

ENGROSSED SENATE
BILL NO. 299

By: Littlefield of the Senate
and
Hutchison of the House

An Act relating to fees of court clerks; amending 28 O.S. 1991, Section 153, as last amended by Section 8, Chapter 229, O.S.L. 1994 (28 O.S. Supp. 1994, Section 153), which relates to fees and costs in criminal cases; clarifying language; requiring transfer of certain arrest warrant fees to certain agencies; 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 8, Chapter 229, O.S.L. 1994 (28 O.S. Supp. 1994, 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~~ relating to the case:

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 a 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 \$73.00

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 \$93.00

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 \$173.00

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 \$173.00

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 2 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.

D. If a law enforcement agency, other than the sheriff's office, executes an arrest warrant, the fee provided for in paragraph 8 of subsection A of this section, when collected, shall be transferred to that law enforcement agency.

E. 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.

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

~~F.~~ G. 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.

~~G.~~ H. A court clerk may accept in payment for any fee, fine, or cost for violation of any traffic law 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~~ cards.

~~H.~~ I. Upon receipt of payment of fines and costs for offenses charged prior to July 1, 1992, the court clerk shall apportion and pay Thirteen Dollars (\$13.00) per conviction to the court fund.

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 Senate the 1st day of March, 1995.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1995.

Speaker of the House of Representatives