

ENROLLED HOUSE  
BILL NO. 1393

By: Paulk of the House

and

Herbert of the Senate

An Act relating to cities and towns; amending 11 O.S. 1991, Section 14-113, which relates to medical costs for defendants in the custody of a municipal jail; modifying definition; amending 11 O.S. 1991, Section 28-113, which relates to prosecutions in municipal criminal courts of record; authorizing governing bodies for municipalities having courts of record to prescribe a schedule of fines for certain cases; permitting defendants to pay fine in lieu of appearance before the court; providing that such payment constitutes final determination of the cause against the defendant; amending 11 O.S. 1991, Section 28-102, as last amended by Section 2, Chapter 234, O.S.L. 1998 (11 O.S. Supp. 1998, Section 28-102), which relates to jurisdiction of municipal criminal courts of record; modifying minimum fine entitling a person to a jury trial; amending 11 O.S. 1991, Section 28-123, as amended by Section 2, Chapter 265, O.S.L. 1993 (11 O.S. Supp. 1998, Section 28-123), which relates to sentences imposed in municipal criminal courts of record; extending time for which a judge of a municipal criminal court of record may continue or delay imposing judgment and sentence; authorizing municipalities to support public school systems and to take actions necessary to effectuate support; providing for codification; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 14-113, is amended to read as follows:

Section 14-113. When a defendant is in the custody of a municipal jail, the custodial municipality shall only be liable for the cost of medical care for conditions that are not preexisting prior to arrest and that arise due to acts or omissions of the municipality. Preexisting conditions are defined as those illnesses beginning or injuries sustained ~~outside the custody of the municipal jail~~ before a person is in the peaceable custody of the municipality's officers.

An inmate receiving medical care for a preexisting condition or a condition not caused by the acts or omissions of the municipality shall be liable for payment of the cost of care, including but not

limited to, medication, medical treatment, and transportation costs, for or relating to the condition requiring treatment.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 28-113, is amended to read as follows:

Section 28-113. A. All prosecutions commenced in a municipal criminal court of record shall be by information, pursuant to Section 16-108 of Title 47 of the Oklahoma Statutes, for traffic offenses and by information as in the district courts in other cases, which shall be subscribed by the person making complaint and shall be verified before a judge, the court clerk, or a deputy court clerk. All prosecutions for the violation of municipal ordinances shall be styled, "The City of \_\_\_\_\_ (naming the municipality) vs. \_\_\_\_\_ (naming the person or persons charged)".

B. Upon receipt of a traffic ticket or complaint by the court clerk, other than a traffic ticket which has been signed by the arrested person as a plea of guilty, the court clerk shall either prepare a copy of the ticket or complaint and deliver the original or duplicate original to the municipal attorney, or record the ticket on a list maintained in the clerk's office and deliver the ticket to the municipal attorney for his disposition. After disposition of the ticket by the municipal attorney, the name shall be removed from the list by the court clerk. A traffic ticket or complaint that is certified by the arresting officer, the complainant, or the municipal attorney, shall constitute an information against the person arrested and served with the traffic ticket or complaint. The ticket or complaint shall be endorsed by the municipal attorney before it is filed with the court clerk; except if the person arrested and served with a traffic ticket or complaint either at the time he is arrested or at a subsequent time shall indicate in writing on the ticket or complaint, above his signature, that he elects to plead guilty to the violation charged, the traffic ticket or complaint shall be filed with the court clerk, as an information, without the endorsement of the municipal attorney, and it shall be the duty of the court clerk to notify the municipal attorney as to the fact of such filing.

C. The municipal governing body, by ordinance, may prescribe a schedule of fines for nonjury cases which a defendant may pay in lieu of an appearance before the municipal court, and such payment shall constitute a final determination of the cause against the defendant; provided, however, this subsection shall not apply to those offenses for which the penalty is a fine of more than Two Hundred Dollars (\$200.00).

