

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

SENATE BILL 794

By: Helton

AS INTRODUCED

An Act relating to controlled substances; 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 mandatory assessment for certain violations; prohibiting waiver of certain assessment; providing for assessment in event court fails to set specific amount; making certain amount payable by certain schedule; prohibiting limitation of collection time period for admission to certain program; directing the Director of the Office of State Finance to require a compliance audit annually; requiring audit certain report be distributed; and declaring an emergency.

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

SECTION 1. 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 and shall not be waived. The court shall order either a lump sum payment or establish a payment schedule. When the court fails to specify the assessment amount, the assessment order required by this section

shall be Five Hundred Dollars (\$500.00), payable monthly at Fifty Dollars (\$50.00) per month. Failure of the offender to comply with ~~the~~ any 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, nor by admission of the offender to a drug court program authorized by the Oklahoma Drug Court Act.

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. The Director of the Office of State Finance shall require a compliance audit to be conducted annually to determine whether the mandatory assessment fee required by this section in each district court is being ordered and collected. A report of whether a district court is in compliance shall be sent to the Administrative Director of the Courts, the Department of Mental Health and Substance Abuse Services through the personnel assigned to assist with the Oklahoma Drug Court Act, the President Pro Tempore of the Senate, the Speaker of the House of Representatives, and the Governor.

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 the Office of State Finance for approval and payment. Monies expended from this fund shall not supplant other local, state, or federal funds.

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.

48-1-213

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