

ENROLLED SENATE
BILL NO. 1421

By: Smith of the Senate

and

Askins of the House

An Act relating to civil procedure; amending 12 O.S. 1991, Section 1802, which relates to the Dispute Resolution Act; modifying definition; amending 22 O.S. 1991, Section 983, as last amended by Section 1 of Enrolled Senate Bill No. 884 of the 2nd Session of the 47th Oklahoma Legislature, which relates to the failure to pay fines, costs and fees; deleting requirement for notice before certain bench warrants are issued; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 12 O.S. 1991, Section 1802, is amended to read as follows:

Section 1802. As used in the Dispute Resolution Act:

1. "Initiating party" means the party who first seeks mediation.
2. "Mediation" means the process of resolving a dispute with the assistance of a mediator outside of a formal court proceeding.
3. "Mediator" means any person certified pursuant to the provisions of the Dispute Resolution Act or the District Court Mediation Act to assist in the resolution of a dispute.
4. "Party" means an individual person, company, or governmental agency.
5. "Resolution" means the final determination of the dispute, arrived at by the parties upon their own initiative or by anyone authorized in writing to act in their behalf or with the help of a mediator.
6. "Responding party" means the party who is named by the initiating party as the other party in a dispute where mediation is sought.

SECTION 2. AMENDATORY 22 O.S. 1991, Section 983, as last amended by Section 1 of Enrolled Senate Bill No. 884 of the 2nd

Session of the 47th Oklahoma Legislature, 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 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 and costs has been paid. Upon receipt of payment of the total amount of the fine 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.

~~E. A district court or municipal court shall notify a defendant of nonpayment of any court ordered fine and costs for an offense by certified mail, return receipt requested, ten (10) days prior to issuance of a bench warrant for failure to pay the fine and costs. The cost of the notice shall be assessed against the defendant in the same manner as the other costs of the case.~~

SECTION 3. Section 1 of this act shall become effective November 1, 2000.

SECTION 4. 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 19th day of May, 2000.

President of the Senate

Passed the House of Representatives the 22nd day of May, 2000.

Speaker of the House of
Representatives