

ENROLLED SENATE
BILL NO. 405

By: Laughlin of the Senate

and

Davis of the House

An Act relating to court costs; amending 22 O.S. 1991, Section 1134, which relates to costs of returning fugitives; requiring collection of certain costs in case; 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; modifying language; increasing sheriff's fee; modifying disposition of certain fees; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 1991, Section 1134, is amended to read as follows:

Section 1134. A. 1. When the Governor shall demand from the executive authority of a state or territory of the United States, or of a foreign government, the surrender to the authorities of this state of a fugitive from justice, the accounts of the persons employed ~~by him~~ for that purpose ~~must~~ shall be paid out of the State Treasury; ~~provided, that when such~~ and shall be collected as costs in the case.

2. When extradition is demanded by the Governor upon the application of a district attorney of any county, for the return of a fugitive wanted in ~~such~~ that county, the actual, necessary expenses of the person designated by the district attorney and appointed as the agent of the state to return ~~such~~ the fugitive shall be paid by the county upon an itemized, verified claim with receipts attached which shall be collected as costs in the case.

B. 1. In all cases wherein any person shall be charged with the violation of the statutes of this state relating to desertion or abandonment of wife and child, or of child, and such person shall be a fugitive from justice and his whereabouts shall be known, it shall be the mandatory duty of the district attorney of the county wherein such charges are pending or of his designee, to request the Governor to issue a requisition for the return of such fugitive and to appoint an agent to effect such return.

2. The accounts of the person or persons employed by the Governor, to return such fugitive referred to in paragraph 1 above,

may be paid by the state out of funds appropriated to the Governor's Contingency and Emergency Fund, not to exceed Twenty-five Thousand Dollars (\$25,000.00) for any one (1) year in excess of any amounts recovered from such fugitives.

3. The cost of returning the fugitive shall be added on court cost against the deserter and no such case shall be dismissed unless the cost is paid. Such amount shall be used to reimburse the Governor's Contingency and Emergency Fund for the amount disbursed therefrom.

SECTION 2. 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~~
- a. within the county \$30.00, or
mileage as established
by the Oklahoma
Statutes, whichever
is greater; or
- b. outside of the county \$30.00, or
actual, necessary
expenses, 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 following:

1. The sheriff's fee provided for in paragraph 9 of subsection A of this section and the amount provided for in Section 153.2 of this title which, when collected, shall be transferred to deposited in 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;

2. The sheriff's fee provided for in Section 153.2 of this title; and

3. The witness fees paid by the district attorney pursuant to the provisions of Section 82 of this title which, if collected by the court clerk, shall be transferred to the district attorney's office in the county where witness attendance was required. Fees

transferred pursuant to this paragraph shall be deposited in the district attorney's maintenance and operating expense account.

~~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 3. This act shall become effective November 1, 1999.

Passed the Senate the 20th day of May, 1999.

President of the Senate

Passed the House of Representatives the 27th day of May, 1999.

Speaker of the House of Representatives

