

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

COMMITTEE SUBSTITUTE
FOR ENGROSSED
SENATE BILL NO. 632

By: Smith of the Senate

and

Hastings of the House

COMMITTEE SUBSTITUTE

An Act relating to courts; amending 19 O.S. 1991, Section 220, as amended by Section 3, Chapter 310, O.S.L. 1998 (19 O.S. Supp. 2000, Section 220), which relates to the Court Clerk's Revolving Fund; providing for administrative fee on certain fees collected by court clerk; amending 20 O.S. 1991, Sections 1313.2, as last amended by Section 1, Chapter 316, O.S.L. 2000 and 1313.3, as last amended by Section 2, Chapter 386, O.S.L. 1999 (20 O.S. Supp. 2000, Sections 1313.2 and 1313.3), which relate to penalties, fees and fines; deleting language authorizing court clerk to retain certain monies; clarifying language; amending 21 O.S. 1991, Section 1761.1, as last amended by Section 1, Chapter 176, O.S.L. 2000 (21 O.S. Supp. 2000, Section 1761.1), which relates to certain fines; deleting language authorizing court clerk retain certain monies; amending Section 7, Chapter 359, O.S.L. 1997, as amended by Section 1, Chapter 53, O.S.L. 1998, 22 O.S. 1991, Sections 979a, as last amended by Section 1, Chapter 205, O.S.L. 1999 and 1355.14, as last amended by Section 2, Chapter 197, O.S.L. 1999 (22 O.S. Supp. 2000, Sections 471.6, 979a and 1355.14), which relate to costs and fees; deleting language authorizing court clerk to retain certain fees and administrative costs; amending 63 O.S. 1991, Section 2-503.2, as last amended by Section 2, Chapter 53, O.S.L. 1998 (63 O.S. Supp. 2000, Section 2-503.2), which relates to assessments; deleting language authorizing court clerk to retain certain fees; and providing an effective date.

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

SECTION 1. AMENDATORY 19 O.S. 1991, Section 220, as amended by Section 3, Chapter 310, O.S.L. 1998 (19 O.S. Supp. 2000, Section 220), is amended to read as follows:

Section 220. A. Beginning July 1, 1991, there is hereby created with the county treasurer of each county within this state a revolving fund to be designated the "Court Clerk's Revolving Fund".

The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received as grants from the federal government and any other monies designated by law for deposit into the fund. All monies accruing to the credit of the fund are hereby appropriated and ~~may~~ shall be ~~budgeted and~~ expended by the court clerk ~~in the manner and for the purposes set forth for the court fund as specified in Title 20 of the Oklahoma Statutes~~ for the lawful operation of the court clerk's office. Claims against the fund shall include only expenses incurred for the operation of the court clerk's office in each county, and payment may be made after the claim is approved by the court clerk and either the district or the associate district judge of that county. The monies shall be reported quarterly to the Administrator of the Courts. The necessary forms and procedures shall be developed and implemented by the State Auditor and Inspector.

B. There shall be no monies, other than federal funds, deposited into the fund created herein, unless expressly authorized by the Legislature.

C. Notwithstanding any other provision of law, the court clerk shall assess an administrative fee of ten percent (10%) to be taxed on all fees collected by the court clerk for agencies other than the court and not deposited into the court fund. The administrative fee shall not attach to the sheriff's service fees provided for in Sections 153 and 153.2 of Title 28 of the Oklahoma Statutes, monies deposited into the Law Library Fund, witness fees paid by the district attorney pursuant to the provisions of Section 82 of Title 28 of the Oklahoma Statutes, and dispute resolution fees provided for in Section 1809 of Title 12 of the Oklahoma Statutes. The administrative fees shall be deposited in the Court Clerk's Revolving Fund.

SECTION 2. AMENDATORY 20 O.S. 1991, Section 1313.2, as last amended by Section 1, Chapter 316, O.S.L. 2000 (20 O.S. Supp. 2000, Section 1313.2), is amended to read as follows:

Section 1313.2 A. As used in this section:

1. "Convicted" means any final adjudication of guilt, whether pursuant to a plea of guilty or nolo contendere or otherwise, and any deferred or suspended sentence or judgment;

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty; and

3. "DNA" means Deoxyribonucleic acid.

B. Any person convicted of an offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more, or by incarceration or any person forfeiting bond when charged with such an offense, shall be ordered by the court to pay Seven Dollars (\$7.00) as a separate penalty assessment and One Hundred Fifty Dollars (\$150.00) as a Laboratory Analysis Fee if applicable pursuant to subsection C of this section, and One Hundred Fifty Dollars (\$150.00) as a DNA fee if applicable pursuant to subsection G of this section, which assessment and fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense.

