

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 296

By: Gumm

AS INTRODUCED

An Act relating to fees; amending 28 O.S. 2001, Section 153v2, as last amended by Section 1, Chapter 451, O.S.L. 2004 (28 O.S. Supp. 2004, Section 153v2), which relates to costs in criminal cases; adding form of payment acceptable for certain fines; requiring court clerk to post and collect certain fee; limiting certain fee; requiring Supreme Court to set certain fee; authorizing payment of certain costs from court fund; and providing an effective date.

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

SECTION 1. AMENDATORY 28 O.S. 2001, Section 153v2, as last amended by Section 1, Chapter 451, O.S.L. 2004 (28 O.S. Supp. 2004, Section 153v2), is amended to read as follows:

Section 153v2. 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 subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and collected in every traffic case for each offense 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 in every misdemeanor case for each offense; the sum of Fifteen Dollars (\$15.00) shall be assessed and collected in every misdemeanor case for each offense for driving under the influence of alcohol or other intoxicating substance; the sum of Twenty-five Dollars (\$25.00) shall be assessed and collected in every felony case for each offense; and the sum of Twenty-five Dollars (\$25.00)

shall be assessed and collected in every felony case for each offense for driving under the influence of alcohol or other intoxicating substance.

D. 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.

E. 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.

F. 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.

G. 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.

H. A court clerk may accept in payment for any fee, fine, or cost for violation of any traffic law a nationally recognized credit card or bank debit 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~~ shall publicly post and collect a fee for the acceptance of the nationally recognized credit card or bank debit card that shall not exceed One Hundred Dollars (\$100.00). The court fee shall be set by the Supreme Court of Oklahoma each time a fee schedule is promulgated by the Supreme Court of Oklahoma. Any other costs or maintenance fees accrued for accepting or using credit cards may be paid from the court fund. 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.

I. 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. This act shall become effective November 1, 2005.