

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 361

By: Herbert

AS INTRODUCED

An Act relating to fees; amending 28 O.S. 1991, Sections 152.1, as last amended by Section 5, Chapter 38, O.S.L. 2000, and 153, as last amended by Section 8, Chapter 6, O.S.L. 2000 (28 O.S. Supp. 2000, Sections 152.1 and 153), which relate to fees and costs; providing for certain service for stated fee; adding court cost in certain cases; directing distribution; stating purpose for which certain cost may be expended; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 1991, Section 152.1, as last amended by Section 5, Chapter 38, O.S.L. 2000 (28 O.S. Supp. 2000, Section 152.1), is amended to read as follows:

Section 152.1 A. In civil cases, the court clerk shall collect and deposit in the court fund the following charges in addition to the flat fee:

1. For posting notices and filing certificates
required by statute..... \$30.00
2. For the filing of any counterclaim or setoff
pursuant to Section 1758 of Title 12 of the
Oklahoma Statutes..... \$20.00
3. For mailing by any type of mail writs, warrants,
orders, process, command, or notice for each
person..... \$ 7.00
4. For the actual cost of all postage in each case in
excess of \$ 7.00
5. For serving or endeavoring to serve by a deputy
sheriff each writ, warrant, order, process,

- command, or notice for each person in one or more counties..... \$35.00
- provided that if more than one person is served at the same address, one flat fee of Thirty-five Dollars (\$35.00) may be charged
6. For sheriff's fees on court-ordered sales of real or personal property..... \$75.00
7. When a jury is requested..... \$60.00
8. For issuing each summons for each person..... \$ 5.00
9. For services of a court reporter at each trial held in the case..... \$20.00

The fees prescribed in paragraphs 5 and 6 of this subsection ~~A of this section~~ shall be paid by the court clerk into 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 where service is made or attempted or where the sheriff's sale occurs. All other fees shall be deposited into the local court fund in the county where collected.

B. Of the amounts collected pursuant to the provisions of paragraphs 1, 2 and 7 of subsection A of this section, the sum of Ten Dollars (\$10.00) shall be deposited to the credit of the Child Abuse Multidisciplinary Account.

SECTION 2. 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
- 9. A sheriff's fee for serving or endeavoring to serve each writ, warrant, order, process, command, or notice or pursuing any fugitive from justice
 - a. within the county..... \$30.00, or
 mileage as established by the Oklahoma Statutes, whichever is greater, or
 - b. outside of the county..... \$30.00, or
 actual, necessary expenses, whichever is greater
- 10. For the services of a language interpreter, other than an interpreter appointed pursuant to the provisions of the Oklahoma Interpreter for the Deaf Act, at each hearing held in the case, the actual cost of the interpreter.

B. Of the amount collected pursuant to paragraphs 2 through 5 of subsection A of this section, the sum of Three Dollars (\$3.00) shall be deposited to the credit of the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. Prior to conviction, parties in criminal cases shall not be required to pay, advance, or post security for the services of a

language interpreter or for the issuance or service of process to obtain compulsory attendance of witnesses.

D. Notwithstanding any other provision of law, and in addition to any other costs authorized by this section, Five Dollars (\$5.00) shall be added to the court costs charged pursuant to this section in any criminal case for each offense of which a defendant is convicted, irrespective of whether or not the sentence is deferred. This charge shall be deposited in the Sheriff's Service Fee Account of the sheriff of the county in which the case is heard to be used to defray the costs of courthouse security.

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

1. 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;

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 3. This act shall become effective November 1, 2001.

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