

SHORT TITLE: Fees; relating to court costs; ratifying payment of certain fees and costs to certain fund; noncodification; emergency.

STATE OF OKLAHOMA

1st Session of the 44th Legislature (1993)

SENATE BILL NO. 7

By: Smith

AS INTRODUCED

An Act relating to district court fees; amending 28 O.S. 1991, Section 153, as last amended by Section 11, Chapter 357, O.S.L. 1992 (28 O.S. Supp. 1992, Section 153), which relates to court costs; providing for deposit of certain fees and costs to certain fund; ratifying payment of certain fees and costs to certain fund; providing for noncodification; and declaring an emergency.

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

SECTION 1. AMENDATORY 28 O.S. 1991, Section 153, as last amended by Section 11, Chapter 357, O.S.L. 1992 (28 O.S. Supp. 1992, 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 exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour, whether charged individually or conjointly with others \$57.00

2. For each defendant convicted of misdemeanor, including violation of any traffic law, other than for driving under the influence of alcohol or other intoxicating substance or an offense provided for in paragraph 1 of this subsection, whether charged individually or conjointly with others \$70.00
3. 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
4. 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
5. 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
6. For the services of a court reporter at each trial held in the case \$20.00
7. For each time a jury is requested \$30.00
8. 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 5 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 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.

~~C.~~ D. Forty-six Dollars and fifty cents (\$46.50) of the fee collected for every traffic case for each offense of which the defendant is convicted, irrespective of whether or not the sentence is deferred, shall be transmitted to the State Treasurer for deposit into the General Revenue Fund.

~~D.~~ E. Costs required to be collected pursuant to this section shall not be dismissed or waived.

~~E.~~ F. As used in this section, "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.

~~F.~~ G. Payment for any fee for violation of any traffic law may be made by a nationally recognized credit card issued to the applicant. The court clerk may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of such payment as a service charge for the acceptance of such credit card. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate or by any other name, issued with or without fee by an issuer for the use of the

cardholder in obtaining goods, services or anything else of value and which is accepted by over one thousand (1,000) merchants in this state. The court clerk shall determine which nationally recognized credit cards will be accepted as payment for fees; provided, the court clerk must ensure that no loss of state revenue will occur by the use of such card.

SECTION 2. Any payments of funds pursuant to subsection B of Section 3, Chapter 109, O.S.L. 1990, made prior to the effective date of this act are hereby ratified and approved.

SECTION 3. The provisions of Section 2 of this act shall not be codified in the Oklahoma Statutes.

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.

44-1-0042

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