

ENGROSSED SENATE  
BILL NO. 405

By: Laughlin of the Senate  
and  
Davis of the House

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

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 issuance or service of process to obtain compulsory attendance of witnesses.

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

1. 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 deposited in the court fund and 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; and

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

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

~~E.~~ F. 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.~~ G. 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 payment as a service charge for the acceptance of such 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.

~~G.~~ H. 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 9th day of March, 1999.

---

President of the Senate

Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_ ,  
1999.

---

Speaker of the House of  
Representatives