

CS for SB 684

THE STATE SENATE  
Monday, February 28, 2005

Committee Substitute for  
Senate Bill No. 684

COMMITTEE SUBSTITUTE FOR 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~~ contractor shall ~~allow the person with outstanding misdemeanor warrants to make payment be~~ authorized to accept payment on misdemeanor warrants by ~~electronic~~ means. ~~For purposes of this subsection, "electronic means" shall be~~

1 ~~defined as the use of a nationally recognized credit or a debit card~~  
2 ~~for payment of outstanding misdemeanor warrants using an automated~~  
3 ~~telephone system~~ various means including, but not limited to,  
4 payment by phone, mail, or Internet, and in any payment form  
5 including, but not limited to, personal, cashier's, traveler's,  
6 certified, or guaranteed bank check, postal or commercial money  
7 order, nationally recognized credit card or debit card, or other  
8 generally accepted payment form.

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

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

21 E. The provisions of any contract entered into by a county  
22 sheriff shall be administered by a statewide association of county  
23 sheriffs in Oklahoma. The county sheriff of any Oklahoma county may

1 assign their right to contract to the statewide association  
2 administering the provisions of this contract.

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

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

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

11 SECTION 2. AMENDATORY Section 2, Chapter 254, O.S.L.  
12 2003 (19 O.S. Supp. 2004, Section 514.5), is amended to read as  
13 follows:

14 Section 514.5 A. Within ~~forty-five (45)~~ fifteen (15) days of  
15 payment, all monies collected shall be paid to the court clerk of  
16 the entity that issued the outstanding misdemeanor warrant.

17 B. ~~The payment authorized by subsection B of Section 1 of this~~  
18 ~~act~~ Misdemeanor warrants referred to the contractor pursuant to  
19 Section 514.4 of this title shall include the addition of an  
20 administrative cost of ~~fifteen percent (15%) of the cost in addition~~  
21 ~~to the cost~~ twenty percent (20%) of the outstanding misdemeanor  
22 warrant ~~for each payment transaction~~, scheduled fine or sum due, and  
23 all associated fees, costs and statutory penalty assessments. This

1 administrative cost shall not be waived or reduced except by order  
2 of the court and shall be collected on all payments made to,  
3 collected by, or received by the contractor, or the sheriff as to  
4 misdemeanor warrants previously referred to the contractor.

5 C. ~~This~~ The administrative cost reflected in subsection B of  
6 this section, when collected, shall be ~~reimbursed~~ distributed to the  
7 association administering the provisions of the contract to  
8 compensate the contractor.

9 ~~E.~~ D. The monies collected and disbursed shall be audited at  
10 least once a year by a firm approved by the State Auditor and  
11 Inspector.

12 SECTION 3. AMENDATORY 28 O.S. 2001, Section 153, as last  
13 amended by Section 2, Chapter 386, O.S.L. 2004 (28 O.S. Supp. 2004,  
14 Section 153), is amended to read as follows:

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

- 1        1. For each defendant convicted of exceeding  
2                the speed limit by at least one (1) mile  
3                per hour but not more than ten (10) miles  
4                per hour, whether charged individually or  
5                conjointly with others..... \$77.00
- 6        2. For each defendant convicted of a  
7                misdemeanor traffic violation other than  
8                an offense provided for in paragraph 1 or  
9                5 of this subsection, whether charged  
10                individually or conjointly with others..... \$98.00
- 11       3. For each defendant convicted of a  
12                misdemeanor, other than for driving under  
13                the influence of alcohol or other  
14                intoxicating substance or an offense  
15                provided for in paragraph 1 or 2 of this  
16                subsection, whether charged individually  
17                or conjointly with others..... \$93.00
- 18       4. For each defendant convicted of a felony,  
19                other than for driving under the  
20                influence of alcohol or other  
21                intoxicating substance, whether charged  
22                individually or conjointly with others..... \$103.00





1 Twenty-five Dollars (\$25.00) shall be assessed and collected for  
2 each felony case; and the sum of Twenty-five Dollars (\$25.00) shall  
3 be assessed and collected for each felony case for driving under the  
4 influence of alcohol or other intoxicating substance.

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

9 E. The fees collected pursuant to this section shall be  
10 deposited into the court fund, except the following:

11 1. ~~The sheriff's fee provided for in paragraph 9 of subsection~~  
12 ~~A of this section which, when collected, shall be deposited in the~~  
13 ~~Sheriff's Service Fee Account, A court clerk issuing a misdemeanor~~  
14 warrant is entitled to ten percent (10%) of the sheriff's service  
15 fee, provided for in paragraph 9 of subsection A of this section,  
16 collected on a warrant referred to in the misdemeanor warrant  
17 notification program governed by Sections 514.4 and 514.5 of Title  
18 19 of the Oklahoma Statutes. This ten percent (10%) sum shall be  
19 deposited into the issuing Court Clerk's Revolving Fund, created  
20 pursuant to Section 220 of Title 19 of the Oklahoma Statutes, with  
21 the balance of the sheriff's service fee to be deposited into the  
22 Sheriff's Service Fee Account, created pursuant to the provisions of  
23 Section 514.1 of Title 19 of the Oklahoma Statutes, of the sheriff

1 in the county in which service is made or attempted. Otherwise, the  
2 sheriff's service fee, when collected, shall be deposited in its  
3 entirety into the Sheriff's Service Fee Account of the sheriff in  
4 the county in which service is made or attempted;

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

7 3. The witness fees paid by the district attorney pursuant to  
8 the provisions of Section 82 of this title which, if collected by  
9 the court clerk, shall be transferred to the district attorney's  
10 office in the county where witness attendance was required. Fees  
11 transferred pursuant to this paragraph shall be deposited in the  
12 district attorney's maintenance and operating expense account;

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

16 5. The following amounts of the fees provided for in paragraphs  
17 2, 3, 5 and 6 of subsection A of this section, when collected, shall  
18 be deposited in the Trauma Care Assistance Revolving Fund, created  
19 pursuant to the provisions of Section 1-2522 of Title 63 of the  
20 Oklahoma Statutes:

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

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

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

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

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

15          G.    As used in this section, "convicted" means any final  
16               adjudication of guilt, whether pursuant to a plea of guilty or nolo  
17               contendere or otherwise, and any deferred judgment or suspended  
18               sentence.

19          H.    A court clerk may accept in payment for any fee, fine, or  
20               cost for violation of any traffic law a nationally recognized credit  
21               card issued to the applicant. The court clerk may add an amount  
22               equal to the amount of the service charge incurred, not to exceed  
23               four percent (4%) of the amount of the payment as a service charge

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

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

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

15 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 2-22-05 - DO  
16 PASS, As Amended and Coauthored.