C. Any person convicted of any misdemeanor or felony offense shall pay a Laboratory Analysis Fee in the amount of One Hundred Fifty Dollars (\$150.00) for each offense if forensic science or laboratory services are rendered or administered by the Oklahoma State Bureau of Investigation, by the Toxicology Laboratory of the Office of the Chief Medical Examiner or by any municipality or county in connection with the case.

The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars (\$150.00) as collected, for every conviction as described in this subsection. ~~The court may retain fifteen~~

~~percent (15%) of such monies to cover administrative costs pursuant to this subsection.~~ The court clerk shall remit ~~the remainder of~~ the monies in the fund on a monthly basis either to:

1. The Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation;

2. The Office of the Chief Medical Examiner who shall deposit the monies into the Office of the Chief Medical Examiner Toxicology Laboratory Revolving Fund provided for in Section 954 of Title 63 of the Oklahoma Statutes for services rendered or administered by the Toxicology Laboratory of the Office of the Chief Medical Examiner;
or

3. The appropriate municipality or county for services rendered or administered by a municipality or county.

The monies from the Laboratory Analysis Fee Fund deposited into the OSBI Revolving Fund shall be used for the following:

1. Providing criminalistic laboratory services;

2. The purchase and maintenance of equipment for use by the laboratory in performing analysis;

3. Education, training, and scientific development of Oklahoma State Bureau of Investigation personnel; and

4. The destruction of seized property and chemicals as prescribed in Sections 2-505 and 2-508 of Title 63 of the Oklahoma Statutes.

D. Upon conviction or bond forfeiture, the court shall collect the penalty assessment provided for in subsection B of this section and deposit it in an account created for that purpose. ~~As an administrative fee for handling funds collected as a penalty assessment, each court is authorized to retain eight cents (\$0.08) of such monies and may also retain all interest accrued thereon prior to the due date for deposits as provided in this subsection.~~

Except as otherwise provided in subsection E of this section, the ~~remainder of such~~ monies shall be forwarded quarterly by the court clerk to the State Treasury. Deposits shall be due July 15 for the preceding quarter ending June 30, October 15 for the preceding quarter ending September 30, January 15 for the preceding quarter ending December 31, and April 15 for the preceding quarter ending March 31. There shall be a penalty imposed for failure to make timely deposits. Such penalty shall be one percent (1%) of the principal amount due per day beginning from the tenth day after payment is due and accumulating until the penalty reaches one hundred percent (100%) of the principal amount due. Beginning on July 1, 1987, ninety percent (90%) of the monies received by the State Treasurer from the court clerks pursuant to this section shall be deposited in the C.L.E.E.T. Fund and ten percent (10%) shall be deposited in the General Revenue Fund. Beginning January 1, 2001, fifty-two and ninety-two one hundredths percent (52.92%) of the monies received by the State Treasurer from the court clerks pursuant to this section shall be deposited in the C.L.E.E.T. Fund, five and eighty-five one hundredths percent (5.85%) shall be deposited in the General Revenue Fund and forty-one and twenty-three one hundredths percent (41.23%) shall be deposited in the C.L.E.E.T. Training Center Revolving Fund created pursuant to ~~Section 3~~ subsection F of this ~~act~~ section. Along with the deposits required by this subsection each court shall also submit a report stating the total amount of funds collected and the total number of penalty assessments imposed during the preceding quarter. The report may be made on computerized or manual disposition reports.

E. Any municipality or county having a basic law enforcement academy approved by the Council on Law Enforcement Education and Training pursuant to the criteria developed by the Council for training law enforcement officers shall retain from monies collected pursuant to this section, Two Dollars (\$2.00) from each penalty

~~assessment less the two percent (2%) administrative fee retained by the court.~~ These monies shall be deposited into an account for the sole use of the municipality or county in implementing its law enforcement training functions. Not more than seven percent (7%) of such monies shall be used for court and prosecution training. The court clerk of any such municipality or county shall furnish to the State Treasury the report required by subsection D of this section.

F. There is hereby created in the State Treasury a fund for the Council on Law Enforcement Education and Training to be designated the "C.L.E.E.T. Fund". The fund shall be subject to legislative appropriation and shall consist of any monies received from fees and receipts collected pursuant to the Oklahoma Open Records Act, reimbursements for parts used in the repair of weapons of law enforcement officers attending the basic academies, gifts, bequests, contributions, tuition, fees, devises, and the assessments levied pursuant to the fund pursuant to law.

