ENGROSSED SENATE
BILL NO. 884

By: Smith of the Senate

and

Askins of the House

An Act relating to courts; amending 22 O.S. 1991, Section 983, as amended by Section 6, Chapter 359, O.S.L. 1999 (22 O.S. Supp. 1999, Section 983), which relates to the failure to pay fines, costs and fees; stating time period in which the court may send notice of nonpayment to the Department of Public Safety; amending 47 O.S. 1991, Section 18-101, as last amended by Section 3, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 1999, Section 18-101), which relates to records; modifying information on abstracts; amending 22 O.S. 1991, Section 1114.3, which relates to the delivery of traffic citation to the district attorney; setting certain procedures; deleting obsolete language; setting procedures on traffic citation for plea of guilty; setting procedures for Abstract of Court Record to be forwarded to the Department of Public Safety; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 983, as amended by Section 6, Chapter 359, O.S.L. 1999 (22 O.S. Supp. 1999, 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, 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, cost, fee, or assessment. A sentence to pay a fine, cost, fee, or assessment may be converted into a jail sentence only after a hearing and a judicial determination, memorialized of record, that the defendant is able to satisfy the fine, cost, fee, or assessment by payment, but refuses or neglects so to do.

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

C. In addition, the district court or municipal court, within one hundred twenty (120) days from the date upon which the person was originally ordered to make payment, may send notice of nonpayment of any court ordered fine~~, cost, fee, or assessment~~ and costs for a moving traffic violation to the Department of Public Safety with a recommendation of suspension of driving privileges of the defendant until the total amount of any fine~~, cost, fee, or assessment~~ and costs has been paid. Upon receipt of payment of the total amount of the fine~~, cost, fee, or assessment~~ and costs for the moving traffic violation, the court shall send notice thereof to the Department, if a nonpayment notice was sent as provided for in this subsection. 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, costs, fees, and assessments by indigents, which procedures and rules shall be distributed to all district courts and municipal courts by the Administrative Office of the Courts.

SECTION 2. AMENDATORY 47 O.S. 1991, Section 18-101, as last amended by Section 3, Chapter 201, O.S.L. 1997 (47 O.S. Supp. 1999, Section 18-101), is amended to read as follows:

Section 18-101. A. Every magistrate or judge of a court shall keep or cause to be kept a record of every traffic complaint, traffic citation, or other legal form of traffic charge deposited with or presented to the court or its traffic-violations bureau, and shall keep a record of every official action by the court or its traffic-violations bureau, including, but not limited to, a record of every conviction, forfeiture of bail, judgment of acquittal and

the amount of fine or forfeiture resulting from every traffic complaint, citation or other legal form of traffic charge deposited with or presented to the court or traffic-violations bureau.

B. Within ten (10) days after the conviction or forfeiture of bail of a person upon a charge of violating any law regulating the operation of vehicles on highways every magistrate of the court or clerk of the court of record, in which the conviction was had or bail was forfeited, shall prepare and immediately forward to the Department of Public Safety an abstract of the record covering the case in which the person was convicted or forfeited bail, which shall be certified by the person required to prepare the abstract to be true and correct. A report shall not be made of any conviction:

1. Involving the illegal parking or standing of a vehicle;

2. Involving speeding if the speed limit is not exceeded by more than ten (10) miles per hour; or

3. Rendered by a nonlawyer judge, unless, within a period not to exceed the preceding reporting period for Mandatory Continuing Legal Education, the judge has completed courses held for municipal judges which have been approved by the Oklahoma Bar Association Mandatory Legal Education Commission for at least six (6) hours of continuing legal education credit or attendance of at least one (1) day of a state judicial conference, and the Department of Public Safety receives verification of such attendance, from the judge. In the case of attendance of a continuing legal education course, verification may be made by a statement of attendance signed by the course registration personnel. In the case of verification of attendance of a state judicial conference, a statement of attendance signed by the Administrative Director of the Courts or a designee shall be sufficient verification.

C. The abstract ~~must~~ shall be made upon a form furnished by the Department and shall include:

1. The name~~, address,~~ and date of birth of the person charged;

2. The traffic citation number;

3. The driver license number, if any, of the person charged;

~~2.~~ 4. The ~~registration~~ license plate number of the vehicle involved; and

~~3.~~ 5. The nature and date of the offense, the date of hearing, the plea, the judgment, or, if bail was forfeited, the amount of the fine or forfeiture.

