

1 STATE OF OKLAHOMA

2 1st Session of the 58th Legislature (2021)

3 SENATE BILL 44

By: Hicks

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5  
6 AS INTRODUCED

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

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

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

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

20 ~~(2)~~ B. In issuing a citation hereunder the officer shall  
21 proceed as follows:

22 ~~(a)~~ He 1. The officer shall prepare a written citation to  
23 appear in court, containing the name and address of the cited person  
24 and the offense charged, and stating when the person shall appear in  
25 court. Unless the person requests an earlier date, the time

1 specified in the citation to appear shall be at least five (5) days  
2 after the issuance of the citation.

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

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

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

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

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

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

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23 58-1-462

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