

1 STATE OF OKLAHOMA

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

3 CONFERENCE COMMITTEE SUBSTITUTE

4 FOR ENGROSSED

5 SENATE BILL 612

By: (Williamson), Coates and
Laughlin of the Senate

6 and

(Blackwell), DeWitt,
McCullough, Kern and
McDaniel (Randy) of the
House

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11 CONFERENCE COMMITTEE SUBSTITUTE

12 An Act relating to fees; amending 22 O.S. 2001,
13 Section 991d, as last amended by Section 1, Chapter
14 159, O.S.L. 2006 (22 O.S. Supp. 2007, Section 991d),
15 which relates to supervision fee; increasing certain
16 fee for specified time period; amending 28 O.S. 153,
17 as last amended by Section 21 of Enrolled Senate Bill
18 No. 1830 of the 2nd Session of the 51st Oklahoma
19 Legislature, which relates to costs in criminal
20 cases; increasing certain fees for specified time
21 period; providing an effective date; and declaring an
22 emergency.

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

24 SECTION 1. AMENDATORY 22 O.S. 2001, Section 991d, as
last amended by Section 1, Chapter 159, O.S.L. 2006 (22 O.S. Supp.
2007, Section 991d), is amended to read as follows:

Section 991d. A. 1. When the court orders supervision by the
Department of Corrections, or the district attorney requires the

1 Department to supervise any person pursuant to a deferred
2 prosecution agreement, the person shall be required to pay a
3 supervision fee of Forty Dollars (\$40.00) per month during the
4 supervision period, unless the fee would impose an unnecessary
5 hardship on the person. In hardship cases, the Department shall
6 expressly waive all or part of the fee. The court shall make
7 payment of the fee a condition of the sentence which shall be
8 imposed whether the supervision is incident to the suspending of
9 execution of a sentence, incident to the suspending of imposition of
10 a sentence, or incident to the deferral of proceedings after a
11 verdict or plea of guilty. The Department shall determine methods
12 for payment of supervision fee, and may charge a reasonable user fee
13 for collection of supervision fees electronically. The Department
14 is required to report to the sentencing court any failure of the
15 person to pay supervision fees and to report immediately if the
16 person violates any condition of the sentence.

17 2. a. When the court imposes a suspended or deferred
18 sentence for any offense and does not order
19 supervision by the Department of Corrections, the
20 offender shall be required to pay to the district
21 attorney a supervision fee of Twenty Dollars (\$20.00)
22 per month. In hardship cases, the district attorney
23 shall expressly waive all or part of the fee.

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1 b. From the effective date of this act through July 1,
2 2009, when the court imposes a suspended or deferred
3 sentence on any offense and does not order supervision
4 by the Department of Corrections, the offender shall
5 be required to pay to the district attorney a
6 supervision fee of Forty Dollars (\$40.00) per month.
7 In hardship cases, the district attorney shall
8 expressly waive all or part of the fee.

9 3. If restitution is ordered by the court in conjunction with
10 supervision, the supervision fee will be paid in addition to the
11 restitution ordered. In addition to the restitution payment and
12 supervision fee, a reasonable user fee may be charged by the
13 Department of Corrections to cover the expenses of administration of
14 the restitution, except no user fee shall be collected by the
15 Department when restitution payment is collected and disbursed to
16 the victim by the office of the district attorney as provided in
17 Section 991f of this title or Section 991f-1.1 of this title.

18 B. The Pardon and Parole Board shall require a supervision fee
19 to be paid by the parolee as a condition of parole which shall be
20 paid to the Department of Corrections. The Department shall
21 determine the amount of the fee as provided for other persons under
22 supervision by the Department.

23 C. Upon acceptance of an offender by the Department of
24 Corrections whose probation or parole supervision was transferred to

1 Oklahoma through the Interstate Compact Agreement, or upon the
2 assignment of an inmate to any community placement, a fee shall be
3 required to be paid by the offender to the Department of Corrections
4 as provided for other persons under supervision of the Department.

5 D. Except as provided in subsection A and this subsection, all
6 fees collected pursuant to this section shall be deposited in the
7 Department of Corrections Revolving Fund created pursuant to Section
8 557 of Title 57 of the Oklahoma Statutes. For the fiscal year
9 ending June 30, 1996, fifty percent (50%) of all collections
10 received from offenders placed on supervision after July 1, 1995,
11 shall be transferred to the credit of the General Revenue Fund of
12 the State Treasury until such time as total transfers equal Three
13 Million Three Hundred Thousand Dollars (\$3,300,000.00).

