

ENROLLED HOUSE
BILL NO. 1337

By: Settle of the House

and

Dickerson of the Senate

An Act relating to cities and towns; amending 11 O.S. 1991, Section 27-118, which relates to failing to appear according to terms of bond; modifying bond forfeiture requirements; providing for costs to be included in certain judgment; modifying certain procedures district court to follow in certain circumstances; amending 11 O.S. 1991, Section 28-123, which relates to municipal criminal courts of record; modifying certain probation term; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 27-118, is amended to read as follows:

Section 27-118. If, without sufficient excuse, a defendant fails to appear according to the terms or conditions of ~~his~~ a bond, either for hearing, arraignment, trial or judgment, or upon any other occasion when his presence in court or before the magistrate may be lawfully required, bond forfeiture shall follow the procedures set forth in Section 1332 of Title 59 of the Oklahoma Statutes, or the judge may direct that fact to be entered upon the court minutes, thereby issue an order declaring the bond to be forfeited and stating the reasons therefor. ~~Without advancing court costs, the~~ The judge shall ~~then~~ cause the forfeiture to be certified to the district court in the county where the ~~situs of the~~ municipal government is located, where it shall be entered upon the judgment docket, including cost, and shall have the full force and effect of a district court judgment. ~~At such time as~~ When the forfeiture is entered upon the district court judgment docket, the district court clerk shall proceed in accordance with the provisions of Sections ~~1330 through 1333 and 1335~~ 1332 and 1333 of Title 59 of the Oklahoma Statutes. A surety shall have all remedies available under the provisions of Section 1108 of Title 22 and Sections 1301 through 1340 of Title 59 of the Oklahoma Statutes. Court costs shall be collectible from the proceeds of the bond.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 28-123, is amended to read as follows:

Section 28-123. A. All sentences of imprisonment shall be executed by the chief of police of the city, and any person convicted of a violation of any ordinance of the city and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the city, in the discretion of the court, for the time specified in the sentence. All persons who shall be convicted in the court of violation of any ordinance of the city and sentenced to pay a fine and costs, who shall refuse to pay such fine or costs, shall be

imprisoned in the jail of the city for one (1) day for each Two Dollars (\$2.00) of the fine and costs assessed.

B. The judge of the municipal criminal court of record imposing a judgment and sentence, at his discretion, is empowered to modify, reduce, or suspend or defer the imposition of such sentence or any part thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Upon completion of the probation term following a deferred sentence, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and said charge be dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty.

C. The judge of the municipal court of record may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of such period of time the judge may allow the city attorney to amend the charge to a lesser offense.

D. If a deferred sentence is imposed, an administrative fee of One Hundred Dollars (\$100.00) may be imposed as costs in the case.

SECTION 3. This act shall become effective July 1, 1993.

SECTION 4. 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.

Passed the House of Representatives the 17th day of May, 1993.

Speaker of the House of
Representatives

Passed the Senate the 21st day of May, 1993.

President of the Senate