

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 284

By: Smith of the Senate

and

Askins of the House

COMMITTEE SUBSTITUTE

(Court costs and claims - language interpreters -
allowable expenses - repealer -

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. 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

1 9. A sheriff's fee for serving or
2 endeavoring to serve each writ,
3 warrant, order, process, command, or
4 notice or pursuing any fugitive from
5 justice.....\$20.00 or
6 mileage as established
7 by the Oklahoma
8 Statutes, whichever
9 is greater.

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

14 B. Of the amount collected pursuant to paragraphs 2 through 5
15 of subsection A of this section, the sum of Three Dollars (\$3.00)
16 shall be deposited to the credit of the Law Library Fund pursuant to
17 Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

18 C. Prior to conviction, parties in criminal cases shall not be
19 required to pay, advance, or post security for the services of a
20 language interpreter or for the issuance or service of process to
21 obtain compulsory attendance of witnesses. These fees shall be
22 deposited into the court fund except that the sheriff's fee provided
23 for in this section and the amount provided for in Section 153.2 of
24 this title, when collected, shall be transferred to the Sheriff's
25 Service Fee Account, created pursuant to the provisions of Section
26 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the
27 county in which service is made or attempted.

28 D. Costs required to be collected pursuant to this section
29 shall not be dismissed or waived; provided, if the court determines
30 that a person needing the services of a language interpreter is
31 indigent, the court may waive all or part of the costs or require
32 the payment of costs in installments.

1 E. As used in this section, "convicted" means any final
2 adjudication of guilt, whether pursuant to a plea of guilty or nolo
3 contendere or otherwise, and any deferred judgment or suspended
4 sentence.

5 F. A court clerk may accept in payment for any fee, fine or
6 cost for violation of any traffic law a nationally recognized credit
7 card issued to the applicant. The court clerk may add an amount
8 equal to the amount of the service charge incurred, not to exceed
9 four percent (4%) of the amount of ~~such~~ the payment as a service
10 charge for the acceptance of ~~such~~ the credit card. For purposes of
11 this paragraph, "nationally recognized credit card" means any
12 instrument or device, whether known as a credit card, credit plate,
13 charge plate or by any other name, issued with or without fee by an
14 issuer for the use of the cardholder in obtaining goods, services,
15 or anything else of value and which is accepted by over one thousand
16 (1,000) merchants in this state. The court clerk shall determine
17 which nationally recognized credit cards will be accepted as payment
18 for fees; provided, the court clerk must ensure that no loss of
19 state revenue will occur by the use of such ~~card~~ cards.

20 G. Upon receipt of payment of fines and costs for offenses
21 charged prior to July 1, 1992, the court clerk shall apportion and
22 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

23 SECTION 2. AMENDATORY 20 O.S. 1991, Section 1304, as
24 last amended by Section 7, Chapter 400, O.S.L. 1997 (20 O.S. Supp.
25 1998, Section 1304), is amended to read as follows:

26 Section 1304. A. Claims against the court fund shall include
27 only expenses lawfully incurred for the operation of the court in
28 each county. Payment of the expenses may be made after the claim is
29 approved by the district judge who is a member of the governing
30 board of the court fund and either the local court clerk or the
31 local associate district judge who is a member of the governing
32 board. No expenditures falling into any category listed in

1 paragraphs ~~2~~ 1, 5, 6, 7 and ~~8~~ 13 of subsection B of this section,
2 may be made without prior written approval of the Chief Justice of
3 the Supreme Court. The Supreme Court may provide by rule the manner
4 in which expenditures in the restricted categories shall be
5 submitted for approval. When allowing the expenditures in
6 paragraphs 6 and 7 of subsection B of this section, the Chief
7 Justice shall direct that resort first be had to the surplus funds
8 in the court fund in the county involved.

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

11 ~~1. Principal and interest on bonds issued prior to January 1,~~
12 ~~1968, pursuant to Sections 771 through 778 of Title 19 of the~~
13 ~~Oklahoma Statutes;~~

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

15 ~~3.~~ 2. Juror fees and mileage, as well as overnight
16 accommodation and food expense for jurors kept together as set out
17 in Section 81 et seq. of Title 28 of the Oklahoma Statutes;

18 ~~4.~~ 3. Witness fees and mileage for witnesses subpoenaed by the
19 defense as set out in Section 81 et seq. of Title 28 of the Oklahoma
20 Statutes, except that expert witnesses for county indigent defenders
21 shall be paid a reasonable fee for their services;

22 ~~5.~~ 4. Office supplies, books for records, postage, and
23 printing;

24 ~~6.~~ 5. Furniture, fixtures, and equipment;

25 ~~7.~~ 6. Renovating, remodeling, and maintenance of courtrooms,
26 judge's chambers, clerk's offices, and other areas primarily used
27 for judicial functions;

28 ~~8.~~ 7. Rent for courtroom facilities outside the courthouse;

29 ~~9.~~ 8. Judicial robes;

30 ~~10.~~ 9. Attorney's fees for indigents in the trial court and on
31 appeal;

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

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

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

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

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

22 15. Interpreter fees;

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

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

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

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

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

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

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

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

20 SECTION 3. REPEALER 19 O.S. 1991, Sections 771, 774,
21 775, 776, 777 and 778, are hereby repealed.

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

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24 47-1-15128 JB 6/11/15
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