SHORT TITLE: Indigent defense; consideration of ability to pay and hardship; effective date.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 567 By: Hendrick

AS INTRODUCED

An Act relating to indigent criminal defendants; amending Section 23, Chapter 303, O.S.L. 1992 (19 O.S. Supp. 1992, Section 138.10), which relates to levy and collection of costs for representation of indigent criminal defendants; requiring consideration of ability to pay and likely hardship in assessment of costs of representation; conforming language; and providing an effective date.

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

SECTION 1. AMENDATORY Section 23, Chapter 303, O.S.L. 1992 (19 O.S. Supp. 1992, Section 138.10), is amended to read as follows:

Section 138.10 A. The court shall order any person represented by a county indigent defender to pay the costs ~~for~~ of representation. In assessing these costs, the court shall take into consideration the ability of the defendant to pay and any likely hardship which would result. The court may then order payment to be made in total or in installments and, in the case of installment payments, set the amount and due date of each installment.

~~Said fees~~ B. Costs assessed pursuant to this section shall be collected by the court clerk and deposited in the court fund.

~~Said fee~~ C. Costs of representation shall be a debt against the person represented until paid and shall be subject to any method provided by law for the collection of debts.

D. For purposes of collection of debts arising from the provisions of this section, the court clerks for the district courts of this state are authorized to utilize the procedures provided in Section 205.2 of Title 68 of the Oklahoma Statutes in the same manner and to the same extent as a state agency and the Oklahoma Tax Commission is directed to provide the same service to court clerks attempting to collect such debts pursuant to Section 205.2 of Title 68 of the Oklahoma Statutes as it provides to state agencies.

SECTION 2. This act shall become effective September 1, 1993.

44-1-0705 KS