

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

COMMITTEE SUBSTITUTE  
FOR ENGROSSED  
SENATE BILL NO. 671

BY: WEEDN of the SENATE

and

WILLIAMS of the HOUSE

COMMITTEE SUBSTITUTE AN ACT RELATING TO PROSECUTION COSTS OF OFFENSES  
COMMITTED BY INMATES; AMENDING 22 O.S. 1991, SECTION 1277, WHICH  
RELATES TO COSTS AND EXPENSES OF CRIMINAL PROSECUTIONS; MODIFYING  
STATUTORY REFERENCES; DELETING LANGUAGE; ADDING LANGUAGE; CHANGING  
REFERENCE TO TREATMENT CENTER; PROVIDING EXCEPTION FOR INMATES  
ASSIGNED TO THE PREPAROLE CONDITIONAL SUPERVISION PROGRAM; REQUIRING  
APPROPRIATE STATE AGENCY TO FILE CLAIM IN HABEAS CORPUS PROCEEDINGS;  
REMOVING REQUIREMENT FOR WARDEN OR SUPERINTENDENT TO CERTIFY AMOUNT  
OF FUNDS AVAILABLE BEFORE DISPOSITION; AND PROVIDING AN EFFECTIVE  
DATE.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1277, is  
amended to read as follows:

Section 1277. ~~From and after the passage and approval of this  
act, the~~ A. The cost and expenses of criminal prosecutions  
conducted in any county where a penal institution, community

~~treatment~~ correction center or state training school is located in this state ~~for~~ shall be paid by the State of Oklahoma when the prosecution involves:

1. A violation of any criminal law committed by any prisoner housed in any penal institution, community ~~treatment~~ correction center or state training school of this state, ~~;~~ or

2. A crime committed in furtherance of an escape, flight or concealment as a fugitive from any penal institution, community correction center or state training school.

B. The cost and expenses in subsection A of this section shall be payable whether the prisoner is confined therein, permitted to be at large as a trusty or otherwise, ~~except those.~~ However, this section shall not apply to charges for crimes committed by prisoners classified as inmates in the House Arrest Program as defined by Section 502 of Title 57 of the Oklahoma Statutes, ~~or in the furtherance of an escape, flight, or concealment as a fugitive from any penal institution, community treatment center or state training school and the~~ assigned to the Preparole Conditional Supervision Program as defined in Section 365 of Title 57 of the Oklahoma Statutes.

C. The cost of any habeas corpus proceedings instituted by any prisoner of any penal institution, community ~~treatment~~ correction center or state training school shall also be charged to paid by the State of Oklahoma and shall be paid for out of any funds provided for the support and maintenance of the institution of which the person committing such crime, or instituting such habeas corpus proceedings, is a prisoner, ~~.~~

D. The costs of this section shall be paid by the appropriate state agency upon the filing of a verified and itemized claim therefor by the district attorney conducting such prosecution, or the court clerk of such county in the cases of habeas corpus

~~proceedings~~ from the court clerk of the county where the proceedings were held.

~~Provided that the costs~~ E. The cost and expenses of any such criminal prosecution, shall be payable regardless of whether the case be tried, dismissed, or otherwise ~~disposed of,~~ concluded. Cost and expenses for purposes of this section shall include the expense and charge of removing, delivering, and keeping the prisoner, the per diem allowance and mileage and expense including meals and lodging of the jury trying the case and the per diem allowance and mileage of the whole panel of jurors in attendance during the trial, stenographer's fees, and the per diem, fees and mileage of sheriff, court and jury bailiffs during the time said case is on trial, witness fees and mileage where the same are required by law to be paid by the county, and such other expenses as are incident to the trial, ~~as well as the fee of any attorney appointed by the court under authority of Sections 464 and 1271 of this title, to defend in such a criminal prosecution. It is further provided that the warden or superintendent of such institution shall certify to the district attorney filing such case, in each such case, that there is sufficient funds on hand for payment of costs and expenses as above set forth, prior to final disposition thereof.~~

SECTION 2. This act shall become effective September 1, 1992.

43-2-9497

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