

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 2041

By: Nichols

6  
7 COMMITTEE SUBSTITUTE

8 An Act relating to criminal procedure; amending 22  
9 O.S. 2021, Sections 177 and 185, which relate to  
10 arrests and appearances before magistrates;  
11 authorizing the issuance of verbal warnings for  
12 misdemeanor arrest warrants; providing for the  
13 documentation of verbal warnings; and providing an  
14 effective date.

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

16 SECTION 1. AMENDATORY 22 O.S. 2021, Section 177, is  
17 amended to read as follows:

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

23 1. Issue a verbal warning about the existence of the warrant  
24 and further advise the defendant to contact the clerk of the court  
for the purpose of resolving the outstanding warrant. All verbal

1 warnings shall be documented by the law enforcement officer on a  
2 department-issued warning ticket; or

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

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

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

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

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

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

59-1-7794            GRS            02/28/23