

1 **SENATE FLOOR VERSION**

2 February 23, 2021

3 SENATE BILL NO. 44

By: Hicks of the Senate

4 and

5 Strom of the House

6
7
8 An Act relating to criminal procedure; amending 22
9 O.S. 2011, Section 209, which relates to failure to
10 appear; requiring dismissal of charges and warrant
11 for failure to appear upon certain showing; updating
12 outline; making language gender neutral; and
13 providing an effective date.

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

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

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

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

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

1 court. Unless the person requests an earlier date, the time
2 specified in the citation to appear shall be at least five (5) days
3 after the issuance of the citation.

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

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

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

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

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

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

23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY
24 February 23, 2021 - DO PASS