

3 Senate Bill No. 327  
4 As Amended

5 SENATE BILL NO. 327 - By: LASTER of the Senate and JETT of the  
6 House.

7 [ criminal procedure - supervision fee - waive fee -  
8 effective date ]

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

10 SECTION 1. AMENDATORY 22 O.S. 2001, Section 991d, as  
11 amended by Section 4, Chapter 474, O.S.L. 2003 (22 O.S. Supp. 2004,  
12 Section 991d), is amended to read as follows:

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

1 after a verdict or plea of guilty. The Department or private  
2 supervision provider shall determine methods for payment of the  
3 supervision fee, and may charge a reasonable user fee for collection  
4 of supervision fees electronically. The Department or private  
5 supervision provider is required to report to the sentencing court  
6 any failure of the person to pay supervision fees and to report  
7 immediately if the person violates any condition of the sentence.

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

14 3. If restitution is ordered by the court in conjunction with  
15 supervision, the supervision fee will be paid in addition to the  
16 restitution ordered. In addition to the restitution payment and  
17 supervision fee, a reasonable user fee may be charged by the  
18 Department ~~of Corrections~~ to cover the expenses of administration of  
19 the restitution, except no user fee shall be collected by the  
20 Department when restitution payment is collected and disbursed to  
21 the victim by the office of the district attorney as provided in  
22 Section 991f of this title or Section 991f-1.1 of this title.

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

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

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

1           SECTION 2. This act shall become effective November 1, 2005.  
2   COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS, dated 2-23-05 - DO  
3   PASS, As Amended and Coauthored.