

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 2715

6 By: Auffet

7 COMMITTEE SUBSTITUTE

8 An Act relating to costs; amending 11 O.S. 2001,  
9 Sections 14-111, as last amended by Section 2,  
10 Chapter 61, O.S.L. 2006 and 28-124 (11 O.S. Supp.  
11 2007, Section 14-111), which relate to municipal  
12 fines and court costs; increasing per diem rate for  
13 satisfaction of certain fines, fees, and costs in  
14 certain circumstances; amending 28 O.S. 2001, Section  
15 101, which relates to court costs; increasing per  
16 diem rate for satisfaction of certain fines, fees,  
17 and costs; amending 57 O.S. 2001, Section 58.3, which  
18 relates to fine or cost credits for prisoner labor;  
19 increasing per diem rate for satisfaction of certain  
20 fines and court costs; and providing an effective  
21 date.

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

23 SECTION 1. AMENDATORY 11 O.S. 2001, Section 14-111, as  
24 last amended by Section 2, Chapter 61, O.S.L. 2006 (11 O.S. Supp.  
2007, Section 14-111), is amended to read as follows:

25 Section 14-111. A. The governing body of a municipality may  
26 provide for enforcement of its ordinances and establish fines,  
27 penalties, or imprisonment, as authorized by subsections B through D  
28 of this section, for any offense in violation of its ordinances,  
29 which shall be recoverable together with costs of suit. The

1 governing body may provide that any person fined for violation of a  
2 municipal ordinance who is financially able but refuses or neglects  
3 to pay the fine or costs may be compelled to satisfy the amount owed  
4 by working on the streets, alleys, avenues, areas, and public  
5 grounds of the municipality, subject to the direction of the street  
6 commissioner or other proper officer, at a rate per day as the  
7 governing body may prescribe by ordinance, but not less than ~~Twenty~~  
8 ~~five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) per day for useful  
9 labor, until the fine or costs are satisfied.

10 B. 1. Except for municipal ordinances related to prostitution  
11 and as otherwise provided in this section, cities having a municipal  
12 criminal court of record may enact ordinances prescribing maximum  
13 fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or  
14 imprisonment not exceeding six (6) months or both the fine and  
15 imprisonment, but shall not have authority to enact any ordinance  
16 making unlawful an act or omission declared by state statute to be  
17 punishable as a felony. Cities having a municipal criminal court of  
18 record may enact ordinances prescribing maximum fines of One  
19 Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding  
20 six (6) months or both such fine and imprisonment for violations of  
21 municipal ordinances regulating the pretreatment of wastewater and  
22 regulating stormwater discharges. Cities having a municipal  
23 criminal court of record may enact ordinances prescribing maximum  
24 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and

1 costs or imprisonment not exceeding six (6) months or both such fine  
2 and imprisonment for alcohol-related or drug-related traffic  
3 offenses. The court shall remit Fifty Dollars (\$50.00) of each  
4 alcohol fine or deferral fee to a fund of the municipality that  
5 shall be used to defray costs for enforcement of laws relating to  
6 juvenile access to alcohol, other laws relating to alcohol and other  
7 intoxicating substances, and traffic-related offenses involving  
8 alcohol or other intoxicating substances.

9 2. For violations of municipal ordinances relating to  
10 prostitution, including but not limited to engaging in prostitution  
11 or soliciting or procuring prostitution, a municipal criminal court  
12 of record may enact ordinances prescribing an imprisonment not to  
13 exceed six (6) months, and fines as follows: a fine not to exceed  
14 Two Thousand Five Hundred Dollars (\$2,500.00) upon the first  
15 conviction for violation of any such ordinances, a fine of not more  
16 than Five Thousand Dollars (\$5,000.00) upon the second conviction  
17 for violation of any of such ordinances, and a fine of not more than  
18 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or  
19 subsequent convictions for violation of any of such ordinances, or  
20 both such fine and imprisonment as well as a term of community  
21 service of not less than forty (40) nor more than eighty (80) hours.

22 C. Municipalities having a municipal court not of record may  
23 enact ordinances prescribing maximum fines pursuant to the  
24 provisions of this subsection. A municipal ordinance may not impose

1 a penalty, including fine or deferral fee in lieu of a fine and  
2 costs, which is greater than that established by statute for the  
3 same offense. The maximum fine or deferral fee in lieu of a fine  
4 for traffic-related offenses relating to speeding or parking shall  
5 not exceed Two Hundred Dollars (\$200.00). The maximum fine or  
6 deferral fee in lieu of a fine for alcohol-related or drug-related  
7 offenses shall not exceed Eight Hundred Dollars (\$800.00). For all  
8 other offenses, the maximum fine or deferral fee in lieu of a fine  
9 shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court  
10 shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral  
11 fee to a fund of the municipality that shall be used to defray costs  
12 for enforcement of laws relating to juvenile access to alcohol,  
13 other laws relating to alcohol and other intoxicating substances,  
14 and traffic-related offenses involving alcohol or other intoxicating  
15 substances. The ordinances may prescribe costs pursuant to the  
16 provisions of Section 27-126 of this title or imprisonment not  
17 exceeding sixty (60) days or both the fine and imprisonment;  
18 provided, that municipalities having only a municipal court not of  
19 record shall not have authority to enact any ordinance making  
20 unlawful any act or omission declared by state statute to be  
21 punishable as a felony; provided further, that municipalities having  
22 a municipal court not of record may enact ordinances prescribing  
23 maximum fines of One Thousand Dollars (\$1,000.00) and costs or  
24 imprisonment not exceeding ninety (90) days or both such fine and

1 imprisonment for violations of municipal ordinances regulating the  
2 pretreatment of wastewater and regulating stormwater discharges. If  
3 imprisonment is available for the offense, then that person charged  
4 shall have a right to a jury trial.

