STATE OF OKLAHOMA

2nd Session of the 50th Legislature (2006)

SENATE BILL 1346 By: Crain

AS INTRODUCED

An Act relating to courts; amending 20 O.S. 2001, Section 1006, which relates to destruction of certain records; authorizing the court reporter to destroy certain exhibits; amending 22 O.S. 2001, Section 991d, as last amended by Section 3, Chapter 374, O.S.L. 2005 (22 O.S. Supp. 2005, Section 991d), which relates to supervision fees; deleting certain duties of the court clerk; authorizing the Department or Corrections to determine certain methods of payment of supervision fee; and providing an effective date.

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

SECTION 1. AMENDATORY 20 O.S. 2001, Section 1006, is amended to read as follows:

Section 1006. A. Unless there is an objection by the chief judge of the district court, the court ~~clerk~~ reporter is authorized to destroy all exhibits in all domestic relations cases in which there has been no activity for more than twenty (20) years~~, and~~; exhibits in all other civil cases in which there has been no activity for more than ten (10) years; all exhibits in felony records adjudicated cases in which there has been no activity for more than ten (10) years; all exhibits in felony records of adjudicated cases, where the sentence imposed was death, life without parole, or life, and there has been no activity for more than fifty (50) years; and all exhibits in misdemeanor adjudicated cases, in which there has been no activity for more than five (5) years.

B. The chief judge may direct a court reporter to destroy a court reporter's notes after the expiration of ten (10) years from the date of a proceeding, or, if a proceeding has not resulted in an

appeal upon which a request has been made to transcribe the proceeding, all notes of a court reporter may be destroyed immediately upon completion of transcription of a proceeding.

C. No pleadings or judgments shall be destroyed under the provisions of this section.

SECTION 2. AMENDATORY 22 O.S. 2001, Section 991d, as last amended by Section 3, Chapter 374, O.S.L. 2005 (22 O.S. Supp. 2005, Section 991d), is amended to read as follows:

Section 991d. A. 1. When the court orders supervision by the Department of Corrections, or the district attorney requires the Department to supervise any person pursuant to a deferred prosecution agreement, the person shall be required to pay a supervision fee of Forty Dollars ($40.00) per month during the supervision period, unless the fee would impose an unnecessary hardship on the person. In hardship cases, the Department shall expressly waive all or part of the fee. The court shall make payment of the fee a condition of the sentence which shall be imposed whether the supervision is incident to the suspending of execution of a sentence, incident to the suspending of imposition of a sentence, or incident to the deferral of proceedings after a verdict or plea of guilty. The ~~court clerk~~ Department shall ~~collect the supervision fee and may retain ten percent (10%) of such monies to be deposited in the Court Clerk Revolving Fund to cover administrative costs and shall remit the remainder to the Department of Corrections Revolving Fund created pursuant to Section 557 of Title 57 of the Oklahoma Statutes~~ determine methods for payment of the supervision fee, and may charge a reasonable user fee for collection of supervision fees electronically. The Department is required to report to the sentencing court any failure of the person to pay supervision fees and to report immediately if the person violates any condition of the sentence.

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

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

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

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

D. Except as provided in subsection A and this subsection, all fees collected pursuant to this section shall be deposited in the Department of Corrections Revolving Fund created pursuant to Section 557 of Title 57 of the Oklahoma Statutes. For the fiscal year ending June 30, 1996, fifty percent (50%) of all collections received from offenders placed on supervision after July 1, 1995,

shall be transferred to the credit of the General Revenue Fund of the State Treasury until such time as total transfers equal Three Million Three Hundred Thousand Dollars ($3,300,000.00).

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

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