

STATE OF OKLAHOMA

2nd Session of the 43rd Legislature (1992)

HOUSE BILL NO. 2317

BY: TYLER

AS INTRODUCED

AN ACT RELATING TO CRIMINAL FINES AND ASSESSMENTS;
AMENDING 20 O.S. 1991, SECTION 1313.3, WHICH
RELATES TO FINGERPRINTING FEE; UPDATING STATUTORY
REFERENCE; AMENDING 22 O.S. 1991, SECTION 1115.3,
WHICH RELATES TO STATE TRAFFIC-RELATED OFFENSES AND
BAIL; UPDATING STATUTORY REFERENCE; AMENDING 28
O.S. 1991, SECTION 153, WHICH RELATES TO COURT
COSTS IN CRIMINAL CASES; MODIFYING LANGUAGE;
AMENDING 47 O.S. 1991, SECTION 11-807, WHICH
RELATES TO CHARGING VIOLATIONS; UPDATING STATUTORY
REFERENCE; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 20 O.S. 1991, Section 1313.3, is amended to read as follows:

Section 1313.3 A. In addition to the penalty assessment imposed by Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title any person convicted of any offense punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration, excluding parking and standing violations, or any person forfeiting bond when charged with such offense, shall be ordered by the court to pay a

fingerprinting fee in the amount of Three Dollars (\$3.00) for each offense for the A.F.I.S. Fund in the State Treasury. The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense. The court shall provide for separate bail for the fee; provided that a defendant admitted to bail on an undertaking by a surety may include the amount of the fee in the undertaking. The fee shall be collected at the same time and in the same manner as the penalty assessment provided for in Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title. Each court clerk shall be authorized to retain six cents (\$0.06) of each fee collected. At such time as the indebtedness for the purchase of the automated fingerprint identification system equipment has been satisfied by the Oklahoma State Bureau of Investigation the three-dollar fee provided for in this section shall be reduced to Two Dollars (\$2.00) and the amount each court clerk shall be authorized to retain from each fee collected shall be reduced to four cents (\$0.04). The court clerk shall deposit the fee collected pursuant to this section in the account provided for in subsection D of Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title and shall forward the amounts imposed by this section and Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title as a lump sum in one check or draft. The deposits required by this section shall be included in the total amount of money disclosed in the report required by Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title, but it shall not be required that the fee be listed as a separate item. Beginning July 1, 1990, Two Dollars and seventy cents (\$2.70) of each penalty assessment received pursuant to this section by the State Treasurer shall be deposited in the A.F.I.S. Fund and twenty-four cents (\$0.24) shall be deposited in the General Revenue Fund. At such time as the fee is reduced from Three Dollars (\$3.00) to Two Dollars (\$2.00), One Dollar and eighty cents (\$1.80) of the money received

pursuant to this section by the State Treasurer shall be deposited in the A.F.I.S. Fund and sixteen cents (\$0.16) shall be deposited to the General Revenue Fund.

B. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred judgment or suspended sentence; and

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty.

SECTION 2. AMENDATORY 22 O.S. 1991, Section 1115.3, is amended to read as follows:

Section 1115.3 A. The court shall prescribe the amount of bail for the following state traffic-related offenses:

1. Any felony;

2. Negligent homicide;

3. Driving or being in actual physical control of a motor vehicle while impaired by or under the influence of alcohol or other intoxicating substances;

4. Eluding or attempting to elude a law enforcement officer;

5. Driving while license is under suspension, revocation, denial or cancellation;

6. Failure to stop or remain at the scene of an accident; and

7. Any other traffic violation for which a defendant is delivered to the judge of the court as magistrate pursuant to the provisions of Section 1115.2 of this title, or other law.

B. The amount of bail for an overweight offense shall be as provided for in subsection C of Section 1115.2 of this title together with the amount of fine and costs, including any penalty assessment provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~1 of this act~~ 1313.3 of Title 20 of the Oklahoma Statutes.

C. The amount of bail for other state traffic-related offenses shall be the amount of fine and costs including any penalty assessments provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~1 of this act~~ 1313.3 of Title 20 of the Oklahoma Statutes.

D. The amount of bail for a state wildlife-related or water safety-related offense shall be the amount of fine and costs including any penalty assessment provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~1 of this act~~ 1313.3 of Title 20 of the Oklahoma Statutes.

E. On or before September 1 of each year, the Administrative Office of the Courts shall prepare a schedule of amounts to be received as bail for each offense pursuant to subsections B, C and D of this section and shall distribute the schedule to the Department of Public Safety, each district court clerk in this state and to other interested parties upon request.

F. The district court clerk, unless otherwise directed by the court, shall accept bail or the payment of a fine and costs in the form of currency or personal, cashier's, traveler's, certified or guaranteed bank check, or postal or commercial money order for the amount prescribed in this section for bail.

G. The district court clerk shall accept as bail a guaranteed arrest bond certificate issued by a surety company, an automobile club or trucking association, if:

1. the issuer is authorized to do business in this state by the State Insurance Commissioner;

2. the certificate is issued to and signed by the arrested person;

3. the certificate contains a printed statement that appearance of such person is guaranteed and the issuer, in the event of failure of such person to appear in court at the time of trial, will pay any fine or forfeiture imposed; and

4. the limit provided on the certificate equals or exceeds the amount of bail provided for in this section.

SECTION 3. AMENDATORY 28 O.S. 1991, Section 153, is amended to read as follows:

Section 153. 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:

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 \$70.00

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 \$90.00

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 \$170.00
 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 \$170.00
 For the services of a court reporter at
 each trial held in the case \$20.00
 For each time a jury is requested \$30.00
 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.

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 provided for in Section 153.2 of this 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 service is made or attempted. Thirteen Dollars (\$13.00) of the fee collected for every criminal case for each offense of which the defendant is convicted, irrespective of whether ~~or not~~ the sentence is deferred, shall be dedicated to the Indigent Defense System Revolving Fund.

SECTION 4. AMENDATORY 47 O.S. 1991, Section 11-807, is amended to read as follows:

Section 11-807. (a) In every charge of violation of any speed regulation in this article, the complaint, also the summons or notice to appear, shall specify the speed at which the defendant is alleged to have driven, also the maximum speed applicable within the district or at the location.

(b) The provision of this article declaring maximum speed limitations shall not be construed to relieve the plaintiff in any action from the burden of proving negligence on the part of the defendant as the proximate cause of an accident.

(c) Every person convicted of violating any provision of ~~Article VIII,~~ Sections 11-801 to 11-807, inclusive, of this title shall be guilty of a misdemeanor and upon conviction shall be fined in a sum of not less than Ten Dollars (\$10.00) and not more than Two Hundred Dollars (\$200.00), or shall be sentenced to serve a term of not less than five (5) days nor more than thirty (30) days in jail, or by both such fine and imprisonment.

SECTION 5. This act shall become effective September 1, 1992.

43-2-7788

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