

STATE OF OKLAHOMA

2nd Session of the 49th Legislature (2004)

HOUSE BILL HB2250:

Paulk

AS INTRODUCED

An Act relating to public health; amending 28 O.S. 2001, Section 153, as amended by Section 6, Chapter 474, O.S.L. 2003 (28 O.S. Supp. 2003, Section 153), which relates to court costs; increasing court fees for certain criminal offenses; dedicating funds to the Trauma Care Assistance Revolving Fund; amending 63 O.S. 2001, Section 330.97, as renumbered by Section 11, Chapter 374, O.S.L. 2002, and as amended by Section 1, Chapter 367, O.S.L. 2003 (63 O.S. Supp. 2003, Section 1-2522), which relates to the Trauma Care Assistance Revolving Fund; requiring certain reports; and declaring an emergency.

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 153, as amended by Section 6, Chapter 474, O.S.L. 2003 (28 O.S. Supp. 2003, 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~~
\$83.00
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~~
\$93.00
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~~
\$193.00
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. In addition to the amount collected pursuant to paragraphs 2 through 5 of subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma Statutes.

C. In addition to the amount collected pursuant to subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and collected for each traffic case other than for driving under the influence of alcohol or other intoxicating substance; the sum of

Fifteen Dollars (\$15.00) shall be assessed and collected for each misdemeanor case; the sum of Fifteen Dollars (\$15.00) shall be assessed and collected for each misdemeanor case for driving under the influence of alcohol or other intoxicating substance; the sum of Twenty-five Dollars (\$25.00) shall be assessed and collected for each felony case; and the sum of Twenty-five Dollars (\$25.00) shall be assessed and collected for each felony case for driving under the influence of alcohol or other intoxicating substance.

D. 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.

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;

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; ~~and~~

4. The fees provided for in subsection C of this section shall be forwarded to the District Attorneys Council Revolving Fund to defray the costs of prosecution; and

5. The increased fees provided for in paragraphs 2, 3, 5 and 6 of subsection A of this section, when collected, shall be deposited

in the Trauma Care Assistance Revolving Fund, created pursuant to the provisions of Section 1-2522 of Title 63 of the Oklahoma Statutes.

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.

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.

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.

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. AMENDATORY 63 O.S. 2001, Section 330.97, as renumbered by Section 11, Chapter 374, O.S.L. 2002, and as amended

by Section 1, Chapter 367, O.S.L. 2003 (63 O.S. Supp. 2003, Section 1-2522), is amended to read as follows:

Section 1-2522. A. There is hereby created in the State Treasury a revolving fund for the State Department of Health to be designated the "Trauma Care Assistance Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the State Department of Health from monies apportioned thereto for purposes of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Department as follows:

1. Ninety percent (90%) of such monies shall be used to reimburse recognized trauma facilities and licensed ambulance services for uncompensated trauma care expenditures as documented in the statewide emergency medical services and trauma analysis system developed pursuant to the provisions of Section 1-2511 of this title; provided, however, any monies used for the treatment of Medicaid eligible patients that are subsequently used to establish federal matching fund requirements shall also be reimbursed to eligible trauma facilities and licensed ambulance services; and

2. Ten percent (10%) of such monies shall be used by the Department in the furtherance of its powers and duties set forth in the Oklahoma Emergency Response Systems Development Act.

Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

B. The State Board of Health shall establish by rule a formula and procedure for the distribution of funds for uncompensated trauma care that shall provide for the allocation of funds to hospitals and ambulance services.

C. An annual report detailing the disbursements from the fund shall be provided on January 1 of each year to the Speaker of the

House of Representatives, the President Pro Tempore of the Senate,
and the Chair of each health-related committee of both the House of
Representatives and the Senate.

SECTION 3. 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.

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