

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 327

By: Laster

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 991d, as amended by Section 4, Chapter 474, O.S.L. 2003 (22 O.S. Supp. 2004, Section 991d), which relates to supervision fee; requiring fee for person supervised by certain provider; requiring court to waive fee under certain circumstances; requiring certain provider to report specified violations; modifying payment of certain fee; deleting obsolete language; and providing an effective date.

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

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

Section 991d. A. 1. When the court orders supervision by the Department of Corrections or a private supervision provider, 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~~ court 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 Department or private supervision provider shall determine methods for payment of the supervision fee, and may charge a reasonable user fee for collection

of supervision fees electronically. The Department or private supervision provider 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~~ or private supervision provider, 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~~ court 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 this subsection, all fees~~ Fees collected pursuant to this section for supervision by the Department

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)~~ Fees collected pursuant to this section for supervision by a private supervision provider shall be paid to the provider.

SECTION 2. This act shall become effective November 1, 2005.

50-1-1070

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