G. 1. Any person convicted of violating Section 7115 of Title 10 of the Oklahoma Statutes or Section 645, 650, 650.2, 650.5, 650.6, 650.7, 650.8, 651, 652, 701.7, 701.8, 711, 832, 885, 888, 1114, subsection B of Section 1021, 1021.2, 1021.3, 1087, 1088, 1123, 1173, or 1192.1 of Title 21 of the Oklahoma Statutes shall pay a DNA fee of One Hundred Fifty Dollars (\$150.00). This fee shall not be collected if the person has a valid DNA sample in the OSBI DNA Offender Database at the time of sentencing.

2. The court clerk shall cause to be deposited the amount of One Hundred Fifty Dollars (\$150.00) as collected, for every conviction as described in this subsection. ~~The court may retain fifteen percent (15%) of such monies to cover administrative costs pursuant to this subsection.~~ The court clerk shall remit ~~the remainder of~~ the monies in said fund on a monthly basis to the Oklahoma State Bureau of Investigation who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of

Title 74 of the Oklahoma Statutes for services rendered or administered by the Oklahoma State Bureau of Investigation.

3. The monies from the DNA sample fee deposited into the OSBI Revolving Fund shall be used for creating, staffing, and maintaining the OSBI DNA Laboratory and OSBI DNA Offender Database.

SECTION 3. AMENDATORY 20 O.S. 1991, Section 1313.3, as last amended by Section 2, Chapter 386, O.S.L. 1999 (20 O.S. Supp. 2000, Section 1313.3), is amended to read as follows:

Section 1313.3 A. In addition to the penalty assessment imposed by Section 1313.2 of this title, any person convicted of any offense, including traffic offenses but excluding parking and standing violations, punishable by a fine of Ten Dollars (\$10.00) or more or by incarceration or any person forfeiting bond when charged with such offense, shall be ordered by the court to pay a fingerprinting fee in the amount of Three Dollars (\$3.00) for each offense for the A.F.I.S. Fund in the State Treasury. The fee shall be in addition to and not in substitution for any and all fines and penalties otherwise provided for by law for such offense. The fee shall be collected at the same time and in the same manner as the penalty assessment provided for in Section 1313.2 of ~~Title 20 of the Oklahoma Statutes~~ this title. ~~Each court clerk shall be authorized to retain six cents (\$0.06) of each fee collected.~~ The court clerk shall deposit the fee collected pursuant to this section in the account provided for in subsection D of Section 1313.2 of this title and shall forward the amounts imposed by this section and Section 1313.2 of this title as a lump sum in one check or draft. The deposits required by this section shall be included in the total amount of money disclosed in the report required by Section 1313.2 of this title, but it shall not be required that the fee be listed as a separate item. Two Dollars and seventy cents (\$2.70) of each penalty assessment received pursuant to this section by the State

Treasurer shall be deposited in the A.F.I.S. Fund and twenty-four cents (\$0.24) shall be deposited in the General Revenue Fund.

B. As used in this section:

1. "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; and

2. "Court" means any state or municipal court having jurisdiction to impose a criminal fine or penalty.

SECTION 4. AMENDATORY 21 O.S. 1991, Section 1761.1, as last amended by Section 1, Chapter 176, O.S.L. 2000 (21 O.S. Supp. 2000, Section 1761.1), is amended to read as follows:

Section 1761.1 A. Any person who deliberately places, throws, drops, dumps, deposits, or discards any garbage, trash, waste, rubbish, refuse, debris, or other deleterious substance on any public property or on any private property of another without consent of the property owner shall be deemed guilty of a misdemeanor.

B. Any person convicted of violating the provisions of subsection A of this section shall be punished by a fine of not less than Two Hundred Dollars (\$200.00) nor more than Five Thousand Dollars (\$5,000.00) or by imprisonment in the county jail for not more than thirty (30) days, or by both such fine and imprisonment.

C. In addition to the penalty prescribed by subsection B of this section, the court shall direct the person to make restitution to the property owner affected; to remove and properly dispose of the garbage, trash, waste, rubbish, refuse, or debris from the property; to pick up, remove, and properly dispose of garbage, trash, waste, rubbish, refuse, debris, and other nonhazardous deleterious substances from public property; or perform community service or any combination of the foregoing which the court, in its discretion, deems appropriate. The dates, times, and locations of such activities shall be scheduled by the sheriff pursuant to the

order of the court in such a manner as not to interfere with the employment or family responsibilities of the person.

