

STATE OF OKLAHOMA

1st Session of the 43rd Legislature (1991)

SENATE BILL NO. 236

BY: HENDRICK

AS INTRODUCED

AN ACT RELATING TO CITIES AND TOWNS; AMENDING 11 O.S. 1981, SECTIONS 14-111 AND 28-102, AS LAST AMENDED BY SECTIONS 1 AND 2, CHAPTER 141, O.S.L. 1990 (11 O.S. SUPP. 1990, SECTIONS 14-111 AND 28-102), WHICH RELATE TO VIOLATIONS OF MUNICIPAL ORDINANCES; MODIFYING AMOUNT OF FINES TO BE LEVIED BY CERTAIN COURTS; AND PROVIDING EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 11 O.S. 1981, Section 14-111, as last amended by Section 1, Chapter 141, O.S.L. 1990 (11 O.S. Supp. 1990, Section 14-111), is amended to read as follows:

Section 14-111. A. The governing body of a municipality may provide for enforcement of its ordinances and establish fines, penalties, or imprisonment, as authorized by subsections B through D of this section, for any offense in violation of its ordinances, which shall be recoverable with costs of suit. The governing body may provide that any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas, and public grounds of the municipality, subject to the direction of the street commissioner or

other proper officer, at a rate per day as the governing body may prescribe by ordinance, but not less than Five Dollars (\$5.00) per day for useful labor, until the fine or costs are satisfied.

B. Cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00) and costs or imprisonment not exceeding ninety (90) days or both the fine and imprisonment, but shall not have authority to enact any ordinance making unlawful an act or omission declared by state statute to be punishable as a felony. ~~Provided, that cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.~~

C. Municipalities having a municipal court not of record may enact ordinances prescribing maximum fines of Two Hundred Dollars (\$200.00) and costs pursuant to the provisions of Section 27-126 of this title or imprisonment not exceeding thirty (30) days or both the fine and imprisonment, provided that municipalities having only a municipal court not of record shall not have authority to enact any ordinance making unlawful any act or omission declared by state statute to be punishable as a felony. A municipal ordinance may not impose a penalty, including fine and costs, which is greater than that established by statute for the same offense. Provided, that municipalities having a municipal court not of record may enact ordinance prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.

D. Municipalities having both municipal criminal courts of record and municipal courts not of record may enact ordinances, within the authority of this section, for both such courts.

E. No municipality may levy a fine of over Fifty Dollars (\$50.00) until it has compiled and published its penal ordinances as required in Sections 14-109 and 14-110 of this title.

SECTION 2. AMENDATORY 11 O.S. 1981, Section 28-102, as last amended by Section 2, Chapter 141, O.S.L. 1990 (11 O.S. Supp. 1990, Section 28-102), is amended to read as follows:

Section 28-102. A. The municipal criminal courts of record shall have original jurisdiction to hear and determine all prosecutions when a violation of any of the ordinances of the city where the court is established is charged, as provided by Article VII, Section 1 of the Oklahoma Constitution.

B. Except in cases when the penalty provided for the violation of an ordinance does not exceed a fine in the amount of ~~One Hundred Dollars (\$100.00)~~ One Thousand Five Hundred Dollars (\$1,500.00), all persons charged before such municipal criminal court of record shall be entitled to a trial by jury, unless waived by the defendant. Judgment and sentence imposed by the judge shall be as effective as if the same had been rendered and imposed by a jury.

C. The maximum punishment which may be levied in any municipal criminal court of record is a fine not exceeding ~~Five Hundred Dollars (\$500.00)~~ Two Thousand Dollars (\$2,000.00) and costs, an imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. ~~Provided, that any municipal criminal court of record may levy a fine not to exceed One Thousand Dollars (\$1,000.00) and costs, an imprisonment not to exceed ninety (90) days, or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.~~ A municipal ordinance may not impose a penalty greater than that established by state statute for the same offense.

D. When a defendant has been in jeopardy for the same or any lesser included offense in the municipal criminal court of record or district court, he shall not be prosecuted in any other court for the same or a lesser included offense.

SECTION 3. This act shall become effective September 1, 1991.

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