

ENGROSSED HOUSE  
BILL NO. 3310

By: Paulk of the House

and

Herbert of the Senate

An Act relating to fees; amending 28 O.S. 1991,  
Sections 153, as last amended by Section 10,  
Chapter 339, O.S.L. 1996 and 153.2 (28 O.S. Supp.  
1997, Section 153), which relate to fees in  
criminal cases; modifying certain costs;  
designating use of certain monies; providing for  
codification; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 1991, Section 153, as last  
amended by Section 10, Chapter 339, O.S.L. 1996 (28 O.S. Supp. 1997,  
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  
standing and parking violations and 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 the 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~~ \$62.00

2. For each defendant convicted of a misdemeanor traffic violation  
other than an offense provided for in paragraph 1 or 5 of  
this subsection, whether charged individually or conjointly  
with others ~~\$73.00~~ \$78.00

3. For each defendant convicted of a misdemeanor, other than for  
driving under the influence of alcohol or other intoxicating  
substance or an offense provided for in paragraph 1 or 2 of  
this subsection, whether charged individually or conjointly  
with others ~~\$83.00~~ \$93.00

4. 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~~ \$128.00

5. 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~~ \$193.00

6. 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~~ \$218.00

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

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

9. 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 through 5 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 2. AMENDATORY 28 O.S. 1991, Section 153.2, is amended to read as follows:

Section 153.2 A. In any criminal case in which a defendant is arrested for a violation of state law, ~~Five Dollars (\$5.00)~~ of the following costs charged in said case as provided for in Section 153 of ~~Title 28 of the Oklahoma Statutes~~ this title shall be paid to the Sheriff's Service Fee Account of the sheriff of the county in which the arrest was made:

1. Ten Dollars (\$10.00) for each defendant convicted of a traffic violation;

2. Fifteen Dollars (\$15.00) for each defendant convicted of a misdemeanor other than a traffic violation; and

3. Thirty Dollars (\$30.00) for each defendant convicted of a felony.

B. This fee shall be in addition to the fee authorized by paragraph 9 of subsection A of Section 153 of Title 28 of the Oklahoma Statutes this title and shall be used to defer the costs associated with arrest.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 153.3 of Title 63, unless there is created a duplication in numbering, reads as follows:

Ten Dollars (\$10.00) of the charge in paragraph 6 of subsection A of Section 1 of this act shall be forwarded to the Department of Public Safety to institute a rider education training program for motorcycle drivers.

SECTION 4. This act shall become effective July 1, 1998.

Passed the House of Representatives the 9th day of March, 1998.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1998.

President of the Senate