D. In addition to the penalty prescribed in subsection B of this section and the restitution prescribed in subsection C of this section, the court may order the defendant to pay into the reward fund as prescribed in Section 1334 of Title 22 of the Oklahoma Statutes an amount not to exceed Two Thousand Dollars (\$2,000.00).

E. The discovery of two or more items which have been dropped, dumped, deposited, discarded, placed, or thrown at one location and which bear a common address in a form which tends to identify the latest owner of the items shall create a rebuttable presumption that any competent person residing at such address committed the unlawful act. The discovery or use of such evidence shall not be sufficient to qualify for the reward provided in Section 1334 of Title 22 of the Oklahoma Statutes.

F. Any person may report a violation of this section, if committed in their presence, to an officer of the State Highway Patrol, a county sheriff or deputy, a municipal law enforcement officer or any other peace officer in this state. The peace officer shall then conduct an investigation into the allegations, if warranted. If a violation of this section has in fact been committed, and the peace officer has reasonable cause to believe a particular person or persons have committed the violation, a report shall be filed with the District Attorney for prosecution.

G. Notwithstanding the provisions of subsection F of this section, any peace officer of this state or of any political subdivision of this state may issue a state traffic citation to any person committing a violation of subsection A of this section. Such state traffic citation shall be in an amount not exceeding Two Hundred Dollars (\$200.00) and the penalties collected from the payment of such citations shall, after deduction of court costs ~~and~~

~~five percent (5%) of any fines collected to be retained by the court clerk as an administrative expense, be divided as follows:~~

1. One-half (1/2) shall be paid into the reward fund created pursuant to Section 1334 of Title 22 of the Oklahoma Statutes; and

2. One-half (1/2) shall be paid into the sheriff's service fee account for that county to be used for enforcing provisions of this section.

H. The amount of bail for littering offenses specified in Section 1753.3 of this title and for trash dumping offenses specified in this section shall be the amount of fine specified in each statute plus costs including any penalty assessment, as well as costs incurred in Section 1313.3 of Title 20 of the Oklahoma Statutes.

SECTION 5. AMENDATORY Section 7, Chapter 359, O.S.L. 1997, as amended by Section 1, Chapter 53, O.S.L. 1998 (22 O.S. Supp. 2000, Section 471.6), is amended to read as follows:

Section 471.6 A. The drug court judge shall conduct a hearing as required by subsection E of Section 471.4 of this title to determine final eligibility by considering:

1. Whether or not the offender voluntarily consents to the program requirements;

2. Whether or not to accept the offender based upon the findings and recommendations of the drug court investigation authorized by Section 471.4 of this title;

3. Whether or not there is a written plea agreement, and if so, whether the terms and conditions of the written negotiated plea between the district attorney, the defense attorney, and the offender are appropriate and consistent with the penalty provisions and conditions of other similar cases;

4. Whether or not there is an appropriate treatment program available to the offender and whether or not there is a recommended treatment plan; and

5. Any information relevant to determining eligibility; provided, however, an offender shall not be denied admittance to any drug court program based upon an inability to pay court costs or other costs or fees.

B. At the hearing to determine final eligibility for the drug court program, the judge shall not grant any admission of any offender to the program when:

1. The required treatment plan and plea agreement have not been completed;

2. The program funding or availability of treatment has been exhausted;

3. The treatment program is unwilling to accept the offender;

4. The offender was ineligible for consideration by the nature of a violent offense at the time of arrest, and the charge has been modified to meet the eligibility criteria of the program; or

5. The offender is inappropriate for admission to the program, in the discretion of the judge.

C. At the final eligibility hearing, if evidence is presented that was not discovered by the drug court investigation, the district attorney or the defense attorney may make an objection and may ask the court to withdraw the plea agreement previously negotiated. The court shall determine whether to proceed and overrule the objection, to sustain the objection and transfer the case for traditional criminal prosecution, or to require further negotiations of the plea or punishment provisions. The decision of the judge for or against eligibility and admission shall be final.

