

STATE OF OKLAHOMA

2nd Session of the 46th Legislature (1998)

HOUSE BILL NO. 3310

By: Paulk

AS INTRODUCED

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; providing an effective date; and declaring an emergency.

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~~ \$208.00

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. This act shall become effective July 1, 1998.

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.

46-2-9335 SD

