

STATE OF OKLAHOMA

1st Session of the 47th Legislature (1999)

SENATE BILL NO. 545

By: Herbert

AS INTRODUCED

An Act relating to cities and towns; amending 11 O.S. 1991, Sections 27-122.1 and 27-126, which relate to municipal courts not-of-record; increasing authority for certain fee and costs; and providing an effective date.

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

SECTION 1. 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 2. 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 3. This act shall become effective November 1, 1999.

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