14 SECTION 2. AMENDATORY 28 O.S. 2001, Section 153, as last
15 amended by Section 21 of Enrolled Senate Bill No. 1830 of the 2nd
16 Session of the 51st Oklahoma Legislature, is amended to read as
17 follows:

18 Section 153. A. The clerks of the courts shall collect as
19 costs in every criminal case for each offense of which the defendant
20 is convicted, irrespective of whether or not the sentence is
21 deferred, the following flat charges and no more, except for
22 standing and parking violations and for charges otherwise provided
23 for by law, which fee shall cover docketing of the case, filing of
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1 all papers, issuance of process, warrants, orders, and other
2 services to the date of judgment:

3 1. For each defendant convicted of
4 exceeding the speed limit by at least
5 one (1) mile per hour but not more
6 than ten (10) miles per hour, whether
7 charged individually or conjointly
8 with others.....\$77.00

9 2. For each defendant convicted of a
10 misdemeanor traffic violation other
11 than an offense provided for in
12 paragraph 1 or 5 of this subsection,
13 whether charged individually or
14 conjointly with others.....\$98.00

15 3. For each defendant convicted of a
16 misdemeanor, other than for driving
17 under the influence of alcohol or
18 other intoxicating substance or an
19 offense provided for in paragraph 1 or
20 2 of this subsection, whether charged
21 individually or conjointly with others.....\$93.00

22 4. For each defendant convicted of a
23 felony, other than for driving under
24 the influence of alcohol or other

- 1 intoxicating substance, whether
2 charged individually or conjointly
3 with others.....\$103.00
- 4 5. For each defendant convicted of the
5 misdemeanor of driving under the
6 influence of alcohol or other
7 intoxicating substance, whether charged
8 individually or conjointly with others..... \$433.00
- 9 6. For each defendant convicted of the
10 felony of driving under the influence
11 of alcohol or other intoxicating
12 substance, whether charged
13 individually or conjointly with others.....\$433.00
- 14 7. For the services of a court reporter at
15 each preliminary hearing and trial
16 held in the case.....\$20.00
- 17 8. For each time a jury is requested.....\$30.00
- 18 9. A sheriff's fee for serving or
19 endeavoring to serve each writ,
20 warrant, order, process, command, or
21 notice or pursuing any fugitive from
22 justice
- 23 a. within the county..... \$50.00, or
24

1 mileage as
2 established by the
3 Oklahoma Statutes,
4 whichever is
5 greater, or

6 b. outside of the county..... \$50.00, or
7 actual, necessary
8 expenses, whichever
9 is greater

10 10. For the services of a language interpreter, other than an
11 interpreter appointed pursuant to the provisions of the Oklahoma
12 Interpreter for the Deaf Act, at each hearing held in the case, the
13 actual cost of the interpreter.

14 B. In addition to the amount collected pursuant to paragraphs 2
15 through 6 of subsection A of this section, the sum of Six Dollars
16 (\$6.00) shall be assessed and credited to the Law Library Fund
17 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
18 Statutes.

19 C. 1. In addition to the amount collected pursuant to
20 subsection A of this section, the sum of Ten Dollars (\$10.00) shall
21 be assessed and collected in every traffic case for each offense
22 other than for driving under the influence of alcohol or other
23 intoxicating substance; the sum of Fifteen Dollars (\$15.00) shall be
24 assessed and collected in every misdemeanor case for each offense;

1 the sum of Fifteen Dollars (\$15.00) shall be assessed and collected
2 in every misdemeanor case for each offense for driving under the
3 influence of alcohol or other intoxicating substance; the sum of
4 Twenty-five Dollars (\$25.00) shall be assessed and collected in
5 every felony case for each offense; and the sum of Twenty-five
6 Dollars (\$25.00) shall be assessed and collected in every felony
7 case for each offense for driving under the influence of alcohol or
8 other intoxicating substance.

9 2. From the effective date of this act through July 1, 2009, in
10 addition to the amount collected pursuant to subsection A of this
11 section, the sum of Twenty Dollars (\$20.00) shall be assessed and
12 collected in every traffic case for each offense other than for
13 driving under the influence of alcohol or other intoxicating
14 substance; the sum of Twenty-five Dollars (\$25.00) shall be assessed
15 and collected in every misdemeanor case for each offense; the sum of
16 Twenty-five Dollars (\$25.00) shall be assessed and collected in
17 every misdemeanor case for each offense for driving under the
18 influence of alcohol or other intoxicating substance; the sum of
19 Thirty-five Dollars (\$35.00) shall be assessed and collected in
20 every felony case for each offense; and the sum of Thirty-five
21 Dollars (\$35.00) shall be assessed and collected in every felony
22 case for each offense for driving under the influence of alcohol or
23 other intoxicating substance.

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1 D. In addition to the amounts collected pursuant to subsections
2 A and B of this section, the sum of Twenty-five Dollars (\$25.00)
3 shall be assessed and credited to the Oklahoma Court Information
4 System Revolving Fund created pursuant to Section 1315 of Title 20
5 of the Oklahoma Statutes.

