

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

COMMITTEE SUBSTITUTE  
FOR  
SENATE BILL NO. 405

By: Laughlin of the Senate  
and  
Davis of the House

COMMITTEE SUBSTITUTE

[ court costs - costs in criminal cases - transfer of  
certain witness fees to District Attorneys Council  
Revolving Fund -  
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

- 1 2. For each defendant convicted of a  
2 misdemeanor traffic violation other  
3 than an offense provided for in  
4 paragraph 1 or 5 of this subsection,  
5 whether charged individually or  
6 conjointly with others ..... \$73.00
- 7 3. For each defendant convicted of a  
8 misdemeanor, other than for driving  
9 under the influence of alcohol or  
10 other intoxicating substance or an  
11 offense provided for in paragraph 1 or  
12 2 of this subsection, whether charged  
13 individually or conjointly with others..... \$83.00
- 14 4. For each defendant convicted of a felony,  
15 other than for driving under the  
16 influence of alcohol or other  
17 intoxicating substance, whether  
18 charged individually or conjointly  
19 with others..... \$103.00
- 20 5. For each defendant convicted of the  
21 misdemeanor of driving under the  
22 influence of alcohol or other  
23 intoxicating substance, whether  
24 charged individually or conjointly  
25 with others..... \$183.00
- 26 6. For each defendant convicted of the felony  
27 of driving under the influence of  
28 alcohol or other intoxicating  
29 substance, whether charged  
30 individually or conjointly with others..... \$183.00
- 31 7. For the services of a court reporter at  
32 each trial held in the case ..... \$20.00

1 8. For each time a jury is requested ..... \$30.00  
2 9. A sheriff's fee for serving or endeavoring  
3 to serve each writ, warrant, order,  
4 process, command, or notice or  
5 pursuing any fugitive from justice ..... \$20.00 or  
6 mileage as established  
7 by the Oklahoma  
8 Statutes, whichever  
9 is greater.

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

14 C. Prior to conviction, parties in criminal cases shall not be  
15 required to pay, advance, or post security for the issuance or  
16 service of process to obtain compulsory attendance of witnesses.

17 ~~These~~ D. The fees collected pursuant to this section shall be  
18 deposited into the court fund except ~~that the~~ as follows:

19 1. The sheriff's fee provided for in this section and the  
20 amount provided for in Section 153.2 of this title, when collected,  
21 shall be deposited in the court fund and transferred to the  
22 Sheriff's Service Fee Account, created pursuant to the provisions of  
23 Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff  
24 in the county in which service is made or attempted; and

25 2. The witness fees paid by the district attorney pursuant to  
26 the provisions of Section 82 of this title, if collected by the  
27 court clerk, shall be deposited in the court fund and transferred to  
28 the District Attorneys Council Revolving Fund created pursuant to  
29 the provisions of Section 215.28 of Title 19 of the Oklahoma  
30 Statutes, where the funds shall be transferred to the district  
31 attorney's office in the county where witness attendance was  
32 required.

1       ~~D.~~ E. Costs required to be collected pursuant to this section  
2 shall not be dismissed or waived.

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

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

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

25       SECTION 2. This act shall become effective November 1, 1999.

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