

3 Senate Bill No. 1539  
4 As Amended

5 SENATE BILL NO. 1539 - By: LEFTWICH of the Senate and BLACKWELL of  
6 the House.

7 [ supervision - fees - Department of Corrections - fee  
8 collection - effective date -  
9 emergency ]

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

11 SECTION 1. AMENDATORY 22 O.S. 2001, Section 991d, as  
12 last amended by Section 3, Chapter 374, O.S.L. 2005 (22 O.S. Supp.  
13 2005, Section 991d), is amended to read as follows:

14 Section 991d. A. 1. When the court orders supervision by the  
15 Department of Corrections, or the district attorney requires the  
16 Department to supervise any person pursuant to a deferred  
17 prosecution agreement, the person shall be required to pay a  
18 supervision fee of Forty Dollars (\$40.00) per month during the  
19 supervision period, unless the fee would impose an unnecessary  
20 hardship on the person. In hardship cases, the Department shall  
21 expressly waive all or part of the fee. The court shall make  
22 payment of the fee a condition of the sentence which shall be  
23 imposed whether the supervision is incident to the suspending of  
24 execution of a sentence, incident to the suspending of imposition of  
25 a sentence, or incident to the deferral of proceedings after a

1 verdict or plea of guilty. ~~The court clerk shall collect the~~  
2 ~~supervision fee and may retain ten percent (10%) of such monies to~~  
3 ~~be deposited in the Court Clerk Revolving Fund to cover~~  
4 ~~administrative costs and shall remit the remainder to the Department~~  
5 ~~of Corrections Revolving Fund created pursuant to Section 557 of~~  
6 ~~Title 57 of the Oklahoma Statutes.~~ The Department shall determine  
7 methods for payment of supervision fee, and may charge a reasonable  
8 user fee for collection of supervision fees electronically. The  
9 Department is required to report to the sentencing court any failure  
10 of the person to pay supervision fees and to report immediately if  
11 the person violates any condition of the sentence.

12 2. When the court imposes a suspended or deferred sentence and  
13 does not order supervision by the Department of Corrections, the  
14 offender shall be required to pay to the district attorney a  
15 supervision fee of Twenty Dollars (\$20.00) per month. In hardship  
16 cases, the district attorney shall expressly waive all or part of  
17 the fee.

18 3. If restitution is ordered by the court in conjunction with  
19 supervision, the supervision fee will be paid in addition to the  
20 restitution ordered. In addition to the restitution payment and  
21 supervision fee, a reasonable user fee may be charged by the  
22 Department of Corrections to cover the expenses of administration of  
23 the restitution, except no user fee shall be collected by the

1 Department when restitution payment is collected and disbursed to  
2 the victim by the office of the district attorney as provided in  
3 Section 991f of this title or Section 991f-1.1 of this title.

4 B. The Pardon and Parole Board shall require a supervision fee  
5 to be paid by the parolee as a condition of parole which shall be  
6 paid to the Department of Corrections. The Department shall  
7 determine the amount of the fee as provided for other persons under  
8 supervision by the Department.

9 C. Upon acceptance of an offender by the Department of  
10 Corrections whose probation or parole supervision was transferred to  
11 Oklahoma through the Interstate Compact Agreement, or upon the  
12 assignment of an inmate to any community placement, a fee shall be  
13 required to be paid by the offender to the Department of Corrections  
14 as provided for other persons under supervision of the Department.

15 D. Except as provided in subsection A and this subsection, all  
16 fees collected pursuant to this section shall be deposited in the  
17 Department of Corrections Revolving Fund created pursuant to Section  
18 557 of Title 57 of the Oklahoma Statutes. For the fiscal year  
19 ending June 30, 1996, fifty percent (50%) of all collections  
20 received from offenders placed on supervision after July 1, 1995,  
21 shall be transferred to the credit of the General Revenue Fund of  
22 the State Treasury until such time as total transfers equal Three  
23 Million Three Hundred Thousand Dollars (\$3,300,000.00).

1 SECTION 2. This act shall become effective July 1, 2006.

2 SECTION 3. It being immediately necessary for the preservation  
3 of the public peace, health and safety, an emergency is hereby  
4 declared to exist, by reason whereof this act shall take effect and  
5 be in full force from and after its passage and approval.

6 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-15-06 - DO  
7 PASS, As Amended and Coauthored.