

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

CONFERENCE COMMITTEE SUBSTITUTE

FOR ENGROSSED

HOUSE BILL NO. 2454

By: Paulk, Case, Claunch,
Hiett, Ingmire, Liotta,
Miller, Newport, O'Neal,
Perry, Pettigrew, Ramsey
and Wilt of the House

and

Herbert of the Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 1991, Section 979a, as amended by Section 1, Chapter 153, O.S.L. 1996 (22 O.S. Supp. 1997, Section 979a), which relates to payment of jail costs by inmates; modifying authority of the court; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 979a, as amended by Section 1, Chapter 153, O.S.L. 1996 (22 O.S. Supp. 1997, Section 979a), is amended to read as follows:

Section 979a. A. The court may Except as otherwise provided in this section, the municipal attorney or district attorney shall ask the court to require a person confined in a city or county jail, for any offense, to pay the jail facility the costs of incarceration, both before and after conviction, upon conviction or receiving a deferred sentence. Costs of incarceration shall include booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services. The costs for incarceration shall be an amount equal to the actual cost of the services and shall be determined by the chief of police for city jails ~~and~~ or by the county sheriff for county jails. The cost of incarceration ~~may~~ shall be paid to all jail facilities where the person ~~may have been~~ is held before and after

conviction. The costs shall not be assessed if, in the judgment of the court, such costs would impose a manifest hardship on the person, or if in the opinion of the court the property of the person is needed for the maintenance and support of immediate family. Ten percent (10%) of any amount collected shall be paid to the municipal attorney's or district attorney's office, five percent (5%) shall be deposited in the court clerk's revolving fund and the remaining amount shall be deposited in the jail revolving fund of the sheriff, if reimbursing costs assessed for incarceration in a county jail, or in the appropriate city account if reimbursing costs assessed for incarceration in a city jail.

B. At any time prior to sentencing the convicted defendant may be required to reimburse the jail facility for the costs of incarceration prior to release from the facility.

SECTION 2. This act shall become effective November 1, 1998.

46-2-11329 LAC