

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.

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
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~~ hearing 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 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.

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. This act shall become effective November 1, 1999.

Passed the Senate the 23rd day of February, 1999.

President of the Senate

Passed the House of Representatives the ____ day of _____, 1999.

Speaker of the House of Representatives