

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

HOUSE BILL NO. 1336

BY: MITCHELL

AS INTRODUCED

AN ACT RELATING TO FEES; AMENDING 28 O.S. 1981, SECTION 153, AS LAST AMENDED BY SECTION 1, CHAPTER 151, O.S.L. 1990, SECTION 11, CHAPTER 273, O.S.L. 1983, AND SECTION 2, CHAPTER 151, O.S.L. 1990 (28 O.S. SUPP. 1990, SECTIONS 153, 153.1 AND 153.2), WHICH RELATE TO COSTS IN CRIMINAL CASES; MODIFYING CERTAIN COSTS; PROVIDING FOR COST OF ARREST IN CERTAIN CASES AND PROVIDING FOR APPOINTMENT OF COSTS; PROVIDING FOR AMOUNTS TO BE COLLECTED FOR THE COUNTY LAW LIBRARY FUND, PURSUANT TO A DUPLICATE SECTION OF LAW; REPEALING 28 O.S. 1981, SECTION 153, AS LAST AMENDED BY SECTION 3, CHAPTER 109, O.S.L. 1990 (28 O.S. SUPP. 1990, SECTION 153), WHICH IS A DUPLICATE SECTION OF LAW RELATING TO COURT COSTS IN CRIMINAL CASES; PROVIDING AN EFFECTIVE DATE; AND DECLARING AN EMERGENCY.

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

SECTION 1. AMENDATORY 28 O.S. 1981, Section 153, as last amended by Section 1, Chapter 151, O.S.L. 1990 (28 O.S. Supp. 1990, Section 153), is amended to read as follows:

Section 153. A. The clerks of the courts shall collect as costs in every criminal case for each offense of which the defendant is convicted, irrespective of whether or not the sentence is deferred, the following flat charges and no more, except for charges otherwise provided for by law, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants, orders, and other services to date of judgment:

1. For each defendant convicted of
a misdemeanor, including
violation of any traffic
law, other than for driving
under the influence of alcohol
or other intoxicating substance,
whether charged
individually or conjointly
with others ~~\$57.00~~
\$60.00

2. For each defendant convicted of
a felony, other than for driving
under the influence of alcohol or
other intoxicating substance,
whether charged
individually or conjointly
with others ~~\$77.00~~
\$80.00

3. For each defendant convicted of
the misdemeanor of driving under
the influence of alcohol or other
intoxicating substance, whether

charged individually or
conjointly with others ~~\$157.00~~
\$203.00

4. For each defendant convicted of the
felony of driving under the influence
of alcohol or other intoxicating
substance, whether charged individually
or conjointly with others ~~\$157.00~~
\$203.00

5. For the services of a court reporter at
each trial held in the case \$20.00

6. For each time a jury is requested\$30.00

7. A sheriff's fee for serving or
endeavoring to serve each
writ, warrant, order,
process, command, or
notice or pursuing any
fugitive from justice \$20.00 or
mileage as established
by the Oklahoma
Statutes, whichever
is greater.

B. Of the amount collected pursuant to paragraphs 1 through 4
of subsection A of this section, the sum of Three Dollars (\$3.00)
shall be deposited to the credit of the county Law Library Fund
pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
Statutes.

C. Prior to conviction, parties in criminal cases shall not be
required to pay, advance, or post security for the issuance or
service of process to obtain compulsory attendance of witnesses.
These fees shall be deposited into the court fund except that the
sheriff's fee provided for in this section and the amount for the

Sheriff's Service Fee Account provided for in ~~Section 2~~ Sections 153.1 and 153.2 of this ~~act~~ title, when collected, shall be transferred to the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county in which arrest is made or service is made or attempted, and the amount provided for in Section 153.1 of this title if the arrest is made by a member of the Oklahoma Highway Patrol shall be transferred to the State Treasury to be credited to the Department of Public Safety Revolving Fund.

SECTION 2. AMENDATORY Section 11, Chapter 273, O.S.L. 1983 (28 O.S. Supp. 1990, Section 153.1), is amended to read as follows:

Section 153.1 A. In any case in which a defendant is charged with driving under the influence of alcohol or other intoxicating substance within a municipality with a municipal court other than a court of record, one-half (1/2) of the costs charged in said case as provided for in Section 153 of ~~Title 28 of the Oklahoma Statutes~~ this title shall be paid to the municipality to be used to defer the cost of such prosecution to the municipality if the arresting officer was an employee of the municipality's law enforcement agency.

B. In any case in which a defendant is arrested and charged with driving under the influence of alcohol or other intoxicating substance:

1. If the arrest was made by a county sheriff or deputy sheriff, one-tenth (1/10) of the costs charged in the case shall be paid to the Sheriff's Service Fee Account of the sheriff of the county in which the arrest was made, to defer the cost of arrest. This amount shall be in lieu of the amount provided for in Section 153.2 of this title, but shall be in addition to the fee provided for in paragraph 6 of subsection A of Section 153 of this title; or

2. If the arrest was made by a member of the Oklahoma Highway Patrol, one-tenth (1/10) of the costs charged in the case shall be paid to the State Treasury to the credit of the Department of Public Safety Revolving Fund to defer the cost of arrest.

SECTION 3. AMENDATORY Section 2, Chapter 151, O.S.L. 1990 (28 O.S. Supp. 1990, Section 153.2), is amended to read as follows:

Section 153.2 ~~In~~ Except as provided in Section 153.1 of this title, in any criminal case in which a defendant is arrested for a violation of state law, Five Dollars (\$5.00) of the costs charged in said case as provided for in Section 153 of ~~Title 28 of the Oklahoma Statutes~~ this title shall be paid to the Sheriff's Service Fee Account of the sheriff of the county in which the arrest was made. This fee shall be in addition to the fee authorized by paragraph 6 of subsection A of Section 153 of ~~Title 28 of the Oklahoma Statutes~~ this title and shall be used to defer the costs associated with arrest.

SECTION 4. REPEALER 28 O.S. 1981, Section 153, as last amended by Section 3, Chapter 109, O.S.L. 1990 (28 O.S. Supp. 1990, Section 153), is hereby repealed.

SECTION 5. This act shall become effective July 1, 1991.

SECTION 6. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

43-1-5651 SD