

ENGROSSED HOUSE AMENDMENT  
TO  
ENGROSSED SENATE BILL NO. 284

By: Smith of the Senate

and

Askins of the House

An Act relating to court costs; amending 28 O.S. 1991, Section 153, as last amended by Section 10, Chapter 339, O.S.L. 1996 (28 O.S. Supp. 1998, Section 153), which relates to costs in criminal cases; requiring court clerk to collect actual costs of language interpreter; and providing an effective date.

AMENDMENT NO. 1. Strike the title, enacting clause and entire bill and insert

"( Court costs and claims - language interpreters -  
allowable expenses - repealer -  
effective date )

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. 1998, 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
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
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
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
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
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
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.

10. For the services of a language interpreter, other than an  
interpreter appointed pursuant to the provisions of the Oklahoma  
Interpreter for the Deaf Act, at each hearing held in the case, the  
actual cost of the interpreter.

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 services of a  
language interpreter or 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; provided, if the court determines that a person needing the services of a language interpreter is indigent, the court may waive all or part of the costs or require the payment of costs in installments.

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~~ the payment as a service charge for the acceptance of ~~such~~ the 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~~ cards.

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 20 O.S. 1991, Section 1304, as last amended by Section 7, Chapter 400, O.S.L. 1997 (20 O.S. Supp. 1998, Section 1304), is amended to read as follows:

Section 1304. A. Claims against the court fund shall include only expenses lawfully incurred for the operation of the court in

each county. Payment of the expenses may be made after the claim is approved by the district judge who is a member of the governing board of the court fund and either the local court clerk or the local associate district judge who is a member of the governing board. No expenditures falling into any category listed in paragraphs ~~2~~ 1, 5, 6, 7 and ~~8~~ 13 of subsection B of this section, may be made without prior written approval of the Chief Justice of the Supreme Court. The Supreme Court may provide by rule the manner in which expenditures in the restricted categories shall be submitted for approval. When allowing the expenditures in paragraphs 6 and 7 of subsection B of this section, the Chief Justice shall direct that resort first be had to the surplus funds in the court fund in the county involved.

B. The term "expenses" shall include the following items and none others:

~~1. Principal and interest on bonds issued prior to January 1, 1968, pursuant to Sections 771 through 778 of Title 19 of the Oklahoma Statutes;~~

~~2.~~ Compensation of bailiffs and part-time help;

~~3.~~ 2. Juror fees and mileage, as well as overnight accommodation and food expense for jurors kept together as set out in Section 81 et seq. of Title 28 of the Oklahoma Statutes;

~~4.~~ 3. Witness fees and mileage for witnesses subpoenaed by the defense as set out in Section 81 et seq. of Title 28 of the Oklahoma Statutes, except that expert witnesses for county indigent defenders shall be paid a reasonable fee for their services;

~~5.~~ 4. Office supplies, books for records, postage, and printing;

~~6.~~ 5. Furniture, fixtures, and equipment;

~~7.~~ 6. Renovating, remodeling, and maintenance of courtrooms, judge's chambers, clerk's offices, and other areas primarily used for judicial functions;

~~8.~~ 7. Rent for courtroom facilities outside the courthouse;

~~9.~~ 8. Judicial robes;

~~10.~~ 9. Attorney's fees for indigents in the trial court and on appeal;

~~11.~~ 10. Compensation or reimbursement for services provided in connection with an adult guardianship proceeding as provided by Section 4-403 of Title 30 of the Oklahoma Statutes. Compensation from the court fund for attorneys appointed pursuant to the Oklahoma Guardianship Act, Section 1-102 et seq. of Title 30 of the Oklahoma Statutes, shall be substantially the same as for attorneys appointed in juvenile proceedings pursuant to Title 10 of the Oklahoma Statutes. The compensation, if any, for guardians ad litem appointed pursuant to the Oklahoma Guardianship Act shall not exceed One Hundred Dollars (\$100.00);

~~12.~~ 11. Transcripts ordered by the court;

~~13.~~ 12. Necessary telephone expenses, gas, water, and electrical utilities for the part of the county courthouse occupied by the court and other areas used for court functions;

13. Security expenses for the part of the county courthouse occupied by the court and other areas used for court functions;

14. The cost of publication notice in juvenile proceedings as provided in Section 7003-3.5 of Title 10 of the Oklahoma Statutes and in termination of parental rights proceedings brought by the state as provided in Section 7006-1.2 of Title 10 of the Oklahoma Statutes;

15. Interpreter fees;

16. Necessary travel expenses of the office of county indigent defender approved by the court fund governing board;

17. Rent for county indigent defender's office outside of the county courthouse;

18. Computer equipment for county indigent defender's office;

19. Reasonable compensation for expert, investigative, or other services authorized by the court for indigent defendants not represented by a county indigent defender or the Oklahoma Indigent Defense System, if requested;

20. Necessary training for the judges and court personnel on the court integrated computer system; and

21. Any other expenses now or hereafter expressly authorized by statute.

~~C. No county courthouse building commission shall be created after March 1, 1968, and no disbursements shall be permitted from any court fund under the provisions of Sections 771 through 778 of Title 19 of the Oklahoma Statutes except by county courthouse commissions created prior to March 1, 1968; provided, nothing~~  
Nothing in Section 1301 et seq. of this title shall prevent the construction of additional courtrooms within existing courthouse facilities, from funds other than the court fund.

D. Items of equipment, furniture, fixtures, printing, or supplies that are available in the quantities desired from a contract vendor's list for order or purchase by the court fund through the facilities of the Central Purchasing ~~Office~~ Division of the ~~State of Oklahoma~~ Department of Central Services may not be purchased by any court fund at prices higher than those approved by the Director of Central Purchasing ~~Office~~.

SECTION 3. REPEALER 19 O.S. 1991, Sections 771, 774, 775, 776, 777 and 778, are hereby repealed.

SECTION 4. This act shall become effective November 1, 1999."

Passed the House of Representatives the 6th day of April, 1999.

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Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1999.

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President of the Senate