ENROLLED SENATE
BILL NO. 1593

By: Wilkerson of the Senate

and

Askins of the House

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 1277, which relates to prosecution of offenses committed in penal institutions; deleting references to obsolete programs; requiring certain fees be paid upon conclusion of case; prohibiting dismissal of case for nonpayment of certain fees; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 1277, is amended to read as follows:

Section 1277. A. The Department of Corrections shall pay a fee as provided in subsection D of this section for criminal prosecutions conducted in any county where a penal institution or community correction center is located in this state when the prosecution involves:

1. A violation of any criminal law committed by any prisoner housed in any penal institution or community correction center of this state; or

2. A crime committed in furtherance of an escape, flight or concealment as a fugitive from any penal institution or community correction center of this state.

B. The provisions of subsection A of this section shall apply whether the prisoner is confined~~,~~ or permitted to be at large as a trusty or otherwise. Provided, however, the provisions of subsection A of this section shall not apply to ~~crimes committed by prisoners classified as inmates in the House Arrest Program as defined by Section 502 of Title 57 of the Oklahoma Statutes, assigned to the Preparole Conditional Supervision Program as defined in Section 365 of Title 57 of the Oklahoma Statutes or~~ inmates incarcerated in any correctional facility which is not operated by or under contract with the Oklahoma Department of Corrections.

C. The cost of any habeas corpus proceedings instituted by any prisoner of any penal institution or community correction center which is operated by or under contract with this state shall be paid by the Department of Corrections out of any funds provided for the

support and maintenance of the institution of which the person committing such crime, or instituting such habeas corpus proceedings, is a prisoner, upon the filing of a verified and itemized claim from the court clerk of the county where the proceedings were held.

D. The Department of Corrections shall pay a fee of Two Hundred Dollars ($200.00) upon the filing of a criminal action pursuant to the provisions of ~~paragraphs~~ paragraph 1 or 2 of subsection A of this section, and an additional fee of Three Hundred Dollars ($300.00) upon acquittal or conviction of each such prisoner prosecuted, regardless of the number of charges or counts which arise out of the same incident. The fee shall be paid to the district court fund of the county where the action arose. The fee shall be in lieu of any expenses authorized by law for a criminal prosecution and chargeable against the Department of Corrections. The fee shall be paid at the conclusion of the prosecution and upon a proper invoice by the court clerk to the Department. Failure to pay the cost shall not constitute grounds for dismissal of the criminal action.

E. Nothing in this section shall prohibit the court from ordering the costs and expenses of a criminal prosecution to be paid by the inmate or restrict the court clerk from collecting such costs and expenses from the inmate.

SECTION 2. 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.

Passed the Senate the 6th day of March, 2002.

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Presiding Officer of the Senate

Passed the House of Representatives the 22nd day of April, 2002.

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Presiding Officer of the House
of Representatives