

ENROLLED SENATE
BILL NO. 1061

By: Wilkerson, Gustafson and
Littlefield of the Senate

and

Askins, Blackburn, Graves,
Hastings, Hutchison, Kirby,
Rhodes, Sadler,
Satterfield, Smith (Dale),
Stites and Weaver 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; 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 Senate the 13th day of May, 1996.

President of the Senate

Passed the House of Representatives the 22nd day of May, 1996.

Speaker of the House of Representatives