

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL 284

By: Smith of the Senate

and

Askins of the House

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to court costs; amending 12 O.S. 1991, Section 66, as amended by Section 1, Chapter 357, O.S.L. 1992 (12 O.S. Supp. 1998, Section 66), which relates to bonds and sureties; clarifying language; requiring payment of certain costs from certain funds and providing exception; prohibiting dismissal of certain action without prior notification of certain court clerk; amending 20 O.S. 1991, Sections 92.5, 1304, as last amended by Section 7, Chapter 400, O.S.L. 1997 and 1315, as amended by Section 1, Chapter 57, O.S.L. 1994 (20 O.S. Supp. 1998, Sections 1304 and 1315), which relate to district court judicial districts, claims allowable against the court fund and the Oklahoma Court Information System; modifying qualifications of certain judicial candidate; deleting obsolete language; allowing certain security expenses as claim against court fund; updating language; modifying language; requiring direction of Chief Justice for use of certain services of the Oklahoma Court Information System; amending 22 O.S. 1991, Section 983, which relates to judgment and execution; allowing suspension of driving privileges for nonpayment of fine, cost, fee, or assessment; 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; amending 40 O.S. 1991, Section 4-508, as last amended by Section 453, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1998, Section 4-508), which relates to the Employment Security Act of 1980; prohibiting charge for disclosure of certain information to court; amending 47 O.S. 1991, Section 6-205, as last amended by Section 1, Chapter 293, O.S.L. 1998 (47 O.S. Supp, 1998, Section 6-205), which relates to mandatory revocation of driver license; requiring revocation of driver license or driving privilege for nonpayment of certain fine, cost, fee, or assessment; repealing 19 O.S. 1991, Sections 771, 774, 775, 776, 777 and 778, which relate to the County Courthouse Building Commission; and providing an effective date.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 66, as amended by Section 1, Chapter 357, O.S.L. 1992 (12 O.S. Supp. 1998, Section 66), is amended to read as follows:

Section 66. A. Whenever an action is filed in any of the courts in this state by the State of Oklahoma, or by direction of any department of the state, no bond, including cost, replevin, attachment, garnishment, redelivery, injunction ~~bonds~~, appeal ~~bonds~~ or other ~~obligations~~ obligation of security shall be required from the state or from any party acting under the direction of the state, either to prosecute, answer, or appeal the action. In case of an adverse decision, such costs as by law are taxable against the state, or against the party acting by its direction, shall be paid out of the ~~contingent fund~~ funds of the department under whose direction the proceedings were instituted; provided, that the court shall direct the nonprevailing party to pay ~~the filing fee and service fee~~ all costs of the action in the final order of the court.

B. Costs shall be paid to the court fund of the district court in which an action is filed from the first funds collected in satisfaction of any judgment obtained by this state or any party acting under the direction of this state, except when the funds are collected pursuant to a child support order or judgment. No action filed by this state or by any party acting under the direction of this state shall be dismissed with unpaid costs of the action without the prior notification of the district court clerk of the county in which the action was filed.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 92.5, is amended to read as follows:

Section 92.5 The counties of Dewey, Blaine, Kingfisher, Garfield, Major, Woodward, Woods, Alfalfa and Grant. ~~Said~~ The district shall have three (3) district judges to be nominated and elected as follows: A candidate for office No. 1 shall be nominated

and elected at large and a legal resident of Dewey, Woods, Major, Woodward or Alfalfa County; a candidate for office No. 2 shall be nominated and elected at large and a legal resident of Blaine, Kingfisher, Garfield or Grant County; and a candidate for office No. 3 shall be nominated and elected at large and a legal resident of Garfield or Grant County.

