

EHB 2490

THE STATE SENATE  
Monday, April 10, 2006

ENGROSSED

House Bill No. 2490

As Amended

ENGROSSED HOUSE BILL NO. 2490 - By: NANCE, DENNEY, BLACKWELL,  
DeWITT, ARMES, SMITHSON and BRANNON of the House and COFFEE of the  
Senate.

[ fees - charges - flat fees - civil and criminal cases -  
effective date ]

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 152.1, as  
last amended by Section 21, Chapter 5, O.S.L. 2004 (28 O.S. Supp.  
2005, Section 152.1), is amended to read as follows:

Section 152.1 A. In civil cases, the court clerk shall collect  
and deposit in the court fund the following charges in addition to  
the flat fee:

- 1. For posting notices and filing  
certificates required by statute.....\$30.00
- 2. For the filing of any counterclaim or  
setoff pursuant to Section 1758 of  
Title 12 of the Oklahoma Statutes.....\$20.00
- 3. For mailing by any type of mail writs,  
warrants, orders, process, command, or  
notice for each person.....\$10.00

- 1       4. For the actual cost of all postage in
- 2             each case in excess of .....\$10.00
- 3       5. For serving or endeavoring to serve each
- 4             writ, warrant, order, process,
- 5             command, or notice for each person in
- 6             one or more counties.....\$50.00
- 7             provided that if more than one person is
- 8             served at the same address, one flat
- 9             fee of Fifty Dollars (\$50.00) may be
- 10            charged
- 11       6. For sheriff's fees on court-ordered
- 12            sales of real or personal property.....\$75.00
- 13       7. When a jury is requested.....\$349.00
- 14       8. For issuing each summons for each person.....\$ 5.00
- 15       9. For services of a court reporter at each
- 16            trial held in the case.....\$20.00
- 17       10. For filing a motion for summary
- 18            judgment or summary disposition of
- 19            issue(s).....\$50.00

20       The fees prescribed in paragraphs 5 and 6 of this subsection A  
 21 ~~of this section~~ shall be paid by the court clerk into the Sheriff's  
 22 Service Fee Account, created pursuant to the provisions of Section  
 23 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff in the

1 county where service is made or attempted or where the sheriff's  
2 sale occurs. The fee required to be collected pursuant to paragraph  
3 5 of this subsection shall not be waived by the court. All other  
4 fees shall be deposited into the local court fund in the county  
5 where collected.

6 B. Of the amounts collected pursuant to the provisions of  
7 paragraphs 1, 2 and 7 of subsection A of this section, the sum of  
8 Ten Dollars (\$10.00) shall be deposited to the credit of the Child  
9 Abuse Multidisciplinary Account.

10 SECTION 2. AMENDATORY 28 O.S. 2001, Section 153, as last  
11 amended by Section 4, Chapter 208, O.S.L. 2005 (28 O.S. Supp. 2005,  
12 Section 153), is amended to read as follows:

13 Section 153. A. The clerks of the courts shall collect as  
14 costs in every criminal case for each offense of which the defendant  
15 is convicted, irrespective of whether or not the sentence is  
16 deferred, the following flat charges and no more, except for  
17 standing and parking violations and for charges otherwise provided  
18 for by law, which fee shall cover docketing of the case, filing of  
19 all papers, issuance of process, warrants, orders, and other  
20 services to the date of judgment:

21 1. For each defendant convicted of exceeding  
22 the speed limit by at least one (1)  
23 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 misdemeanor traffic  
4 violation other than an offense provided for in paragraph  
5 1 or 5 of this subsection, whether charged individually or  
6 conjointly with others..... \$98.00
- 7 3. For each defendant convicted of a  
8 misdemeanor, other than for driving under  
9 the influence of alcohol or other  
10 intoxicating substance or an offense  
11 provided for in paragraph 1 or 2 of this  
12 subsection, whether charged individually  
13 or conjointly with others..... \$93.00
- 14 4. For each defendant convicted of a felony,  
15 other than for driving under the  
16 influence of alcohol or other  
17 intoxicating substance, whether charged  
18 individually or conjointly with others..... \$103.00
- 19 5. For each defendant convicted of the  
20 misdemeanor of driving under the  
21 influence of alcohol or other  
22 intoxicating substance, whether charged  
23 individually or conjointly with others..... \$383.00



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

5           B. In addition to the amount collected pursuant to paragraphs 2  
6 through 5 of subsection A of this section, the sum of Six Dollars  
7 (\$6.00) shall be assessed and credited to the Law Library Fund  
8 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma  
9 Statutes.

