

STATE OF OKLAHOMA

2nd Session of the 48th Legislature (2002)

SENATE BILL 917

By: Leftwich of the Senate

and

Nance of the House

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 1134, which relates to cost of returning fugitives; requiring every fugitive to reimburse the county sheriff for costs of apprehension; allowing for certain reimbursement to be paid to the Governor's Contingency and Emergency Fund upon certain occurrence; and declaring an emergency.

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

SECTION 1. AMENDATORY 22 O.S. 2001, Section 1134, is amended to read as follows:

Section 1134. A. 1. When the Governor shall demand from the executive authority of a state or territory of the United States or of a foreign government the surrender to the authorities of this state of a fugitive from justice, the accounts of the persons employed for that purpose shall be paid out of the State Treasury and shall be collected as costs in the case.

2. When extradition is demanded by the Governor upon the application of a district attorney of any county, for the return of a fugitive wanted in that county, the actual, necessary expenses of the person designated by the district attorney and appointed as the agent of the state to return the fugitive shall be paid by the county upon an itemized, verified claim with receipts attached which shall be collected as costs in the case.

B. 1. In all cases wherein any person shall be charged with the violation of the statutes of this state relating to desertion or

abandonment of wife and child, or of child, and such person shall be a fugitive from justice and ~~his~~ such person's whereabouts shall be known, it shall be the mandatory duty of the district attorney of the county wherein such charges are pending or of ~~his~~ a designee, to request the Governor to issue a requisition for the return of such fugitive and to appoint an agent to effect such return.

2. The accounts of the person or persons employed by the Governor, to return such fugitive referred to in paragraph 1 above, may be paid by the state out of funds appropriated to the Governor's Contingency and Emergency Fund, not to exceed Twenty-five Thousand Dollars (\$25,000.00) for any one (1) year in excess of any amounts recovered from such fugitives.

3. The cost of returning the fugitive shall be added on to the court ~~cost~~ costs against the deserter and no such case shall be dismissed unless the ~~cost is~~ costs are paid. Such amount shall be used to reimburse the Governor's Contingency and Emergency Fund for the amount disbursed therefrom.

C. Every fugitive from justice shall be required to reimburse the county sheriff's office for the actual costs required for apprehension and return, unless such costs are paid from the Governor's Contingency and Emergency Fund, and in such case the reimbursement may be paid to such fund.

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.