SECTION 3. 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 4. AMENDATORY 20 O.S. 1991, Section 1315, as amended by Section 1, Chapter 57, O.S.L. 1994 (20 O.S. Supp. 1998, Section 1315), is amended to read as follows:

Section 1315. A. 1. The ~~State~~ Supreme Court, by and through the office of the Administrative Director of the Courts, shall establish a court information system to be designated the "Oklahoma Court Information System" for the purpose of providing data processing services to state agencies, boards, and commissions and other entities pursuant to contract. The Administrative Director of the Courts may assess a reasonable fee for such services.

2. Court clerks and judges of the district courts of this state shall utilize the case tracking, accounting, legal research, and other services of the "Oklahoma Court Information System" at the direction of the Chief Justice of the Supreme Court.

B. There is hereby created in the State Treasury a revolving fund for the ~~State~~ Supreme Court to be designated the "Oklahoma Court Information System Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received in payment of data processing services furnished pursuant to contract. The Administrative Director of the Courts, at the end of each month, shall issue a statement of charges to each entity for which data processing services were furnished. The cost for data processing services shall be recovered directly from the entity for which such services were furnished and shall not be prorated to or payable by those not receiving the services. All monies accruing to the credit of ~~said~~ the fund are hereby appropriated and may be budgeted and expended by the ~~State~~ Supreme Court for the acquisition, operation, maintenance,

repair, and replacement of data processing equipment and software. Expenditures from ~~said~~ the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 5. AMENDATORY 22 O.S. 1991, Section 983, is amended to read as follows:

Section 983. A. Any defendant found guilty of an offense in any court of this state may be imprisoned for nonpayment of the fine ~~and/or costs, cost, fee, or assessment~~ when the trial court finds after notice and hearing that the defendant is financially able but refuses or neglects to pay the fine ~~and/or costs, cost, fee, or assessment~~. ~~In no case may a~~ A sentence to pay a fine, cost, fee, or assessment ~~may be converted into a jail sentence automatically, i.e., without~~ only after a hearing and a judicial determination, memorialized of record, that the defendant is able to satisfy the fine ~~and costs, cost, fee, or assessment~~ by payment, but refuses or neglects so to do.

B. After a judicial determination that the defendant ~~may be~~ is able to pay the fine ~~and costs, cost, fee, or assessment~~ in installments, the court may order the fine ~~and costs, cost, fee, or assessment~~ to be paid in installments and shall set the amount and ~~due date of~~ for each installment.

C. In addition, the district court or municipal court may send notice of ~~any~~ nonpayment of any court ordered fine ~~and costs for a moving traffic violation, cost, fee, or assessment~~ to the Department of Public Safety with a recommendation of suspension of driving privileges of the defendant until the total amount of any fine ~~and costs, cost, fee, or assessment~~ has been paid. Upon receipt of payment of the total amount of the fine ~~and costs for the moving traffic violation, cost, fee, or assessment~~, the court shall send notice thereof to the Department, if a nonpayment notice was sent as provided for in this subsection. ~~Such notices~~ Notices sent to the

Department shall be on forms or by a method approved by the Department.

D. The Court of Criminal Appeals shall implement procedures and rules for methods of payment of fines ~~and/or~~, costs, fees, and assessments by indigents, which procedures and rules shall be distributed to all district courts and municipal courts by the ~~court administrator~~ Administrative Office of the Courts.

SECTION 6. 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 preliminary hearing and 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 7. AMENDATORY 40 O.S. 1991, Section 4-508, as last amended by Section 453, Chapter 133, O.S.L. 1997 (40 O.S. Supp. 1998, Section 4-508), is amended to read as follows:

Section 4-508.

INFORMATION TO BE KEPT CONFIDENTIAL - DISCLOSURE.

A. Except as otherwise provided by law, information obtained from any employing unit or individual pursuant to the administration of the Employment Security Act of 1980, and determinations as to the benefit rights of any individual shall be held confidential and shall not be disclosed or be open to public inspection in any manner revealing the individual's or employing unit's identity. Any claimant or employer or agent of such person as authorized in writing shall be supplied with information from the records of the Commission, to the extent necessary for the proper presentation of his claim or complaint in any proceeding under the Employment Security Act of 1980, Section 1-101 et seq. of this title, with respect thereto.