6 E. In addition to the amount collected pursuant to paragraphs 1
7 through 6 of subsection A of this section, the sum of Ten Dollars
8 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
9 Account in the county in which the conviction occurred for the
10 purpose of enhancing existing or providing additional courthouse
11 security.

12 F. In addition to the amounts collected pursuant to paragraphs
13 1 through 6 of subsection A of this section, the sum of Three
14 Dollars (\$3.00) shall be assessed and credited to the Office of the
15 Attorney General Victim Services Unit.

16 G. In addition to the amounts collected pursuant to paragraphs
17 1 through 6 of subsection A of this section, the sum of Three
18 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
19 Multidisciplinary Account. This fee shall not be used for purposes
20 of hiring or employing any law enforcement officers.

21 H. Prior to conviction, parties in criminal cases shall not be
22 required to pay, advance, or post security for the services of a
23 language interpreter or for the issuance or service of process to
24 obtain compulsory attendance of witnesses.

1 I. The amounts to be assessed as court costs upon filing of a
2 case shall be those amounts above-stated in paragraph 3 or 4 of
3 subsection A and subsection B, C, D and E of this section.

4 J. The fees collected pursuant to this section shall be
5 deposited into the court fund, except the following:

6 1. A court clerk issuing a misdemeanor warrant is entitled to
7 ten percent (10%) of the sheriff's service fee, provided for in
8 paragraph 9 of subsection A of this section, collected on a warrant
9 referred to the contractor for the misdemeanor warrant notification
10 program governed by Sections 514.4 and 514.5 of Title 19 of the
11 Oklahoma Statutes. This ten-percent sum shall be deposited into the
12 issuing Court Clerk's Revolving Fund, created pursuant to Section
13 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
14 the warrant with the balance of the sheriff's service fee to be
15 deposited into the Sheriff's Service Fee Account, created pursuant
16 to the provisions of Section 514.1 of Title 19 of the Oklahoma
17 Statutes, of the sheriff in the county in which service is made or
18 attempted. Otherwise, the sheriff's service fee, when collected,
19 shall be deposited in its entirety into the Sheriff's Service Fee
20 Account of the sheriff in the county in which service is made or
21 attempted;

22 2. The sheriff's fee provided for in Section 153.2 of this
23 title;

1 3. The witness fees paid by the district attorney pursuant to
2 the provisions of Section 82 of this title which, if collected by
3 the court clerk, shall be transferred to the district attorney's
4 office in the county where witness attendance was required. Fees
5 transferred pursuant to this paragraph shall be deposited in the
6 district attorney's maintenance and operating expense account;

7 4. The fees provided for in subsection C of this section shall
8 be forwarded to the District Attorneys Council Revolving Fund to
9 defray the costs of prosecution; and

10 5. The following amounts of the fees provided for in paragraphs
11 2, 3, 5 and 6 of subsection A of this section, when collected, shall
12 be deposited in the Trauma Care Assistance Revolving Fund, created
13 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
14 Oklahoma Statutes:

15 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee
16 provided for in paragraph 2 of subsection A of this
17 section,

18 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee
19 provided for in paragraph 3 of subsection A of this
20 section,

21 c. One Hundred Dollars (\$100.00) of the Four-Hundred-
22 Thirty-three-Dollar fee provided for in paragraph 5 of
23 subsection A of this section, and
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1 d. One Hundred Dollars (\$100.00) of the Four-Hundred-
2 Thirty-three-Dollar fee provided for in paragraph 6 of
3 subsection A of this section.

4 K. Costs required to be collected pursuant to this section
5 shall not be dismissed or waived; provided, if the court determines
6 that a person needing the services of a language interpreter is
7 indigent, the court may waive all or part of the costs or require
8 the payment of costs in installments.

9 L. As used in this section, "convicted" means any final
10 adjudication of guilt, whether pursuant to a plea of guilty or nolo
11 contendere or otherwise, and any deferred judgment or suspended
12 sentence.

13 M. A court clerk may accept in payment for any fee, fine,
14 forfeiture payment, cost, penalty assessment or other charge or
15 collection to be assessed or collected by a court clerk pursuant to
16 this section a nationally recognized credit card or debit card or
17 other electronic payment method as provided in paragraph 1 of
18 subsection B of Section 151 of this title.

19 N. Upon receipt of payment of fines and costs for offenses
20 charged prior to July 1, 1992, the court clerk shall apportion and
21 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

22 SECTION 3. This act shall become effective July 1, 2008.

23 SECTION 4. It being immediately necessary for the preservation
24 of the public peace, health and safety, an emergency is hereby

1 declared to exist, by reason whereof this act shall take effect and
2 be in full force from and after its passage and approval.

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