5 D. Municipalities having both municipal criminal courts of  
6 record and municipal courts not of record may enact ordinances,  
7 within the authority of this section, for each court.

8 E. No municipality may levy a fine or deferral fee in lieu of a  
9 fine of over Fifty Dollars (\$50.00) until it has compiled and  
10 published its penal ordinances as required in Sections 14-109 and  
11 14-110 of this title.

12 F. No municipality may levy a fine of more than Ten Dollars  
13 (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for  
14 exceeding the posted speed limit by no more than ten (10) miles per  
15 hour upon any portion of the National System of Interstate and  
16 Defense Highways, federal-aid primary highways, and the state  
17 highway system which are located on the outskirts of any  
18 municipality as determined in Section 2-117 of Title 47 of the  
19 Oklahoma Statutes.

20 SECTION 2. AMENDATORY 11 O.S. 2001, Section 28-124, is  
21 amended to read as follows:

22 Section 28-124. Any person who shall be convicted in the  
23 municipal criminal court of record of a violation of any ordinance  
24 of the city and sentenced to pay a fine and costs, who is

1 financially able but refuses or neglects to pay such fine and costs,  
2 shall be imprisoned in the jail, farm or workhouse of the city, in  
3 the discretion of the court, for one (1) day for each ~~Five Dollars~~  
4 ~~(\$5.00)~~ Twenty-five Dollars (\$25.00) of the fine and cost assessed,  
5 if he or one (1) day for each Fifty Dollars (\$50.00) of the fine and  
6 cost assessed if the person performs useful labor. If the defendant  
7 is without means to pay the fine or costs, the municipal judge may  
8 direct the total amount due to be entered upon the court minutes and  
9 to be certified to the district court in the county where the situs  
10 of the municipal government is located where it shall be entered  
11 upon the district court judgment docket and shall have the full  
12 force and effect of a district court judgment. Thereupon, the same  
13 remedies shall be available for the enforcement of the judgment as  
14 are available to any other judgment creditor.

15 SECTION 3. AMENDATORY 28 O.S. 2001, Section 101, is  
16 amended to read as follows:

17 Section 101. The fees herein provided for the clerk of the  
18 district court and the sheriff, as provided in this act, and all  
19 costs in the prosecution of all criminal actions shall, in case of  
20 conviction of the defendant, be adjudged a part of the penalty of  
21 the offense of which the defendant may be convicted, whether the  
22 punishment for such offense be either imprisonment, or fine, or  
23 both, and fixed either by the verdict of the jury, or judgment of  
24 the court, trying the case, and if the defendant shall refuse to pay

1 the fine, fees or costs, the payment of such fees and costs, in  
2 addition to the payment of the fine assessed, shall be enforced by  
3 imprisonment until the same shall be satisfied at a rate of ~~Five~~  
4 ~~Dollars (\$5.00)~~ Twenty-five Dollars (\$25.00) per day of such fees  
5 and costs, or fine, or both, ~~whether~~ or shall be satisfied at a rate  
6 of Fifty Dollars (\$50.00) per day of such fees and costs, or fine,  
7 or both, should the defendant ~~shall~~ perform useful labor ~~on the~~  
8 ~~public road or highway, or remain in prison.~~ If the defendant is  
9 without means to pay the fine, fees or costs, the total amount owed  
10 shall be entered upon the judgment docket and thereupon the same  
11 remedies shall be available for the enforcement of said judgment as  
12 are available to any other judgment creditor.

13 The term "all costs in the prosecution of all criminal actions",  
14 as used in this section, shall include only the following taxable  
15 items:

- 16 1. Court clerk's costs and fees authorized by statute;
- 17 2. ~~Sheriffs'~~ Sheriff's fees;
- 18 3. Fees and mileage of witnesses; and
- 19 4. Cost deposits in the appellate court, whether on appeal, in  
20 an original proceeding or in any postconviction challenge, if waived  
21 on the basis of a pauper's affidavit.

22 SECTION 4. AMENDATORY 57 O.S. 2001, Section 58.3, is  
23 amended to read as follows:

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1 Section 58.3 Prisoners employed as provided herein shall be  
2 given a credit of two (2) days on a jail sentence for each day  
3 worked, and a credit of ~~Twenty five Dollars (\$25.00)~~ Fifty Dollars  
4 (\$50.00) per day upon the payment of a fine or court cost, if  
5 sentenced for nonpayment of a fine or court cost. The sheriff shall  
6 be authorized to order the credit be given to the prisoner on the  
7 records of the court where the conviction of the prisoner is filed.

8 SECTION 5. This act shall become effective November 1, 2008.

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