

ENGROSSED HOUSE
BILL NO. 2200

By: Steidley

(criminal procedure - amending 22 O.S., Section 991d -
probation and parole fees - emergency)

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 991d, as amended by Section 7, Chapter 286, O.S.L. 1995 (22 O.S. Supp. 1995, Section 991d), is amended to read as follows:

Section 991d. A. 1. ~~A court granting probation~~ The Director of the Department of Corrections shall fix a fee of no more than Forty Dollars (\$40.00) per month to be paid by ~~the probationer to the Department of Corrections~~ any person supervised by Department of Corrections Probation and Parole employees during the ~~probationary supervision~~ period, ~~provided, however, that this mandatory fee will not pertain if, in the judgment of the court, the fee would impose an unnecessary hardship on the probationer. In hardship cases, the court shall expressly waive all or part of the fee. The court shall make payment of the fee a condition of granting or continuing the probation which shall be imposed whether the probation is incident to the suspending of execution of a sentence, incident to the suspending of imposition of a sentence, or incident to the deferral of proceedings after a verdict or plea of guilty, but such condition shall not be imposed unless probationary services are made available to the defendant~~ if supervision services are made available to the person. The Director may determine the method a fee is to be paid

by a person under supervision, require that the person being supervised pay reasonable charges for the collection of the fee, and use reasonable means to collect fees that are owed, to include requiring a person under supervision to perform community service in lieu of fee payment. The Director may modify the amount of fees to be paid based on hardship of the person under supervision or degree of supervision required for the person. The Director will report failure to pay fees by a person under supervision to any authority that placed that person under supervision for consideration of revoking the supervision.

2. If restitution is ordered by the court, the probation fee will be paid in addition to the restitution ordered. In addition to the restitution payment and probation fee, a reasonable administrative fee ~~of One Dollar (\$1.00) per payment is to be paid to~~ may be charged by the Department of Corrections to cover the expenses of administration of the restitution.

~~B. The Pardon and Parole Board shall fix a fee of Forty Dollars (\$40.00) per month to be paid by the parolee as a condition of parole which shall be paid to the Department of Corrections. The condition of the fee may not be imposed unless parole services are made available to the parolee. Provided, however, that this mandatory fee will not pertain if, in the judgment of the Pardon and Parole Board, the fee would impose an unnecessary hardship on the parolee. In such hardship cases the Pardon and Parole Board shall expressly waive all or part of the fee.~~

~~C. Upon Department of Corrections acceptance of an offender whose probation or parole supervision was transferred to Oklahoma through the Interstate Compact Agreement, a fee shall be assessed of Fifty Dollars (\$50.00) per month to be paid by the offender to the Department of Corrections. If, in the judgment of the Department of Corrections, such a fee would impose an unnecessary hardship on the offender, the fee shall be waived.~~

~~D.~~ Except as provided in this subsection, all fees collected pursuant to this section shall be deposited in the Department of Corrections Revolving Fund created pursuant to Section 557 of Title 57 of the Oklahoma Statutes. For the fiscal year ending June 30, 1996, fifty percent (50%) of all collections received from offenders placed on probation or parole after July 1, 1995, shall be transferred to the credit of the General Revenue Fund of the State Treasury until such time as total transfers equal Three Million Three Hundred Thousand Dollars (\$3,300,000.00).

SECTION 2. 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 26th day of February, 1996.

Speaker of the House of Representatives

Passed the Senate the ____ day of _____, 1996.

President of the Senate