

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2200

By: Steidley

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 991d, as amended by Section 7, Chapter 286, O.S.L. 1995 (22 O.S. Supp. 1995, Section 991d), which relates to probation and parole fees; modifying fee for offenders whose supervision is transferred pursuant to an interstate compact agreement; making fee conform with requirements of the compact; and declaring an 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 shall fix a fee of Forty Dollars (\$40.00) per month to be paid by the probationer to the Department of Corrections during the probationary 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.

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 fee of One Dollar (\$1.00) per payment is to be paid to 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 authorized by Section 347 of Title 57 of the Oklahoma Statutes, a fee shall be assessed of ~~Fifty Dollars (\$50.00)~~ Forty Dollars (\$40.00) 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.

45-2-7854

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