

STATE OF OKLAHOMA

1st Session of the 50th Legislature (2005)

SENATE BILL 684

By: Laughlin

AS INTRODUCED

An Act relating to counties and county officers; amending Sections 1 and 2, Chapter 254, O.S.L. 2003 (19 O.S. Supp. 2004, Sections 514.4 and 514.5), which relate to notification of and payment for outstanding misdemeanor warrants; deleting automated system used for certain notification purposes; adding acceptable means of payment for certain warrants; requiring certain contractors to attempt to locate persons with certain warrants; stating effect of certain payment; providing for release of warrant; authorizing particular sheriff to assign certain rights; stating application of certain provisions; increasing certain administrative fees; providing for distribution of funds to certain persons; providing an effective date; and declaring an emergency.

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~~

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

C. As provided for by this section, payment accepted by the court constitutes a finding of guilty as though a plea of nolo contendere had been entered by the defendant as allowed by law and constitutes a written, dated, and signed plea form acceptable to the Court. Such payment constitutes a written waiver of a jury trial.

D. The court shall release the outstanding misdemeanor warrant upon receipt of full payment as provided by this section including the misdemeanor warrant scheduled fine or sum due, all associated fees and costs, and the administrative cost pursuant to Section 514.5 of this title.

E. The provisions of any contract entered into by a county sheriff shall be administered by a statewide association of county sheriffs in Oklahoma. The county sheriff of any Oklahoma county may assign their right to contract to the statewide association administering the provisions of this contract.

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

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

2. Any misdemeanor warrant issued or relating to any proceeding involving parking or standing traffic violations; and

3. Any misdemeanor warrant issued that allows a defendant to resolve the matter by payment in lieu of a personal appearance in Court.

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

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

B. ~~The payment authorized by subsection B of Section 1 of this act~~ Misdemeanor warrants referred to the contractor pursuant to Section 514.4 of this title shall include the addition of an administrative cost of ~~fifteen percent (15%) of the cost in addition to the cost~~ twenty percent (20%) of the outstanding misdemeanor warrant for each payment transaction, scheduled fine or sum due and all associated fees and costs. This administrative cost shall not be waived or reduced except by order of the court and shall be collected on all payments made to, collected by, or received by the contractor, the sheriff, the court clerk, or any person or entity otherwise acceptance payment on behalf of the court.

C. ~~This~~ The administrative cost reflected in subsection B of this section and collected shall be ~~reimbursed~~ distributed to the association administering the provisions of the contract to compensate the contractor.

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

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

SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.