

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 144

By: Herbert

AS INTRODUCED

An Act relating to fees; amending 28 O.S. 1991, Section 153, as last amended by Section 8, Chapter 6, O.S.L. 2000 (28 O.S. Supp. 2000, Section 153), which relates to costs in criminal cases; requiring certain courts to assess a bond fee under certain circumstances; permitting court to waive or reduce bond fee under certain circumstances; directing distribution of bond fee; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 1991, Section 153, as last amended by Section 8, Chapter 6, O.S.L. 2000 (28 O.S. Supp. 2000, Section 153), is amended to read as follows:

Section 153. A. The clerks of the courts shall collect as costs in every criminal case for each offense of which the defendant is convicted, irrespective of whether or not the sentence is deferred, the following flat charges and no more, except for standing and parking violations and for charges otherwise provided for by law, which fee shall cover docketing of the case, filing of all papers, issuance of process, warrants, orders, and other services to the date of judgment:

1. For each defendant convicted of exceeding the speed limit by at least one (1) mile per hour but not more than ten (10) miles per hour, whether charged individually or conjointly with others.....\$57.00
2. For each defendant convicted of a misdemeanor traffic violation other

than an offense provided for in  
paragraph 1 or 5 of this subsection,  
whether charged individually or  
conjointly with others.....\$73.00

3. For each defendant convicted of a  
misdemeanor, other than for driving  
under the influence of alcohol or  
other intoxicating substance or an  
offense provided for in paragraph 1 or  
2 of this subsection, whether charged  
individually or conjointly with others.....\$83.00

4. For each defendant convicted of a felony,  
other than for driving under the  
influence of alcohol or other  
intoxicating substance, whether  
charged individually or conjointly  
with others.....\$103.00

5. For each defendant convicted of the  
misdemeanor of driving under the  
influence of alcohol or other  
intoxicating substance, whether  
charged individually or conjointly  
with others.....\$183.00

6. For each defendant convicted of the felony  
of driving under the influence of  
alcohol or other intoxicating  
substance, whether charged  
individually or conjointly with others.....\$183.00

7. For the services of a court reporter at  
each preliminary hearing and trial  
held in the case.....\$20.00

8. For each time a jury is requested..... \$30.00



E. The fees collected pursuant to this section shall be deposited into the court fund, except the following:

1. a. The sheriff's fee provided for in paragraph 9 of subsection A of this section which, when collected, shall be deposited in the Sheriff's Service Fee Account, created pursuant to the provisions of Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the county in which service is made or attempted.

b. The bond fee provided for in subsection D of this section, when collected, shall be deposited in the Sheriff's Service Fee Account of the county in which the defendant is released;

2. The sheriff's fee provided for in Section 153.2 of this title; and

3. The witness fees paid by the district attorney pursuant to the provisions of Section 82 of this title which, if collected by the court clerk, shall be transferred to the district attorney's office in the county where witness attendance was required. Fees transferred pursuant to this paragraph shall be deposited in the district attorney's maintenance and operating expense account.

~~E.~~ F. Costs required to be collected pursuant to this section shall not be dismissed or waived; provided, if the court determines that a person needing the services of a language interpreter is indigent, the court may waive all or part of the costs or require the payment of costs in installments.

~~F.~~ G. As used in this section, "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.

~~G.~~ H. A court clerk may accept in payment for any fee, fine, or cost for violation of any traffic law a nationally recognized credit

card issued to the applicant. The court clerk may add an amount equal to the amount of the service charge incurred, not to exceed four percent (4%) of the amount of the payment as a service charge for the acceptance of the credit card. For purposes of this paragraph, "nationally recognized credit card" means any instrument or device, whether known as a credit card, credit plate, charge plate, or by any other name, issued with or without fee by an issuer for the use of the cardholder in obtaining goods, services, or anything else of value and which is accepted by over one thousand ~~(1,000)~~ merchants in this state. The court clerk shall determine which nationally recognized credit cards will be accepted as payment for fees; provided, the court clerk must ensure that no loss of state revenue will occur by the use of such cards.

~~H.~~ I. Upon receipt of payment of fines and costs for offenses charged prior to July 1, 1992, the court clerk shall apportion and pay Thirteen Dollars (\$13.00) per conviction to the court fund.

SECTION 2. This act shall become effective November 1, 2001.

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