

1 ENGROSSED HOUSE
2 BILL NO. 2963

By: Morgan of the House

and

Coates of the Senate

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7 An Act relating to costs; amending 11 O.S. 2001,
8 Sections 27-122, as amended by Section 3, Chapter
9 173, O.S.L. 2004 and 28-124 (11 O.S. Supp. 2007,
10 Section 27-122), which relate to court costs;
11 increasing per diem rate for satisfaction of certain
12 fines, fees, and costs; allowing for community
13 service; amending 28 O.S. 2001, Section 101, which
14 relates to court costs; increasing per diem rate for
15 satisfaction of certain fines, fees, and costs;
16 allowing for community service; and providing an
17 effective date.

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

19 SECTION 1. AMENDATORY 11 O.S. 2001, Section 27-122, as
20 amended by Section 3, Chapter 173, O.S.L. 2004 (11 O.S. Supp. 2007,
21 Section 27-122), is amended to read as follows:

22 Section 27-122. A. If a defendant who is financially able
23 refuses or neglects to pay a fine or costs or both, payment may be
24 enforced:

1. By imprisonment until the same shall be satisfied at the
rate of Twenty-five Dollars (\$25.00) per day of such fine or costs

1 or both, whether the defendant shall perform community service, or
2 remain in jail; or

3 2. In the same manner as is prescribed in subsection B of this
4 section for a defendant who is without means to make such payment.

5 B. If the defendant is without means to pay the fine or costs,
6 the municipal judge may direct the total amount due to be entered
7 upon the court minutes and to be certified to the district court in
8 the county where the situs of the municipal government is located,
9 where it shall be entered upon the district court judgment docket
10 and shall have the full force and effect of a district court
11 judgment. The same remedies shall be available for the enforcement
12 of the judgment as are available to any other judgment creditor.

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

15 Section 28-124. Any person who shall be convicted in the
16 municipal criminal court of record of a violation of any ordinance
17 of the city and sentenced to pay a fine and costs, who is
18 financially able but refuses or neglects to pay such fine and costs,
19 shall be imprisoned in the jail, farm or workhouse of the city, in
20 the discretion of the court, for one (1) day for each ~~Five Dollars~~
21 ~~(\$5.00)~~ Twenty-five Dollars (\$25.00) of the fine and cost assessed,
22 ~~if he~~ whether the person performs useful labor community service, or
23 remains in jail. If the defendant is without means to pay the fine
24 or costs, the municipal judge may direct the total amount due to be

1 entered upon the court minutes and to be certified to the district
2 court in the county where the situs of the municipal government is
3 located where it shall be entered upon the district court judgment
4 docket and shall have the full force and effect of a district court
5 judgment. Thereupon, the same remedies shall be available for the
6 enforcement of the judgment as are available to any other judgment
7 creditor.

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

10 Section 101. The fees herein provided for the clerk of the
11 district court and the sheriff, as provided in this act, and all
12 costs in the prosecution of all criminal actions shall, in case of
13 conviction of the defendant, be adjudged a part of the penalty of
14 the offense of which the defendant may be convicted, whether the
15 punishment for such offense be either imprisonment, or fine, or
16 both, and fixed either by the verdict of the jury, or judgment of
17 the court, trying the case, and if the defendant shall refuse to pay
18 the fine, fees or costs, the payment of such fees and costs, in
19 addition to the payment of the fine assessed, shall be enforced by
20 imprisonment until the same shall be satisfied at a rate of ~~Five~~
21 ~~Dollars (\$5.00)~~ Twenty-five Dollars (\$25.00) per day of such fees
22 and costs, or fine, or both, whether the defendant shall perform
23 ~~labor on the public road or highway~~ community service, or remain in
24 prison. If the defendant is without means to pay the fine, fees or

1 costs, the total amount owed shall be entered upon the judgment
2 docket and thereupon the same remedies shall be available for the
3 enforcement of said judgment as are available to any other judgment
4 creditor.

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

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

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

15 Passed the House of Representatives the 12th day of March, 2008.

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Presiding Officer of the House of
19 Representatives

20 Passed the Senate the ____ day of _____, 2008.

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Presiding Officer of the Senate

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