D. When the court accepts the treatment plan with the written plea agreement, the offender, upon entering the plea as agreed by the parties, shall be ordered and escorted immediately into the program. The offender must have voluntarily signed the necessary court documents before the offender may be admitted to treatment. The court documents shall include:

1. Waiver of the offender's rights to speedy trial;

2. A written plea agreement which sets forth the offense charged, the penalty to be imposed for the offense in the event of a breach of the agreement, and the penalty to be imposed, if any, in the event of a successful completion of the treatment program; provided, however, incarceration shall be prohibited when the offender completes the treatment program;

3. A written treatment plan which is subject to modification at any time during the program; and

4. A written performance contract requiring the offender to enter the treatment program as directed by the court and participate until completion, withdrawal, or removal by the court.

E. If admission into the drug court program is denied, the criminal case shall be returned to the traditional criminal docket and shall proceed as provided for any other criminal case.

F. At the time an offender is admitted to the drug court program, any bail or undertaking on behalf of the offender shall be exonerated.

G. The period of time during which an offender may participate in the active treatment portion of the drug court program shall be not less than six (6) months nor more than twenty-four (24) months and may include a period of supervision not less than six (6) months nor more than one (1) year following the treatment portion of the program. All participating treatment providers shall be certified by the Department of Mental Health and Substance Abuse Services and shall be selected and evaluated for performance-based effectiveness annually by the Department of Mental Health and Substance Abuse Services. Treatment programs shall be designed to be completed within twelve (12) months and shall have relapse prevention and evaluation components.

H. The drug court judge shall order the offender to pay court costs, treatment costs, drug testing costs, a program user fee not

to exceed Twenty Dollars (\$20.00) per month, and necessary supervision fees, unless the offender is indigent. The drug court judge shall establish a schedule for the payment of costs and fees. The cost for treatment, drug testing, and supervision shall be set by the treatment and supervision providers respectively and made part of the court's order for payment. User fees shall be set by the drug court judge within the maximum amount authorized by this subsection and payable directly to the court clerk for the benefit and administration of the drug court program. Treatment, drug testing, and supervision costs shall be paid to the respective providers. The court clerk shall collect all other costs and fees ordered. ~~The court clerk shall be authorized to retain two percent (2%) of any user fees collected pursuant to the Oklahoma Drug Court Act and deposit such amount in the Court Clerk's Revolving Fund pursuant to the provisions of Section 220 of Title 19 of the Oklahoma Statutes.~~ The remaining user fees shall be remitted to the State Treasurer by the court clerk for deposit in the Department of Mental Health and Substance Abuse Services' Drug Abuse Education and Treatment Revolving Fund established pursuant to Section 2-503.2 of Title 63 of the Oklahoma Statutes. Court orders for costs and fees pursuant to this subsection shall not be limited for purposes of collection to the maximum term of imprisonment for which the offender could have been imprisoned for the offense, nor shall any court order for costs and fees be limited by any term of probation, parole, supervision, treatment, or extension thereof. Court orders for costs and fees shall remain an obligation of the offender with court monitoring until fully paid.

SECTION 6. AMENDATORY 22 O.S. 1991, Section 979a, as last amended by Section 1, Chapter 205, O.S.L. 1999 (22 O.S. Supp. 2000, Section 979a), is amended to read as follows:

Section 979a. A. Except as otherwise provided in this section, the municipal attorney or district attorney shall ask the court to

require a person confined in a city or county jail, for any offense, to pay the jail facility the costs of incarceration, both before and after conviction, upon conviction or receiving a deferred sentence. The costs of incarceration shall be collected by the clerk of the court. Costs of incarceration shall include booking, receiving and processing out, housing, food, clothing, medical care, dental care, and psychiatric services. The costs for incarceration shall be an amount equal to the actual cost of the services and shall be determined by the chief of police for city jails, by the county sheriff for county jails or by contract amount, if applicable. The cost of incarceration shall be paid to the municipality, county or other public entity responsible for the operation of all jail facilities where the person is held before and after conviction. The costs shall not be assessed if, in the judgment of the court, such costs would impose a manifest hardship on the person, or if in the opinion of the court the property of the person is needed for the maintenance and support of immediate family. Five percent (5%) of any amount collected shall be paid to the municipal attorney's or district attorney's office, ~~five percent (5%) shall be deposited in the court clerk's revolving fund,~~ five percent (5%) shall be transmitted by the court clerk to the District Attorneys Council Revolving Fund, established by Section 215.28 of Title 19 of the Oklahoma Statutes, to be used to fund personnel to process victim compensation claims in district offices designated by the Crime Victims Compensation Board and the remaining amount shall be paid to the municipality, the sheriff's service fee account or, if the sheriff does not operate the jail facility, the remaining amount shall be deposited with the public entity responsible for the operation of the jail facility where the person is held.