B. Upon receipt of written request by any employer who maintains a Supplemental Unemployment Benefit (SUB) Plan, the

Commission or its designated representative may release to such employer information regarding weekly benefit amounts paid its workers during a specified temporary layoff period, provided such Supplemental Unemployment Benefit (SUB) Plan requires benefit payment information before Supplemental Unemployment Benefits can be paid to such workers. Any information disclosed under this provision shall be utilized solely for the purpose outlined herein and shall be held strictly confidential by the employer.

C. The provisions of this section shall not prevent the Commission from disclosing the following information and no liability whatsoever, civil or criminal, shall attach to any member of the Commission or any employee thereof for any error or omission in the disclosure of such information:

1. The delivery to taxpayer or claimant a copy of any report or other paper filed by him pursuant to the provision of the act;

2. The disclosure of information to any person for a purpose as authorized by the taxpayer or claimant pursuant to a waiver of confidentiality. The waiver shall be in writing and shall be notarized;

3. The Oklahoma Department of Commerce may have access to data obtained pursuant to the Oklahoma Employment Security Act of 1980 pursuant to rules promulgated by the Oklahoma Employment Security Commission. The information obtained shall be held confidential by the Department and any of its agents and shall not be disclosed or be open to public inspection. The Oklahoma Department of Commerce, however, may release aggregated data, either by industry or county, provided that such aggregation meets disclosure requirements of the Oklahoma Employment Security Commission;

4. The publication of statistics so classified as to prevent the identification of a particular report and the items thereof;

5. The disclosing of information or evidence to the Attorney General or any district attorney when the information or evidence is

to be used by said officials or other parties to the proceedings to prosecute or defend allegations of violations of the act. The information disclosed to the Attorney General or any district attorney shall be kept confidential by them and not be disclosed except when presented to a court in a prosecution of a violation of the Employment Security Act of 1980, and a violation by the Attorney General or district attorney by otherwise releasing the information shall be a felony;

6. The furnishing, at the discretion of the Commission, of any information disclosed by said records or files to any official person or body of this state, any other state or of the United States who is concerned with the administration of assessment of any similar tax in this state, any other state or the United States;

7. The furnishing of information to other state agencies for the limited purpose of aiding in the collection of debts owed by individuals to ~~said~~ the requesting agencies;

8. The release to officials, employees, and agents of the Oklahoma Department of Transportation of information required for use in federally mandated regional transportation planning, which is performed as a part of their official duties;

9. The release to officials, employees and agents of the State Treasurer's office of information required to verify or evaluate the effectiveness of the Oklahoma Small Business Linked Deposit Program on job creation;

10. The release to officials, employees, and agents of the Attorney General or the State Insurance Fund for use in investigation of workers' compensation fraud;

11. The release to employees of the Oklahoma State Bureau of Investigation or release to employees of the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for use in criminal investigations and the location of missing persons or fugitives from justice;

12. The release to officials, employees, and agents of the Center of International Trade, Oklahoma State University, of information required for the development of International Trade for employers doing business in the State of Oklahoma; or

13. The release to officials, employees, and agents of the Oklahoma State Regents for Higher Education of information required for use in the default prevention efforts and/or collection of defaulted student loans guaranteed by the Oklahoma Guaranteed Student Loan Program. Any information disclosed under this provision shall be utilized solely for the purpose outlined herein and shall be held strictly confidential by the Oklahoma State Regents for Higher Education.

D. All subpoenas or court orders for production of documents must provide a minimum of twenty (20) days from the date it is served for the Commission to produce the documents. If the date on which production of the documents is required is less than twenty (20) days from the date of service, the subpoena or order shall be considered void on its face as an undue burden or hardship on the Commission.

