

STATE OF OKLAHOMA

2nd Session of the 45th Legislature (1996)

HOUSE BILL NO. 2865

By: Holt

AS INTRODUCED

An Act relating to courts; amending 22 O.S. 1991, Section 1115.3, which relates to bail for state traffic-related offenses; specifying amount of bail for certain speed-related offenses; modifying references; amending 28 O.S. 1991, Section 153, as last amended by Section 10, Chapter 286, O.S.L. 1995 (28 O.S. Supp. 1995, Section 153), which relates to court costs in criminal cases; modifying and establishing costs for certain speed-related offenses; modifying references; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1115.3, is amended to read as follows:

Section 1115.3 A. The court shall prescribe the amount of bail for the following state traffic-related offenses:

1. Any felony;
2. Negligent homicide;

3. Driving or being in actual physical control of a motor vehicle while impaired by or under the influence of alcohol or other intoxicating substances;

4. Eluding or attempting to elude a law enforcement officer;

5. Driving while license is under suspension, revocation, denial or cancellation;

6. Failure to stop or remain at the scene of an accident; and

7. Any other traffic violation for which a defendant is delivered to the judge of the court as magistrate pursuant to the provisions of Section 1115.2 of this title, or other law.

B. The amount of bail for driving in excess of the posted speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour shall be Ten Dollars (\$10.00) and court costs. The amount of bail for driving in excess of the posted speed limit by at least eleven (11) miles per hour but not more than twenty (20) miles per hour shall be Twenty-five Dollars (\$25.00) and court costs.

C. The amount of bail for an overweight offense shall be as provided for in subsection C of Section 1115.2 of this title together with the amount of fine and costs, including any penalty assessment provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~±~~ 1313.3 of ~~this act~~ Title 20 of the Oklahoma Statutes.

~~C.~~ D. The amount of bail for other state traffic-related offenses shall be the amount of fine and costs including any penalty assessments provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~±~~ 1313.3 of ~~this act~~ Title 20 of the Oklahoma Statutes.

~~D.~~ E. The amount of bail for a state wildlife-related or water safety-related offense shall be the amount of fine and costs including any penalty assessment provided for in the Oklahoma Statutes and the fingerprinting fee provided for in Section ~~±~~ 1313.3 of ~~this act~~ Title 20 of the Oklahoma Statutes.

~~E.~~ F. On or before September 1 of each year, the Administrative Office of the Courts shall prepare a schedule of amounts to be received as bail for each offense pursuant to subsections ~~B,~~ C ~~and,~~ D and E of this section and shall distribute the schedule to the Department of Public Safety, each district court clerk in this state and to other interested parties upon request.

~~F.~~ G. The district court clerk, unless otherwise directed by the court, shall accept bail or the payment of a fine and costs in the form of currency or personal, cashier's, traveler's, certified or guaranteed bank check, or postal or commercial money order for the amount prescribed in this section for bail.

~~G.~~ H. The district court clerk shall accept as bail a guaranteed arrest bond certificate issued by a surety company, an automobile club or trucking association, if:

1. The issuer is authorized to do business in this state by the State Insurance Commissioner;

2. The certificate is issued to and signed by the arrested person;

3. The certificate contains a printed statement that appearance of such person is guaranteed and the issuer, in the event of failure of such person to appear in court at the time of trial, will pay any fine or forfeiture imposed; and

4. The limit provided on the certificate equals or exceeds the amount of bail provided for in this section.

SECTION 2. AMENDATORY 28 O.S. 1991, Section 153, as last amended by Section 10, Chapter 286, O.S.L. 1995 (28 O.S. Supp. 1995, 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:

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~~ \$15.00
2. For each defendant convicted of exceeding the speed limit by at least eleven (11) miles per hour but not more than twenty (20) miles per hour, whether charged individually or conjointly with others..... \$25.00
3. For each defendant convicted of a misdemeanor traffic violation other than an offense provided for in paragraph 1, 2 or ~~5~~ 6 of this subsection, whether charged individually or conjointly with others \$73.00
- ~~3.~~ 4. For each defendant convicted of misdemeanor, other than for driving under the influence of alcohol or other intoxicating substance or an offense provided for in paragraph 1 ~~or~~, 2 or 3 of this subsection, whether charged individually or conjointly with others \$83.00
- ~~4.~~ 5. 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 \$103.00
- ~~5.~~ 6. 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 \$183.00
- ~~6.~~ 7. 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 \$183.00

~~7.~~ 8. For the services of a court reporter at each trial held in the case \$20.00

~~8.~~ 9. For each time a jury is requested..... \$30.00

~~9.~~ 10. 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~~ 3 through ~~5~~ 6 of subsection A of this section, the sum of Three Dollars (\$3.00) shall be deposited to the credit of the 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. Costs required to be collected pursuant to this section shall not be dismissed or waived.

E. 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.

F. 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.

G. 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 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.

45-2-8231

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