

1 STATE OF OKLAHOMA

2 1st Session of the 55th Legislature (2015)

3 SENATE BILL 282

By: Newberry

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5
6 AS INTRODUCED

7 An Act relating to exoneration of bonds; amending 59
8 O.S. 2011, Section 1327, as amended by Section 23,
9 Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2014, Section
10 1327), which relates to surrender of defendant and
11 exoneration of bond; modifying circumstances required
12 for exoneration of certain bonds; and providing an
13 effective date.

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

15 SECTION 1. AMENDATORY 59 O.S. 2011, Section 1327, as
16 amended by Section 23, Chapter 407, O.S.L. 2013 (59 O.S. Supp. 2014,
17 Section 1327), is amended to read as follows:

18 Section 1327. A. At any time before there has been a breach of
19 the undertaking in any type of bail provided herein, the surety or
20 bondsman or a licensed bail enforcer pursuant to a client contract
21 authorized by the Bail Enforcement and Licensing Act may surrender
22 the defendant, or the defendant may surrender himself or herself, to
23 the official to whose custody the defendant was committed at the
24 time bail was taken, or to the official into whose custody the
defendant would have been given had he or she been committed. The

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

14 B. If the defendant has been placed in custody of another
15 jurisdiction, the district attorney shall direct a hold order to the
16 official, judge or law enforcement agency where the defendant is in
17 custody. All reasonable expenses accrued in returning the defendant
18 to the original court shall be borne by the bondsman who posted the
19 bond with that court. Upon application, the bond in the original
20 court shall be exonerated when the hold order is placed and upon
21 proof of payment of expenses by the bondsman.

22 C. If the defendant has been arrested on new charges and is in
23 the custody of the same jurisdiction in which the bondsman or surety
24 has posted an appearance bond or bonds for the defendant, and the

1 bond or bonds have not been exonerated, and certified copies of
2 bonds are not reasonably available, the bondsman or surety may
3 recommit the defendant to be held in custody on the charges for
4 which the bondsman or surety has previously posted appearance bonds
5 thereon, in accordance with the following procedure:

6 1. On a Recommitment of Defendant by Bondsman form approved by
7 the Administrative Office of the Courts, the bondsman or surety
8 shall personally affix his or her signature to an affidavit
9 attesting to the following:

10 a. the defendant is presently in the custody of the
11 jurisdiction in which the bondsman or surety has
12 posted a bond or bonds,

13 b. the case number, if any, assigned to each bond,

14 c. that the bond or bonds have not been exonerated, and

15 d. the specific charges and bond amount or amounts;

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

21 3. When a bondsman or surety recommits a defendant pursuant to
22 this subsection, the bondsman or surety shall file a written
23 notification thereof to the court, and after such notification, the

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1 bond or bonds shall be exonerated, and the clerk shall enter a
2 minute in the case exonerating the bond or bonds.

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

9 SECTION 2. This act shall become effective November 1, 2015.

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