

1 STATE OF OKLAHOMA

2 2nd Session of the 56th Legislature (2018)

3 CONFERENCE COMMITTEE
4 SUBSTITUTE
5 FOR ENGROSSED
6 HOUSE BILL NO. 2621

By: West (Kevin) of the House
and
Leewright of the Senate

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9 CONFERENCE COMMITTEE SUBSTITUTE

10 An Act relating to professions and occupations;
11 amending 59 O.S. 2011, Sections 1327, as last amended
12 by Section 2, Chapter 16, O.S.L. 2016 (59 O.S. Supp.
13 2017, Section 1327), which relates to bail bondsmen;
14 specifying rate for certain travel costs for which
15 bail bondsmen bear under certain circumstances; and
16 providing an effective date.

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

18 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1327, as
19 last amended by Section 2, Chapter 16, O.S.L. 2016 (59 O.S. Supp.
20 2016, Section 1327), is amended to read as follows:

21 Section 1327. A. At any time before there has been a breach of
22 the undertaking in any type of bail provided herein, the surety or
23 bondsman or a licensed bail enforcer pursuant to a client contract
24 authorized by the Bail Enforcement and Licensing Act may surrender
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, which shall include, except for instances
22 whereby the defendant is transported by a contracted transport
23 company, the actual miles traveled in transporting the defendant at
24 a rate equal to the IRS Federal Mileage Rate. Upon application, the

1 bond in the original court shall be exonerated when the hold order
2 is placed and upon proof of payment of expenses by the bondsman.

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

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

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

21 2. The bondsman or surety shall present the Recommitment of
22 Defendant by Bondsman form to the official in whose custody the
23 defendant is being held, and the official shall detain the defendant
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1 in his or her custody, thereon, as upon a commitment, and by a
2 certificate in writing acknowledging the surrender; and

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

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

14 SECTION 2. This act shall become effective November 1, 2018.

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