D. Every court of record shall also forward a like report to the Department upon the conviction of any person of manslaughter or other felony in the commission of which a vehicle was used.

E. The failure, refusal or neglect of any judicial officer to comply with any of the requirements of this section shall constitute misconduct in office and shall be ground for removal.

SECTION 3. AMENDATORY 22 O.S. 1991, Section 1114.3, is amended to read as follows:

Section 1114.3 A. Upon issuing a traffic citation required to be filed in district court, the arresting officer or the law enforcement agency employing the arresting officer:

1. Shall deliver the "Complaint Information" and "Abstract of Court Record" copies of the citation to the district attorney before it is filed with the district court clerk; or

2. Shall file, if the person arrested and served with the citation has indicated, either at the time of the arrest or at a subsequent time and in writing on the citation above the person's signature, that he or she elects to plead guilty to the violation charged, the "Complaint Information" and "Abstract of Court Record" copies of the citation with the district court clerk as an information and without the endorsement of the district attorney or an assistant district attorney. It shall be the duty of the district court clerk to notify the district attorney and the Department of Public Safety as to the fact of such filing.

B. Upon receipt of a traffic ~~ticket~~ citation by the ~~clerk of the~~ district court clerk, other than a traffic ~~ticket~~ citation which has been signed by the arrested person as a plea of guilty, the district court clerk shall either prepare a ~~copy~~ duplicate of the ~~ticket~~ "Complaint Information" copy of the citation and deliver the original "Complaint Information" copy to the district attorney, or record the ~~ticket~~ citation on a list maintained in the district court clerk's office and deliver the ~~ticket~~ "Complaint Information" copy of the citation to the district attorney for ~~his~~ disposition. The district court clerk's office shall file and maintain the "Abstract of Court Record" copy of the citation until the final disposition of the case. After final disposition of the ~~ticket~~ case by the district attorney, the ~~name~~ citation shall be removed from the list by the district court clerk. Upon final disposition of the case, the district court clerk shall clearly mark the "Abstract of Court Record" copy of the citation with the disposition information of the case and forward it to the Department of Public Safety, as provided in Section 18-101 of Title 47 of the Oklahoma Statutes. The "Abstract of Court Record" copy of the citation shall not be obscured by any official stamp of the district court or the district court clerk's office.

C. Upon receipt of a traffic citation by the district court clerk which has been:

1. Signed by the arrested person as a plea of guilty; or

2. Endorsed with the word "Declined" by the district attorney or an assistant district attorney:

the district court clerk shall clearly mark the "Abstract of Court Record" copy of the citation with the disposition information of the case and forward it to the Department of Public Safety, as provided in Section 18-101 of Title 47 of the Oklahoma Statutes. The "Abstract of Court Record" copy of the citation shall not be

obscured by any official stamp of the district court or the district court clerk's office.

D. Forwarding of the "Abstract of Court Record" copy of a citation by electronic means to the Department of Public Safety shall be in a manner and format as approved by the Department, and shall include the information required by Section 18-101 of Title 47 of the Oklahoma Statutes.

E. A traffic ~~ticket that~~ citation which is certified by the arresting officer, the complainant, the district attorney, or the assistant district attorney~~,~~ shall constitute an information against the person arrested and served with the traffic ~~ticket~~ citation. ~~The ticket shall be endorsed by the district attorney or assistant district attorney before it is filed with the district court clerk; except, if the person arrested and served with a traffic ticket either at the time he is arrested or at a subsequent time shall indicate in writing on the ticket, above his signature, that he elects to plead guilty to the violation charged, the traffic ticket shall be filed with the district court clerk, as an information, without the endorsement of the district attorney or an assistant district attorney, and it shall be the duty of the district court clerk to notify the district attorney and the Department of Public Safety as to the fact of such filing.~~

SECTION 4. This act shall become effective July 1, 2000.

SECTION 5. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the Senate the 6th day of March, 2000.

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President of the Senate

Passed the House of Representatives the ____ day of _____, 2000.

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Speaker of the House of Representatives