

HOUSE OF REPRESENTATIVES

Thursday, March 18, 1999

ENGROSSED

Senate Bill No. 545

As Amended

ENGROSSED SENATE BILL NO. 545 -- By HERBERT of the Senate and SETTLE of the House.

AN ACT RELATING TO CITIES AND TOWNS; AMENDING 11 O.S. 1991, SECTION 14-111, AS AMENDED BY SECTION 3, CHAPTER 322, O.S.L. 1998 (11 O.S. SUPP. 1998, SECTION 14-111), WHICH RELATES TO MUNICIPAL ORDINANCES; MODIFYING ACTS FOR WHICH CERTAIN CITIES HAVE NO AUTHORITY TO ENACT CERTAIN ORDINANCES; INCREASING CERTAIN MAXIMUM FINES AND IMPRISONMENT; PROHIBITING MUNICIPALITIES FROM LEVYING FINE GREATER THAN CERTAIN AMOUNT FOR CERTAIN VIOLATION; PROHIBITING CERTAIN POINTS FROM BEING ASSESSED FOR CERTAIN VIOLATION; AMENDING 11 O.S. 1991, SECTION 27-122.1, WHICH RELATES TO COSTS CHARGED BY COURT CLERK; INCREASING THE MAXIMUM AMOUNT OF COSTS WHICH MAY BE CHARGED AND COLLECTED BY COURT CLERK; AND PROVIDING AN EFFECTIVE DATE.

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

SECTION 1. AMENDATORY 11 O.S. 1991, Section 14-111, as amended by Section 3, Chapter 322, O.S.L. 1998 (11

O.S. Supp. 1998, Section 14-111), is amended to read as follows:

Section 14-111. A. The governing body of a municipality may provide for enforcement of its ordinances and establish fines, penalties, or imprisonment, as authorized by subsections B through D of this section, for any offense in violation of its ordinances, which shall be recoverable with costs of suit. The governing body may provide that any person fined for violation of a municipal ordinance who is financially able but refuses or neglects to pay the fine or costs may be compelled to satisfy the amount owed by working on the streets, alleys, avenues, areas, and public grounds of the municipality, subject to the direction of the street commissioner or other proper officer, at a rate per day as the governing body may prescribe by ordinance, but not less than Five Dollars (\$5.00) per day for useful labor, until the fine or costs are satisfied.

B. Cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or imprisonment not exceeding six (6) months or both the fine and imprisonment, but shall not have authority to enact any ordinance making ~~unlawful an any~~ act or omission ~~declared by state statute to be punishable as a felony.~~ Provided: provided, that cities having a municipal criminal court of record may enact ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding six (6) months or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.

C. Municipalities having a municipal court not of record may enact ordinances prescribing maximum fines of ~~Two Hundred Dollars (\$200.00)~~ Five Hundred Dollars (\$500.00) and costs pursuant to the provisions of Section 27-126 of this title or imprisonment not exceeding ~~thirty (30)~~ sixty (60) days or both the fine and imprisonment; ~~;~~ provided, that municipalities

having only a municipal court not of record shall not have authority to enact any ordinance making ~~unlawful~~ any act or omission ~~declared by state statute to be punishable as~~ a felony. A municipal ordinance may not impose a penalty, including fine and costs, which is greater than that established by statute for the same offense. ~~Provided;~~ provided, that municipalities having a municipal court not of record may enact ~~ordinance~~ ordinances prescribing maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days or both such fine and imprisonment for violations of municipal ordinances regulating the pretreatment of wastewater and regulating stormwater discharges.

D. Municipalities having both municipal criminal courts of record and municipal courts not of record may enact ordinances, within the authority of this section, for ~~both such courts~~ each court.

E. No municipality may levy a fine of over Fifty Dollars (\$50.00) until it has compiled and published its penal ordinances as required in Sections 14-109 and 14-110 of this title.

F. No municipality may levy a fine of greater than Ten Dollars (\$10.00) plus a Fifteen Dollar (\$15.00) court cost for anyone exceeding the posted speed limit by no more than ten (10) miles per hour.

G. No points will be assessed against any driving record for exceeding the posted speed limit by no more than ten (10) miles per hour.

SECTION 2. AMENDATORY 11 O.S. 1991, Section 27-122.1, is amended to read as follows:

Section 27-122.1 A. All sentences of imprisonment shall be executed by the chief of police of the municipality, and any person convicted of a violation of any ordinance of the municipality and sentenced to imprisonment shall be confined in the jail, farm, or workhouse, of the municipality, in the discretion of the court, for the time specified in the sentence; provided, however, the court may, in lieu of imprisonment, order the defendant to engage in a term of community service without

compensation. If the defendant fails to perform the required community service or if the conditions of community service are violated, the judge may impose a sentence of imprisonment, not to exceed the maximum sentence allowable for the violation for which the defendant was convicted.

B. The judge of the municipal court imposing a judgment and sentence, at ~~his~~ the judge's discretion, is empowered to modify, reduce, ~~or~~ suspend, or defer the imposition of ~~such a~~ 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. Procedures relating to suspension of the judgment or costs or both shall be as provided in Section 27-123 of Title 11 of the Oklahoma Statutes. Upon completion of the terms of probation ~~term~~, 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 the~~ charge 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 may continue or delay imposing a judgment and sentence for a period of time not to exceed six (6) months from the date of sentence. At the expiration of ~~such this~~ period of time the judge may allow the municipal attorney to amend the charge to a lesser offense.

D. If a deferred sentence is imposed, an administrative fee ~~of~~ not to exceed ~~One Hundred Dollars (\$100.00)~~ Five Hundred Dollars (\$500.00) may be imposed as costs in the case.

E. For purposes of this section, "judge of the municipal court" means a municipal court judge who is licensed to practice law in ~~Oklahoma~~ this state.

SECTION 3. AMENDATORY 11 O.S. 1991, Section 27-126, is amended to read as follows:

Section 27-126. The municipal governing body shall determine by ordinance the costs that shall be charged and collected by the clerk of the court, but ~~such~~ costs shall not exceed the sum of ~~Fifteen Dollars (\$15.00)~~ Twenty-five Dollars (\$25.00) plus the fees and mileage of jurors and witnesses.

SECTION 4. This act shall become effective November 1, 1999.