

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2   **CORRECTED**

3   STATE OF OKLAHOMA

4   2nd Session of the 57th Legislature (2020)

5                   COMMITTEE SUBSTITUTE  
6                   FOR  
7                   HOUSE BILL NO. 1382

  By: **West (Kevin)**

8  
9   COMMITTEE SUBSTITUTE

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  
  certain reimbursement; and providing an effective  
  date.

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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                   bondsmen 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

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

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

1 Revenue Service standard mileage rate and any expenses agreed upon  
2 prior to the transport. Upon application, the bond in the original  
3 court shall be exonerated when the hold order is placed and upon  
4 proof of payment of expenses by the bondsman.

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

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

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

23 2. The bondsman or surety shall present the Recommitment of  
24 Defendant by Bondsman form to the official in whose custody the

1 defendant is being held, and the official shall detain the defendant  
2 in his or her custody, thereon, as upon a commitment, and by a  
3 certificate in writing acknowledging the surrender; and

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

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

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

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

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

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

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8 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/02/2020 - DO PASS,  
9 As Amended and Coauthored.

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