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

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

6 E. In addition to the amount collected pursuant to paragraphs 1  
7 through 6 of subsection A of this section, the sum of Ten Dollars  
8 (\$10.00) shall be assessed and credited to the **Sheriff's Service Fee**  
9 **Account** in the county in which the conviction occurred **for the**  
10 **purpose of enhancing existing or providing additional courthouse**  
11 **security.**

12 F. Prior to conviction, parties in criminal cases shall not be  
13 required to pay, advance, or post security for the services of a  
14 language interpreter or for the issuance or service of process to  
15 obtain compulsory attendance of witnesses.

16 ~~F.~~ G. The fees collected pursuant to this section shall be  
17 deposited into the court fund, except the following:

18 1. A court clerk issuing a misdemeanor warrant is entitled to  
19 ten percent (10%) of the sheriff's service fee, provided for in  
20 paragraph 9 of subsection A of this section, collected on a warrant  
21 referred to the contractor for the misdemeanor warrant notification  
22 program governed by Sections 514.4 and 514.5 of Title 19 of the  
23 Oklahoma Statutes. This ten-percent sum shall be deposited into the

1 issuing Court Clerk's Revolving Fund, created pursuant to Section  
2 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
3 the warrant with the balance of the sheriff's service fee to be  
4 deposited into the Sheriff's Service Fee Account, created pursuant  
5 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
6 Statutes, of the sheriff in the county in which service is made or  
7 attempted. Otherwise, the sheriff's service fee, when collected,  
8 shall be deposited in its entirety into the Sheriff's Service Fee  
9 Account of the sheriff in the county in which service is made or  
10 attempted;

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

13 3. The witness fees paid by the district attorney pursuant to  
14 the provisions of Section 82 of this title which, if collected by  
15 the court clerk, shall be transferred to the district attorney's  
16 office in the county where witness attendance was required. Fees  
17 transferred pursuant to this paragraph shall be deposited in the  
18 district attorney's maintenance and operating expense account;

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

22 5. The following amounts of the fees provided for in paragraphs  
23 2, 3, 5 and 6 of subsection A of this section, when collected, shall

1 be deposited in the Trauma Care Assistance Revolving Fund, created  
2 pursuant to the provisions of Section 1-2522 of Title 63 of the  
3 Oklahoma Statutes:

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

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

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

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

16 ~~G.~~ H. Costs required to be collected pursuant to this section  
17 shall not be dismissed or waived; provided, if the court determines  
18 that a person needing the services of a language interpreter is  
19 indigent, the court may waive all or part of the costs or require  
20 the payment of costs in installments.

21 ~~H.~~ I. As used in this section, "convicted" means any final  
22 adjudication of guilt, whether pursuant to a plea of guilty or nolo

1 contendere or otherwise, and any deferred judgment or suspended  
2 sentence.

3 ~~F.~~ J. A court clerk may accept in payment for any fee, fine, or  
4 cost for violation of any traffic law a nationally recognized credit  
5 card issued to the applicant. The court clerk may add an amount  
6 equal to the amount of the service charge incurred, not to exceed  
7 four percent (4%) of the amount of the payment as a service charge  
8 for the acceptance of the credit card. For purposes of this  
9 paragraph, "nationally recognized credit card" means any instrument  
10 or device, whether known as a credit card, credit plate, charge  
11 plate, or by any other name, issued with or without fee by an issuer  
12 for the use of the cardholder in obtaining goods, services, or  
13 anything else of value and which is accepted by over one thousand  
14 (1,000) merchants in this state. The court clerk shall determine  
15 which nationally recognized credit cards will be accepted as payment  
16 for fees; provided, the court clerk must ensure that no loss of  
17 state revenue will occur by the use of such cards.

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

21 SECTION 3. This act shall become effective November 1, 2006.

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-4-06 - DO PASS,  
23 As Amended.