

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

HOUSE BILL 1343

By: Cox

AS INTRODUCED

An Act relating to court-appointed special advocates; amending 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), which relates to costs in criminal cases; assessing certain fee; directing deposit of certain fee; creating Court-Appointed Special Advocates Revolving Fund; stating purpose of revolving fund; allowing expenditures from fund for certain purposes; requiring approval for expenditures; providing for codification; and providing an 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
  - (10) miles per hour, whether charged
  - individually or conjointly with others..... \$77.00

2. For each defendant convicted of a  
misdemeanor traffic violation other than  
an offense provided for in paragraph 1 or  
5 of this subsection, whether charged  
individually or conjointly with others..... \$88.00
3. For each defendant convicted of a  
misdemeanor, other than for driving under  
the influence of alcohol or other  
intoxicating substance or an offense  
provided for in paragraph 1 or 2 of this  
subsection, whether charged individually  
or conjointly with others..... \$83.00
4. For each defendant convicted of a felony,  
other than for driving under the  
influence of alcohol or other  
intoxicating substance, whether charged  
individually or conjointly with others..... \$103.00
5. For each defendant convicted of the  
misdemeanor of driving under the  
influence of alcohol or other  
intoxicating substance, whether charged  
individually or conjointly with others..... \$283.00
6. For each defendant convicted of the felony  
of driving under the influence of alcohol  
or other intoxicating substance, whether  
charged individually or conjointly with  
others..... \$283.00
7. For the services of a court reporter at  
each preliminary hearing and trial held  
in the case..... \$20.00
8. For each time a jury is requested..... \$30.00

9. A sheriff's fee for serving or endeavoring to serve each writ, warrant, order, process, command, or notice or pursuing any fugitive from justice

a. within the county..... \$30.00, or mileage as established by the Oklahoma Statutes, whichever is greater, or

b. outside of the county..... \$30.00, or actual, necessary expenses, whichever is greater

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

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

C. In addition to the amount collected pursuant to paragraphs 1, 2, and 5 of subsection A of this section, the sum of Five Dollars (\$5.00) shall be assessed and credited to the Court-Appointed Special Advocates Revolving Fund created pursuant to the provisions of Section 3 of this act.

D. In addition to the amount collected pursuant to subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and collected for each traffic case other than for driving under the influence of alcohol or other intoxicating substance; the sum of

Fifteen Dollars (\$15.00) shall be assessed and collected for each misdemeanor case; the sum of Fifteen Dollars (\$15.00) shall be assessed and collected for each misdemeanor case for driving under the influence of alcohol or other intoxicating substance; the sum of Twenty-five Dollars (\$25.00) shall be assessed and collected for each felony case; and the sum of Twenty-five Dollars (\$25.00) shall be assessed and collected for each felony case for driving under the influence of alcohol or other intoxicating substance.

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

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

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

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

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

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

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

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

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

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

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

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 19.4 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund for the Office of the Attorney General to be designated the "Court-Appointed Special Advocates Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received by the Office of the Attorney General from monies apportioned thereto for purposes of this section. All monies accruing to the credit of the fund are hereby appropriated and may be budgeted and expended by the Office of the Attorney General for the purpose of providing recruitment, training, and supervision for court-appointed special advocates for abused and neglected children. The fund shall be available for expenses incurred by Court-Appointed Special Advocate Programs in the State of Oklahoma. Expenditures from the fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment. All Court-Appointed Special Advocate Programs in the State of Oklahoma shall receive a portion of this money.

SECTION 3. This act shall become effective November 1, 2005.

50-1-6087 GRS 01/16/05