B. Any offender injured during the commission of a felony or misdemeanor offense shall be required to reimburse the sheriff, municipality or other public entity responsible for the operation of

the jail, the full amount paid by the sheriff, municipality or other public entity responsible for the operation of the jail for any medical care or treatment administered to such offender during any period of incarceration or preceding incarceration in that jail facility. The sheriff, municipality or other public entity responsible for the operation of the jail may deduct the costs of medical care and treatment resulting from the commission of a felony or misdemeanor offense from any money collected from such inmate's jail account as authorized by Section 531 of Title 19 of the Oklahoma Statutes. If the funds collected from the inmate's jail account are insufficient to satisfy the actual medical costs paid as a result of the commission of a felony or misdemeanor offense, the court shall order the remaining balance of the medical care and treatment to be paid.

SECTION 7. AMENDATORY 22 O.S. 1991, Section 1355.14, as last amended by Section 2, Chapter 197, O.S.L. 1999 (22 O.S. Supp. 2000, Section 1355.14), is amended to read as follows:

Section 1355.14 A. At the time of pronouncing the judgment and sentence or other final order, the court shall order any person represented by an attorney employed by the Indigent Defense System or a defense attorney who contracts or volunteers to represent indigents pursuant to the provisions of the Indigent Defense Act to pay the costs for representation in total or in installments and, in the case of installment payments, set the amount and due date of each installment. The attorney representing the indigent person shall document for the court the total costs for representation.

B. Costs assessed pursuant to this section shall be collected by the court clerk and when collected paid monthly to the Oklahoma Indigent Defense System for deposit to the Indigent Defense System Revolving Fund. ~~The court clerk may retain not more than ten percent (10%) of all such costs collected as an administrative fee, which shall be deposited in the Court Clerk's Revolving Fund.~~

C. Costs of representation shall be a debt against the person represented until paid and shall be subject to any method provided by law for the collection of debts.

D. Any order directing the defendant to pay costs of representation shall be a lien against all real and personal property of the defendant and may be filed against such property and foreclosed as provided by law for civil liens.

SECTION 8. AMENDATORY 63 O.S. 1991, Section 2-503.2, as last amended by Section 2, Chapter 53, O.S.L. 1998 (63 O.S. Supp. 2000, Section 2-503.2), is amended to read as follows:

Section 2-503.2 A. Every person convicted of a violation of the Uniform Controlled Dangerous Substances Act, Section 2-101 et seq. of this title, or the Trafficking In Illegal Drugs Act, Section 2-414 et seq. of this title, shall be assessed for each offense a sum of not less than One Hundred Dollars (\$100.00) nor more than Three Thousand Dollars (\$3,000.00). The assessment shall be mandatory and in addition to and not in lieu of any fines, restitution costs, other assessments, or forfeitures authorized or required by law for the offense. The assessment required by this section shall not be subject to any order of suspension. The court shall order either a lump sum payment or establish a payment schedule. Failure of the offender to comply with the payment schedule shall be considered contempt of court. For purposes of collection, the assessment order shall not expire until paid in full, nor shall the assessment order be limited by the term of imprisonment prescribed by law for the offense, nor by any term of imprisonment imposed against the offender, whether suspended or actually served.

B. The assessment provided for in subsection A of this section shall be collected by the court clerk as provided for collection of fines and costs. When assessment payments are collected by the court clerk pursuant to court order, the funds shall be forwarded to

the State Treasurer for deposit to the Department of Mental Health and Substance Abuse Services' Drug Abuse Education and Treatment Revolving Fund. ~~The court clerk shall be authorized to retain two percent (2%) of any user fees collected pursuant to the Oklahoma Drug Court Act and deposit such amount in the Court Clerk's Revolving Fund pursuant to the provisions of Section 220 of Title 19 of the Oklahoma Statutes.~~

C. There is hereby created in the State Treasury a revolving fund for the Department of Mental Health and Substance Abuse Services to be designated the "Drug Abuse Education and Treatment Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of assessments collected pursuant to this section, grants, gifts and other money accruing to the benefit of said fund and the Oklahoma Drug Court Act. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended by the Department of Mental Health and Substance Abuse Services for treatment and drug testing of indigent substance abusing offenders pursuant to the Oklahoma Drug Court Act and for substance abuse prevention and education. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment. Monies expended from this fund shall not supplant other local, state, or federal funds.

SECTION 9. This act shall become effective Nov. 1, 2001.

48-1-6877 SD 6/12/15