

ENGROSSED HOUSE AMENDMENT

TO

ENGROSSED SENATE BILL NO. 1061

By: Wilkerson, Gustafson and
Littlefield of the
Senate

and

Askins of the House

An Act relating to representation of indigents;

amending Section 23, Chapter 303, O.S.L. 1992, as
amended by Section 1, Chapter 28, O.S.L. 1995 (19
O.S. Supp. 1995, Section 138.10), which relates to
public defender costs of representation; * * *
providing an effective date; and declaring an
emergency.

AUTHORS: Add the following House Coauthors: Blackburn, Graves,
Hastings, Hutchison, Kirby, Rhodes, Sadler, Satterfield,
Smith (Dale), Stites and Weaver

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill
and insert

"An Act relating to representation of indigents; amending
Section 23, Chapter 303, O.S.L. 1992, as amended by
Section 1, Chapter 28, O.S.L. 1995 (19 O.S. Supp. 1995,
Section 138.10), which relates to public defender costs of
representation; modifying language; amending 22 O.S. 1991,
Section 1355.14, as last amended by Section 4, Chapter
229, O.S.L. 1994 (22 O.S. Supp. 1995, Section 1355.14),
which relates to Indigent Defense System costs of
representation; providing for lien and foreclosure against
all real and personal property; providing an effective
date; and declaring an emergency.

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

SECTION 1. AMENDATORY Section 23, Chapter 303, O.S.L. 1992, as amended by Section 1, Chapter 28, O.S.L. 1995 (19 O.S. Supp. 1995, 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 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.

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

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. Any order directing the defendant to pay costs of representation shall be a lien against all real and personal property of the defendant and may be filed against such property and foreclosed as provided by law for such liens.

E. 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. AMENDATORY 22 O.S. 1991, Section 1355.14, as last amended by Section 4, Chapter 229, O.S.L. 1994 (22 O.S. Supp. 1995, Section 1355.14), is amended to read as follows:

Section 1355.14 A. The court shall order any person represented by an attorney employed by the Indigent Defense System

or a defense attorney who contracts or volunteers to represent indigents pursuant to the provisions of the Indigent Defense Act, Section 1355 et seq. of this title, to pay the costs for representation in total or in installments and, in the case of installment payments, set the amount and due date of each installment. The Executive Director or a designee of the Executive Director shall document for the court the total costs for representation.

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

~~Said costs~~ 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. Any order directing the defendant to pay costs of representation shall be a lien against all real and personal property of the defendant and may be filed against such property and foreclosed as provided by law for civil liens.

E. For purposes of collection of debts arising from the provisions of this section, the Executive Director, on behalf of the System, is 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 any state agency and the Oklahoma Tax Commission is directed to provide the same service to the Executive Director attempting to collect such debts pursuant to Section 205.2 of Title 68 of the Oklahoma Statutes as it provides to other state agencies.

SECTION 3. This act shall become effective July 1, 1996.

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 16th day of April, 1996.

Speaker

of the House of
Representatives

Passed the Senate the ____ day of _____, 1996.

President

of the Senate