E. ~~Should~~ Except for disclosures to the court pursuant to paragraph 7 of subsection C of this section, if any of the disclosures provided for in this section require more than casual or incidental staff time, the Commission may charge the cost of ~~such~~ the additional staff time to the party requesting the information.

F. ~~It is further provided that the~~ The provisions of this section shall be strictly interpreted and shall not be construed as permitting the disclosure of any other information contained in the records and files of the Commission.

SECTION 8. AMENDATORY 47 O.S. 1991, Section 6-205, as last amended by Section 1, Chapter 293, O.S.L. 1998 (47 O.S. Supp. 1998, Section 6-205), is amended to read as follows:

Section 6-205. A. 1. The Department of Public Safety shall immediately revoke the driver license or driving privilege of any person, whether adult or juvenile, upon receiving a record of a final conviction in any municipal, state, or federal court within the United States of any of the following offenses, ~~when such conviction has become final:~~

~~1.~~ a. manslaughter or negligent homicide resulting from the operation of a motor vehicle ~~;~~

~~2.~~ b. driving or being in actual physical control of a motor vehicle while under the influence of alcohol, any other intoxicating substance, or the combined influence of alcohol and any other intoxicating substance, or any violation of Section 6-106.4 of this title. ~~However, the~~ The Department shall not additionally revoke a license pursuant to this subsection if the person's driving privilege has been revoked because of a test result or test refusal pursuant to Section 753 or 754 of this title arising from the same circumstances which resulted in the conviction ~~;~~

~~3.~~ c. any felony during the commission of which a motor vehicle is used ~~;~~

~~4.~~ d. failure to stop and render aid as required under the laws of this state in the event of a motor vehicle accident resulting in the death or personal injury of another ~~;~~

~~5.~~ e. perjury or the making of a false affidavit or statement under oath to the Department under the Uniform Vehicle Code, Section 1-101 et seq. of this title, or under any other law relating to the ownership or operation of motor vehicles ~~;~~

~~6.~~ f. a misdemeanor or felony conviction for unlawfully possessing, distributing, dispensing, manufacturing or trafficking in a controlled dangerous substance as defined in the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of Title 63 of the Oklahoma Statutes~~;~~,

~~7.~~ g. failure to pay for gasoline pumped into a vehicle pursuant to Section 1740 of Title 21 of the Oklahoma Statutes~~;~~, or

~~8.~~ h. a conviction for a violation of paragraph 3 of subsection A of Section 1151 of this title.

2. In addition, the Department of Public Safety shall immediately revoke the driver license or driving privilege of any person, whether adult or juvenile, for nonpayment of any court ordered fine, cost, fee, or assessment subsequent to conviction for any offense.

B. The first license revocation under any provision of this section, except for ~~paragraph 2, 6, 7~~ subparagraph b, f, g, or h of paragraph 1 of subsection A of this section, shall be for a period of one (1) year. ~~Such~~ This period shall not be modified.

C. A license revocation under any provision of this section, except for ~~paragraph 2, 6, 7~~ subparagraph b, f, g, or h of paragraph 1 of subsection A of this section, shall be for a period of three (3) years if a prior revocation under this section, except under ~~paragraph 2~~ subparagraph b of paragraph 1 of subsection A of this section, commenced within the preceding five-year period as shown by the Department's record. ~~Such~~ This period shall not be modified.

D. The period of license revocation under ~~paragraph 2~~ subparagraph b or ~~6~~ f of paragraph 1 of subsection A of this section shall be governed by the provisions of Section 6-205.1 of this title.

E. The first license revocation under paragraph 7 g or 8 h of paragraph 1 of subsection A of this section shall be for a period of six (6) months. A second or subsequent license revocation under paragraph 7 g or 8 h of paragraph 1 of subsection A of this section shall be for a period of one (1) year. ~~Such~~ These periods shall not be modified.

SECTION 9. REPEALER 19 O.S. 1991, Sections 771, 774, 775, 776, 777 and 778, are hereby repealed.

SECTION 10. This act shall become effective November 1, 1999.

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