

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

CONFERENCE COMMITTEE SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 1547

By: Mass and Bonny of the House

and

Haney and Hobson of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to the District Attorneys Council; amending 21 O.S. 1991, Section 142.1, as amended by Section 1, Chapter 177, O.S.L. 1999 (21 O.S. Supp. 2000, Section 142.1), which relates to the Crime Victims Compensation Act; clarifying legislative intent; amending 21 O.S. 1991, Section 142.18, as last amended by Section 4, Chapter 292, O.S.L. 1996 (21 O.S. Supp. 2000, Section 142.18), which relates to victims compensation assessments; modifying assessment; amending Section 8 of Enrolled House Bill No. 1545; modifying amount authorized for transfer; amending Section 9 of Enrolled House Bill No. 1545; modifying budgetary limits for the district attorneys; providing an effective date; and declaring an emergency.

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

SECTION 1. AMENDATORY 21 O.S. 1991, Section 142.1, as amended by Section 1, Chapter 177, O.S.L. 1999 (21 O.S. Supp. 2000, Section 142.1), is amended to read as follows:

Section 142.1 It is the intent of the Legislature to provide a method of compensating and assisting those persons who become victims of criminal acts and who suffer physical or psychological injury or death who are either within this state or who are residents of this state who become victims, as defined in Section 142.3 of this title, in states that have no crime victims compensation program. It is the further intent of the Legislature that district attorney offices shall provide services to victims of crime, as provided by law, and to assist in completing victim

compensation claims pursuant to this act. To this end, it is the further intent of the Legislature to provide compensation in the amount of expenses actually incurred as a direct result of the criminal acts of other persons.

SECTION 2. AMENDATORY 21 O.S. 1991, Section 142.18, as last amended by Section 4, Chapter 292, O.S.L. 1996 (21 O.S. Supp. 2000, Section 142.18), is amended to read as follows:

Section 142.18 A. In addition to the imposition of any costs, penalties or fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for a felony involving criminally injurious conduct shall be ordered to pay a victim compensation assessment of at least ~~Forty Dollars (\$40.00)~~ Fifty Dollars (\$50.00), but not to exceed Ten Thousand Dollars (\$10,000.00), for each crime for which the person was convicted or for which the person agreed to a deferred judgment procedure. In imposing this penalty, the court shall consider factors such as the severity of the crime, the prior criminal record, the expenses of the victim of the crime, and the ability of the defendant to pay, as well as the economic impact of the victim compensation assessment on the dependents of the defendant.

B. In addition to the imposition of any costs, penalties or fines imposed pursuant to law, any person convicted of, pleading guilty to or agreeing to a deferred judgment procedure under the provisions set forth in the Oklahoma Statutes for a felony or misdemeanor offense, not including traffic offenses and not including misdemeanor offenses of the Oklahoma Wildlife Conservation Code or statutes relating to water safety, not described in subsection A of this section, the court shall levy a victim compensation assessment of at least ~~Thirty-five Dollars (\$35.00)~~ Forty-five Dollars (\$45.00), but not to exceed One Thousand Dollars (\$1,000.00) for each felony and at least ~~Twenty Dollars (\$20.00)~~

Thirty Dollars (\$30.00), but not to exceed Three Hundred Dollars (\$300.00) for each misdemeanor upon every fine, penalty, and forfeiture imposed and collected. When a cash bond is posted for any offense included in this subsection, the bond shall also include a sufficient amount to cover the minimum amount for victim compensation assessment.

C. A victim compensation assessment of at least ~~Twenty Dollars (\$20.00)~~ Thirty Dollars (\$30.00), but not to exceed Two Thousand Dollars (\$2,000.00), shall be levied by the court at the time a child has been adjudicated by the court as a delinquent child, provided the child is committed to the Department of Juvenile Justice, as defined in Sections 7301-1.3 and 7302-5.3 of Title 10 of the Oklahoma Statutes.

D. All monies collected pursuant to this section shall be forwarded monthly by the court clerk to the Victims Compensation Revolving Fund.

E. In any municipal court of record in which the defendant is ordered by the court to pay municipal court costs as a result of a crime involving violence, the threat of violence, or sexual assault, the court shall levy and collect a victims compensation assessment of Thirty-five Dollars (\$35.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected from said Thirty-five Dollars (\$35.00) for administrative costs. In any municipal court of record in which the defendant is ordered by the court to pay municipal court costs as a result of driving under the influence of alcohol or other intoxicating substance, or both alcohol and other intoxicating substance, the court shall levy and collect a victims compensation assessment of Twenty-five Dollars (\$25.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected from said Twenty-five Dollars (\$25.00) for administrative costs. All victims compensation assessments

collected by the municipal court clerk shall be forwarded to the Crime Victims Compensation Fund on a quarterly basis.

F. Beginning July 1, 1996, the fee provided for in Section 991d of Title 22 of the Oklahoma Statutes shall be deposited with the State Treasurer and transferred to the Department of Corrections Revolving Fund. There shall be a three-year statute of limitation from the date of receipt of all restitution funds made payable to the Department of Corrections. All restitution funds which have not been disbursed in three (3) years shall be transferred to the Oklahoma Crime Victims Compensation Fund by the 15th of the month following the end of each quarter. The statute of limitations applies to funds currently on the books of the Department of Corrections which have not been disbursed as of July 1, 1993, and July 1st of every year thereafter. Any funds being held since the repeal of Section 991e of Title 22 of the Oklahoma Statutes, which was effective July 1, 1995, shall be transferred to the Oklahoma Crime Victims Compensation Fund by July 31, 1996. Any restitution collected through a county restitution program and deposited in a county treasury account shall also be forwarded to the Victims Compensation Fund using the same three-year statute of limitations.

SECTION 3. AMENDATORY Section 8 of Enrolled House Bill No. 1545 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 8. For the fiscal year ending June 30, 2002, up to ~~Six Hundred Fifty-one Thousand Dollars (\$651,000.00)~~ One Million Three Hundred Two Thousand Dollars (\$1,302,000.00) is authorized to be transferred from the Crime Victims Compensation Revolving Fund, created by Section 142.17 of Title 21 of the Oklahoma Statutes to the District Attorneys Council for duties to support Victim-Witness Services.

SECTION 4. AMENDATORY Section 9 of Enrolled House Bill No. 1545 of the 1st Session of the 48th Oklahoma Legislature, is amended to read as follows:

Section 9. For the fiscal year ending June 30, 2002, the District Attorneys Council shall budget all funds in the following categories and amounts:

<u>Category</u>	<u>Appropriation</u>	<u>Total</u>
Prosecutorial Services	\$31,874,762.00	\$37,500,000.00
		<u>\$38,151,000.00</u>
General Administration	1,028,000.00	1,600,000.00
Child Support Services	0.00	13,250,000.00
Bogus Check Enforcement and Restitution	0.00	12,500,000.00
Federal Grant Programs	0.00	8,500,000.00
Federal Pass-Through Grants	0.00	19,000,000.00
Drug Asset Forfeiture	0.00	2,150,000.00
Crime Victim Services	<u>0.00</u>	<u>6,000,000.00</u>
TOTAL	\$31,902,762.00	\$100,500,000.00
		<u>\$101,151,000.00</u>

SECTION 5. This act shall become effective July 1, 2001.

SECTION 6. 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.

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