

# An Act

ENROLLED SENATE  
BILL NO. 44

By: Hicks of the Senate

and

Strom of the House

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

SUBJECT: Criminal procedure

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

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

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

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

~~(a)~~ He 1. The officer shall prepare a written citation to appear in court, containing the name and address of the cited person and the offense charged, and stating when the person shall appear in court. Unless the person requests an earlier date, the time specified in the citation to appear shall be at least five (5) days after the issuance of the citation.

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

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

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

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

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

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

Passed the Senate the 1st day of March, 2021.

\_\_\_\_\_  
Presiding Officer of the Senate

Passed the House of Representatives the 12th day of April, 2021.

\_\_\_\_\_  
Presiding Officer of the House  
of Representatives

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_

Approved by the Governor of the State of Oklahoma this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

\_\_\_\_\_  
Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this \_\_\_\_\_

day of \_\_\_\_\_, 20\_\_\_\_\_, at \_\_\_\_\_ o'clock \_\_\_\_\_ M.

By: \_\_\_\_\_