable, the officer shall file one copy
13 of the citation with the court specified therein and shall deliver
14 one copy to the prosecuting attorney.

15 ~~(3)~~ C. In any case in which the judicial officer finds
16 sufficient grounds for issuing a warrant, he or she may issue a
17 summons commanding the defendant to appear in lieu of a warrant.

18 ~~(4)~~ D. If a person summoned fails to appear in response to the
19 summons, a warrant for his or her arrest shall issue, and any person
20 who willfully fails to appear in response to a summons is guilty of
21 a misdemeanor; provided, however, any charges or warrant for failure
22 to appear shall be dismissed if the person can show the court that
23 the person was incarcerated or otherwise detained by law enforcement
24 at the time of the failure to appear.

SECTION 2. This act shall become effective November 1, 2021.

COMMITTEE REPORT BY: COMMITTEE ON CRIMINAL JUSTICE AND CORRECTIONS,
dated 04/01/2021 - DO PASS.