

EHB 1226

THE STATE SENATE
Monday, April 11, 2005

ENGROSSED

House Bill No. 1226

As Amended

ENGROSSED HOUSE BILL NO. 1226 - By: NANCE, BROWN, GLENN, HYMAN, ROAN
and SHOEMAKE of the House and RILEY of the Senate.

**[fees - court costs - sheriff's service fee - effective
date]**

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 153, as last
amended by Section 4, Chapter 525, 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

- 1 (10) miles per hour, whether charged
2 individually or conjointly with others..... \$77.00
- 3 2. For each defendant convicted of a
4 misdemeanor traffic violation other than
5 an offense provided for in paragraph 1 or
6 5 of this subsection, whether charged
7 individually or conjointly with others..... \$88.00
- 8 3. For each defendant convicted of a
9 misdemeanor, other than for driving under
10 the influence of alcohol or other
11 intoxicating substance or an offense
12 provided for in paragraph 1 or 2 of this
13 subsection, whether charged individually
14 or conjointly with others..... \$83.00
- 15 4. For each defendant convicted of a felony,
16 other than for driving under the
17 influence of alcohol or other
18 intoxicating substance, whether charged
19 individually or conjointly with others..... \$103.00
- 20 5. For each defendant convicted of the
21 misdemeanor of driving under the
22 influence of alcohol or other

1 actual, necessary
2 expenses, whichever
3 is greater

4 10. For the services of a language interpreter, other than an
5 interpreter appointed pursuant to the provisions of the Oklahoma
6 Interpreter for the Deaf Act, at each hearing held in the case, the
7 actual cost of the interpreter.

8 B. In addition to the amount collected pursuant to paragraphs 2
9 through 5 of subsection A of this section, the sum of Six Dollars
10 (\$6.00) shall be assessed and credited to the Law Library Fund
11 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
12 Statutes.

13 C. In addition to the amount collected pursuant to subsection A
14 of this section, the sum of Ten Dollars (\$10.00) shall be assessed
15 and collected for each traffic case other than for driving under the
16 influence of alcohol or other intoxicating substance; the sum of
17 Fifteen Dollars (\$15.00) shall be assessed and collected for each
18 misdemeanor case; the sum of Fifteen Dollars (\$15.00) shall be
19 assessed and collected for each misdemeanor case for driving under
20 the influence of alcohol or other intoxicating substance; the sum of
21 Twenty-five Dollars (\$25.00) shall be assessed and collected for
22 each felony case; and the sum of Twenty-five Dollars (\$25.00) shall

1 be assessed and collected for each felony case for driving under the
2 influence of alcohol or other intoxicating substance.

3 D. In addition to the amounts collected pursuant to subsections
4 A and B of this section, the sum of Ten Dollars (\$10.00) shall be
5 assessed and credited to the Oklahoma Court Information System
6 Revolving Fund created pursuant to Section 1315 of Title 20 of the
7 Oklahoma Statutes.

8 E. Prior to conviction, parties in criminal cases shall not be
9 required to pay, advance, or post security for the services of a
10 language interpreter or for the issuance or service of process to
11 obtain compulsory attendance of witnesses.

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

14 1. The sheriff's fee provided for in paragraph 9 of subsection
15 A of this section which, when collected, shall be deposited in the
16 Sheriff's Service Fee Account, created pursuant to the provisions of
17 Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff
18 in the county in which service is made or attempted;

19 2. The sheriff's fee provided for in Section 153.2 of this
20 title;

21 3. The witness fees paid by the district attorney pursuant to
22 the provisions of Section 82 of this title which, if collected by
23 the court clerk, shall be transferred to the district attorney's

1 office in the county where witness attendance was required. Fees
2 transferred pursuant to this paragraph shall be deposited in the
3 district attorney's maintenance and operating expense account; and

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

7 G. Costs required to be collected pursuant to this section
8 shall not be dismissed or waived; provided, if the court determines
9 that a person needing the services of a language interpreter is
10 indigent, the court may waive all or part of the costs or require
11 the payment of costs in installments.

12 H. As used in this section, "convicted" means any final
13 adjudication of guilt, whether pursuant to a plea of guilty or nolo
14 contendere or otherwise, and any deferred judgment or suspended
15 sentence.

16 I. A court clerk may accept in payment for any fee, fine, or
17 cost for violation of any traffic law a nationally recognized credit
18 card issued to the applicant. The court clerk may add an amount
19 equal to the amount of the service charge incurred, not to exceed
20 four percent (4%) of the amount of the payment as a service charge
21 for the acceptance of the credit card. For purposes of this
22 paragraph, "nationally recognized credit card" means any instrument
23 or device, whether known as a credit card, credit plate, charge

1 plate, or by any other name, issued with or without fee by an issuer
2 for the use of the cardholder in obtaining goods, services, or
3 anything else of value and which is accepted by over one thousand
4 (1,000) merchants in this state. The court clerk shall determine
5 which nationally recognized credit cards will be accepted as payment
6 for fees; provided, the court clerk must ensure that no loss of
7 state revenue will occur by the use of such cards.

8 J. Upon receipt of payment of fines and costs for offenses
9 charged prior to July 1, 1992, the court clerk shall apportion and
10 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

11 SECTION 2. This act shall become effective November 1, 2005.

12 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-5-05 - DO PASS,
13 As Amended.