

1 STATE OF OKLAHOMA

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

3 SUBCOMMITTEE RECOMMENDATION  
4 FOR

5 HOUSE BILL NO. 2715

6 By: Auffet

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to costs; amending 11 O.S. 2001,  
9 Section 28-124, which relates to court costs;  
10 increasing per diem rate for satisfaction of certain  
11 fines, fees, and costs; amending 28 O.S. 2001,  
12 Section 101, which relates to court costs; increasing  
13 per diem rate for satisfaction of certain fines,  
14 fees, and costs; amending 57 O.S. 2001, Section 58.3,  
15 which relates to fine or cost credits for prisoner  
16 labor; increasing per diem rate for satisfaction of  
17 certain fines and court costs; and providing an  
18 effective date.

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

20 SECTION 1. 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  
25 financially able but refuses or neglects to pay such fine and costs,  
26 shall be imprisoned in the jail, farm or workhouse of the city, in  
27 the discretion of the court, for one (1) day for each ~~Five Dollars~~  
28 ~~(\$5.00)~~ Twenty-five Dollars (\$25.00) of the fine and cost assessed,

1 if he performs useful labor. If the defendant is without means to  
2 pay the fine or costs, the municipal judge may direct the total  
3 amount due to be entered upon the court minutes and to be certified  
4 to the district court in the county where the situs of the municipal  
5 government is located where it shall be entered upon the district  
6 court judgment docket and shall have the full force and effect of a  
7 district court judgment. Thereupon, the same remedies shall be  
8 available for the enforcement of the judgment as are available to  
9 any other judgment creditor.

10 SECTION 2. AMENDATORY 28 O.S. 2001, Section 101, is  
11 amended to read as follows:

12 Section 101. The fees herein provided for the clerk of the  
13 district court and the sheriff, as provided in this act, and all  
14 costs in the prosecution of all criminal actions shall, in case of  
15 conviction of the defendant, be adjudged a part of the penalty of  
16 the offense of which the defendant may be convicted, whether the  
17 punishment for such offense be either imprisonment, or fine, or  
18 both, and fixed either by the verdict of the jury, or judgment of  
19 the court, trying the case, and if the defendant shall refuse to pay  
20 the fine, fees or costs, the payment of such fees and costs, in  
21 addition to the payment of the fine assessed, shall be enforced by  
22 imprisonment until the same shall be satisfied at a rate of ~~Five~~  
23 ~~Dollars (\$5.00)~~ Twenty-five Dollars (\$25.00) per day of such fees  
24 and costs, or fine, or both, whether the defendant shall perform

1 labor on the public road or highway, or remain in prison. If the  
2 defendant is without means to pay the fine, fees or costs, the total  
3 amount owed shall be entered upon the judgment docket and thereupon  
4 the same remedies shall be available for the enforcement of said  
5 judgment as are available to any other judgment creditor.

6 The term "all costs in the prosecution of all criminal actions",  
7 as used in this section, shall include only the following taxable  
8 items:

- 9 1. Court clerk's costs and fees authorized by statute;
- 10 2. Sheriffs' fees;
- 11 3. Fees and mileage of witnesses; and
- 12 4. Cost deposits in the appellate court, whether on appeal, in  
13 an original proceeding or in any postconviction challenge, if waived  
14 on the basis of a pauper's affidavit.

15 SECTION 3. AMENDATORY 57 O.S. 2001, Section 58.3, is  
16 amended to read as follows:

17 Section 58.3 Prisoners employed as provided herein shall be  
18 given a credit of two (2) days on a jail sentence for each day  
19 worked, and a credit of ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars  
20 (\$50.00) per day upon the payment of a fine or court cost, if  
21 sentenced for nonpayment of a fine or court cost. The sheriff shall  
22 be authorized to order the credit be given to the prisoner on the  
23 records of the court where the conviction of the prisoner is filed.

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1 SECTION 4. This act shall become effective November 1, 2008.

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3 51-2-10142 SD 02/19/08  
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