STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2215 By: Pope (Tim)

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 fees; modifying requirements for waiver of probation fees; modifying deposit of probation fees; and providing an effective date.

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 <u>based upon information provided to the court by the Department of Corrections</u>. In hardship cases, the court shall <u>review information provided by the Department of Corrections regarding the ability of the probationer to pay the fee prior to</u> expressly ~~waive~~ <u>waiving</u> 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 <u>based upon information provided to the Pardon and Parole Board by the Department of Corrections</u>. In such hardship cases the Pardon and Parole Board shall <u>review information provided by the Department of Corrections regarding the ability of the practitioner to pay the fee prior to</u> expressly ~~waive~~ <u>waiving</u> 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 <u>based upon a review of information provided by a probation and parole district office</u>, 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. This act shall become effective November 1, 1996.

45-2-7824 LAC