ENGROSSED SENATE
BILL NO. 684

By: Laughlin of the Senate

and

Nance of the House

[counties and county officers – payment of fees – warrant –

effective date]

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

SECTION 1. AMENDATORY Section 1, Chapter 254, O.S.L. 2003 (19 O.S. Supp. 2004, Section 514.4), is amended to read as follows:

Section 514.4 A. Notwithstanding any other section of law, the county sheriffs of any Oklahoma county may enter into a private contract, pursuant to Section 85.41 of Title 74 of the Oklahoma Statutes. Such contract shall ~~establish an automated telephone system which would~~ require the contractor to attempt to locate and notify persons of their outstanding misdemeanor warrants. ~~The provisions of any such contract entered into shall be administered by a statewide association of county sheriffs in Oklahoma.~~

B. ~~The automated telephone system~~ A person may make payment directly to the court, as allowed by law, or the contractor shall ~~allow the person with outstanding~~ be authorized to accept payment on misdemeanor warrants ~~to make payment~~ by ~~electronic~~ various means~~.~~ ~~For purposes of this subsection, "electronic means" shall be defined as the use of a~~ including, but not limited to, payment by phone, mail, or Internet, and in any payment form including, but not limited to, personal, cashier's, traveler's, certified, or guaranteed bank check, postal or commercial money order, nationally recognized credit or a debit card ~~for~~, or other generally accepted

payment ~~of~~ form. Any payment collected and received by the contractor shall be paid within fifteen (15) days to the court clerk of the entity that issued the outstanding misdemeanor ~~warrants using an automated telephone system~~ warrant.

C. As provided for by this section, a person may pay in lieu of appearance before the court and such payment accepted by the court shall constitute a finding of guilty as though a plea of nolo contendere had been entered by the defendant as allowed by law and shall function as a written, dated, and signed plea form acceptable to the court. Such payment shall serve as a written waiver of a jury trial.

D. The court shall release the outstanding misdemeanor warrant upon receipt of all sums due pursuant to said warrant including the misdemeanor warrant, scheduled fine or sum due, all associated fees, costs and statutory penalty assessments, and the administrative cost pursuant to Section 514.5 of this title.

E. The provisions of any contract entered into by a county sheriff shall be administered by a statewide association of county sheriffs in Oklahoma. The county sheriff of any Oklahoma county may assign their right to contract to the statewide association administering the provisions of this contract.

F. The provisions of this section and Section 514.5 of this title shall be applicable to:

1. Any misdemeanor warrant issued or relating to any proceeding pursuant to the State and Municipal Traffic Bail Bond Procedure Act; and

2. Any misdemeanor warrant issued that allows a defendant to resolve the matter by payment in lieu of a personal appearance in court.

SECTION 2. AMENDATORY Section 2, Chapter 254, O.S.L. 2003 (19 O.S. Supp. 2004, Section 514.5), is amended to read as follows:

Section 514.5 A. ~~Within forty-five (45) days of payment, all monies collected shall be paid to the court clerk of the entity that issued the outstanding misdemeanor warrant.~~

~~B. The payment authorized by subsection B of Section 1 of this act~~ Misdemeanor warrants referred to the contractor pursuant to Section 514.4 of this title shall include the addition of an administrative cost of ~~fifteen percent (15%) of the cost in addition to the cost~~ twenty percent (20%) of the outstanding misdemeanor warrant ~~for each payment transaction~~, scheduled fine or sum due, and all associated fees, costs and statutory penalty assessments. This administrative cost shall not be waived or reduced except by order of the court. ~~This~~

B. The administrative cost reflected in subsection A of this section, when collected, shall be ~~reimbursed~~ distributed to the association administering the provisions of the contract, a portion of which may be used to compensate the contractor.

C. The monies collected and disbursed shall be audited at least once a year by a firm approved by the State Auditor and Inspector.

SECTION 3. AMENDATORY 28 O.S. 2001, Section 153, as last amended by Section 2, Chapter 386, O.S.L. 2004 (28 O.S. Supp. 2004, 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..... $77.00

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..... $98.00

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..... $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..... $383.00

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..... $383.00

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,~~ A court clerk issuing a misdemeanor warrant is entitled to ten percent (10%) of the sheriff's service fee, provided for in paragraph 9 of subsection A of this section, collected on a warrant referred to the contractor for the misdemeanor warrant notification program governed by Sections 514.4 and 514.5 of Title 19 of the Oklahoma Statutes. This ten-percent sum shall be deposited into the issuing Court Clerk's Revolving Fund, created pursuant to Section 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing the warrant with the balance of the sheriff's service fee to be deposited 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 in which service is made or attempted. Otherwise, the sheriff's service fee, when collected, shall be deposited in its entirety into the Sheriff's Service Fee Account 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;

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 following amounts of the 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:

a. Ten Dollars ($10.00) of the Ninety-eight-Dollar fee provided for in paragraph 2 of subsection A of this section,

b. Ten Dollars ($10.00) of the Ninety-three-Dollar fee provided for in paragraph 3 of subsection A of this section,

c. One Hundred Dollars ($100.00) of the Three-Hundred-Eighty-three-Dollar fee provided for in paragraph 5 of subsection A of this section, and

d. One Hundred Dollars ($100.00) of the Three-Hundred-Eighty-three-Dollar fee provided for in paragraph 6 of subsection A of this section.

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 4. This act shall become effective November 1, 2005.

Passed the Senate the 15th day of March, 2005.

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Presiding Officer of the Senate

Passed the House of Representatives the ____ day of _____, 2005.

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Presiding Officer of the House
of Representatives