

An Act

ENROLLED HOUSE
BILL NO. 2041

By: Nichols, Echols, and Hefner
of the House

and

Treat of the Senate

An Act relating to criminal procedure; amending 22 O.S. 2021, Sections 177 and 185, which relate to arrests and appearances before magistrates; authorizing the issuance of verbal warnings for misdemeanor arrest warrants; providing for the documentation of verbal warnings; 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. 2021, Section 177, is amended to read as follows:

Section 177. If the offense charged in the warrant be a misdemeanor and the defendant ~~be arrested in another county, the officer must, upon being required by the defendant,~~ comes in contact with a law enforcement officer in another county, the law enforcement officer may:

1. Issue a verbal warning about the existence of the warrant and further advise the defendant to contact the clerk of the court for the purpose of resolving the outstanding warrant. All verbal warnings shall be documented by the law enforcement officer on a department-issued warning ticket; or

2. Arrest the defendant and take ~~him~~ the defendant before a magistrate in that county, or the image of the defendant may be broadcast by closed circuit television to the magistrate, as provided in Section 176 of this title, who must admit the defendant to bail and take bail ~~from him~~ accordingly.

SECTION 2. AMENDATORY 22 O.S. 2021, Section 185, is amended to read as follows:

Section 185. If the offense charged in the warrant issued, ~~pursuant to the second preceding section~~ is a misdemeanor, the law enforcement officer ~~must upon being required by the defendant, take him~~ may:

1. Issue a verbal warning about the existence of the warrant and further advise the defendant to contact the clerk of the court for the purpose of resolving the outstanding warrant. All verbal warnings shall be documented by the law enforcement officer on a department-issued warning ticket; or

2. Take the defendant before a magistrate of the county in which the warrant was issued, who must admit the defendant to bail, and immediately transmit the warrant, complaint, depositions, if any, and undertaking, to the clerk of the court in which the defendant is required to appear.

SECTION 3. This act shall become effective November 1, 2023.

Passed the House of Representatives the 21st day of March, 2023.

Presiding Officer of the House
of Representatives

Passed the Senate the 27th day of April, 2023.

Presiding Officer of the Senate

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: _____