

1                   **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2                   STATE OF OKLAHOMA

3                   1st Session of the 60th Legislature (2025)

4                   ENGROSSED SENATE  
5                   BILL NO. 981

6                   By: Gollihare of the Senate

7                   and

8                   Ford of the House

9                   An Act relating to bail; amending 22 O.S. 2021,  
10                  Section 1101, as last amended by Section 1, Chapter  
11                  54, O.S.L. 2024 (22 O.S. Supp. 2024, Section 1101),  
12                  which relates to offenses bailable; authorizing  
                    denial of bail under certain circumstance; updating  
                    statutory reference; updating statutory language; and  
                    providing an effective date.

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

16                  SECTION 1.       AMENDATORY       22 O.S. 2021, Section 1101, as

17                  last amended by Section 1, Chapter 54, O.S.L. 2024 (22 O.S. Supp.  
18                  2024, Section 1101), is amended to read as follows:

19                  Section 1101. A. Except as otherwise provided by law, bail, by  
20                  sufficient sureties, shall be admitted upon all arrests in criminal  
21                  cases where the offense is not punishable by death and in such cases  
22                  it may be taken by any of the persons or courts authorized by law to  
23                  arrest, to imprison offenders or to perform pretrial services, or by

1 the clerk of the district court or his or her deputy, or by the  
2 judge of such courts.

3       B. In criminal cases where the defendant is currently an  
4 escaped prisoner from the Department of Corrections, the defendant  
5 must be processed back into the Department of Corrections prior to  
6 bail being set on new criminal charges.

7       C. All persons shall be bailable by sufficient sureties, except  
8 that bail may be denied for:

9           1. Capital offenses when the proof of guilt is evident, or the  
10 presumption thereof is great;

11           2. Violent offenses;

12           3. Offenses where the maximum sentence may be life imprisonment  
13 or life imprisonment without parole;

14           4. Felony offenses where the person charged with the offense  
15 has been convicted of two or more felony offenses arising out of  
16 different transactions; and

17           5. Controlled dangerous substances offenses where the maximum  
18 sentence may be at least ten (10) years' imprisonment; and

19           6. Driving under the influence of alcohol or other intoxicating  
20 substance if such person has previously been convicted with two  
21 felonies for driving under the influence of alcohol or other  
22 intoxicating substance.

23       On all offenses specified in paragraphs 2 through § 6 of this  
24 subsection, the proof of guilt must be evident, or the presumption

1 must be great, and it must be on the grounds that no condition of  
2 release would assure the safety of the community or any person.

3 D. There shall be a rebuttable presumption that no condition of  
4 release would assure the safety of the community if the state shows  
5 by clear and convincing evidence that the person was arrested for a  
6 violation of Section 741 of Title 21 of the Oklahoma Statutes.

7 E. If the person was arrested for any crime provided for in the  
8 Protection from Domestic Abuse Act or a violent crime provided for  
9 in Section 571 of Title 57 of the Oklahoma Statutes, the court shall  
10 be responsible for assessing prior patterns of abuse and shall  
11 present written findings on the bail amount.

12 F. There shall be a rebuttable presumption that no conditions  
13 of release on bond would assure the safety of the community or any  
14 person therein if the state shows by clear and convincing evidence  
15 that:

16 1. The person was arrested for a violent offense and released  
17 on bond; and

18 2. While out on ~~said~~ bond, the person was subsequently arrested  
19 and charged for a violent crime as set forth for in Section 571 of  
20 Title 57 of the Oklahoma Statutes.

21 SECTION 2. This act shall become effective November 1, 2025.

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23 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY, dated  
24 04/17/2025 - DO PASS.