SECTION 3. AMENDATORY 11 O.S. 1991, Section 28-102, as last amended by Section 2, Chapter 234, O.S.L. 1998 (11 O.S. Supp. 1998, Section 28-102), is amended to read as follows:

Section 28-102. A. The municipal criminal courts of record shall have original jurisdiction to hear and determine all prosecutions when a violation of any of the ordinances of the city where the court is established is charged, as provided by Article VII, Section 1 of the Oklahoma Constitution.

B. Except in cases when the penalty provided for the violation of an ordinance ~~does not exceed~~ is a fine in the amount of Two Hundred Dollars (\$200.00) or less, excluding court costs, or by

imprisonment, or by both such fine and imprisonment, all persons charged before such municipal criminal court of record shall be entitled to a trial by jury, unless waived by the defendant. Judgment and sentence imposed by the judge shall be as effective as if the same had been rendered and imposed by a jury.

C. The maximum punishment that may be levied in any municipal criminal court of record is a fine not exceeding One Thousand Two Hundred Dollars (\$1,200.00) and costs, an imprisonment not to exceed six (6) months, or both such fine and imprisonment. Provided, the maximum punishment that may be levied in any municipal criminal court of record for violations of municipal traffic ordinances not including ordinances relating to driving a motor vehicle under the influence of alcohol or drugs is a fine not exceeding Five Hundred Dollars (\$500.00) and costs, an imprisonment not to exceed ninety (90) days, or both such fine and imprisonment. Provided, further that any municipal criminal court of record may levy a fine not to exceed One Thousand Dollars (\$1,000.00) and costs, an imprisonment not to exceed six (6) months, or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.

D. When a defendant has been in jeopardy for the same or any lesser included offense in the municipal criminal court of record or district court, he shall not be prosecuted in any other court for the same or a lesser included offense.

SECTION 4. AMENDATORY 11 O.S. 1991, Section 28-123, as amended by Section 2, Chapter 265, O.S.L. 1993 (11 O.S. Supp. 1998, Section 28-123), is amended to read as follows:

Section 28-123. A. All sentences of imprisonment shall be executed by the chief of police of the city, and any person convicted of a violation of any ordinance of the city and sentenced to imprisonment shall be confined in the jail, farm or workhouse, of the city, in the discretion of the court, for the time specified in the sentence. All persons who shall be convicted in the court of violation of any ordinance of the city and sentenced to pay a fine and costs, who shall refuse to pay such fine or costs, shall be imprisoned in the jail of the city for one (1) day for each Two Dollars (\$2.00) of the fine and costs assessed.

B. The judge of the municipal criminal court of record imposing a judgment and sentence, at his discretion, is empowered to modify, reduce, or suspend or defer the imposition of such sentence or any part thereof and to authorize probation for a period not to exceed six (6) months from the date of sentence, under such terms or conditions as the judge may specify. Upon completion of the probation term following a deferred sentence, the defendant shall be discharged without a court judgment of guilt, and the verdict, judgment of guilty or plea of guilty shall be expunged from the record and said charge be dismissed with prejudice to any further action. Upon a finding of the court that the conditions of probation have been violated, the municipal judge may enter a judgment of guilty.

C. The judge of the municipal court of record may continue or delay imposing a judgment and sentence for a period of time not to exceed ~~six (6) months~~ one (1) year from the date of sentence. At

the expiration of such period of time the judge may allow the city attorney to amend the charge to a lesser offense.

D. If a deferred sentence is imposed, an administrative fee of One Hundred Dollars (\$100.00) may be imposed as costs in the case.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 22-159 of Title 11, unless there is created a duplication in numbering, reads as follows:

Municipalities may support any public school system located in whole or in part within the corporate limits of the municipality, including without limitation by the expenditure of municipal revenues for construction or improvement of public school facilities. In furtherance of municipal support for any public school system, as authorized by this section, the municipal governing body may take all actions necessary to effectuate such support.

SECTION 6. This act shall become effective November 1, 1999.

Passed the House of Representatives the 19th day of May, 1999.

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Speaker of the House of  
Representatives

Passed the Senate the 19th day of May, 1999.

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President of the Senate