

1 ENGROSSED SENATE
2 BILL NO. 1960

By: Sykes of the Senate

3 and

4 Worthen of the House

5
6
7 [Oklahoma State Bureau of Narcotics and Dangerous

8 Drugs Control - fees - codification - effective

9 date -

10 emergency]

11

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

13 SECTION 1. NEW LAW A new section of law to be codified
14 in the Oklahoma Statutes as Section 2-107a of Title 63, unless there
15 is created a duplication in numbering, reads as follows:

16 There is hereby created in the State Treasury a revolving fund
17 for the Oklahoma State Bureau of Narcotics and Dangerous Drugs
18 Control to be designated the "Bureau of Narcotics Drug Education
19 Revolving Fund". The fund shall be a continuing fund, not subject
20 to fiscal year limitations, and shall consist of any monies received
21 pursuant to subsection D of Section 1313.2 of Title 20 of the
22 Oklahoma Statutes. All monies accruing to the credit of the fund
23 are hereby appropriated and may be budgeted and expended by the
24 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for

1 purposes relating to drug education and information in the State of
2 Oklahoma.

3 SECTION 2. AMENDATORY 20 O.S. 2001, Section 1313.2, as
4 last amended by Section 1, Chapter 441, O.S.L. 2006 (20 O.S. Supp.
5 2007, Section 1313.2), is amended to read as follows:

6 Section 1313.2 A. As used in this section:

7 1. "Convicted" means any final adjudication of guilt, whether
8 pursuant to a plea of guilty or nolo contendere or otherwise, and
9 any deferred or suspended sentence or judgment;

10 2. "Court" means any state or municipal court having
11 jurisdiction to impose a criminal fine or penalty; and

12 3. "DNA" means Deoxyribonucleic acid.

13 B. Any person convicted of an offense, including traffic
14 offenses but excluding parking and standing violations, punishable
15 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
16 person forfeiting bond when charged with such an offense, shall be
17 ordered by the court to pay Nine Dollars (\$9.00) as a separate fee,
18 which fee shall be in addition to and not in substitution for any
19 and all fines and penalties otherwise provided for by law for such
20 offense.

21 C. 1. Any person convicted of any misdemeanor or felony
22 offense shall pay a Laboratory Analysis Fee in the amount of One
23 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
24 or laboratory services are rendered or administered by the Oklahoma

1 State Bureau of Investigation, by the Toxicology Laboratory of the
2 Office of the Chief Medical Examiner or by any municipality or
3 county in connection with the case. This fee shall be in addition
4 to and not a substitution for any and all fines and penalties
5 otherwise provided for by law for this offense.

6 2. The court clerk shall cause to be deposited the amount of
7 One Hundred Fifty Dollars (\$150.00) as collected, for every
8 conviction as described in this subsection. The court clerk shall
9 remit the monies in the fund on a monthly basis directly either to:

10 a. the Oklahoma State Bureau of Investigation who shall
11 deposit the monies into the OSBI Revolving Fund
12 provided for in Section 150.19a of Title 74 of the
13 Oklahoma Statutes for services rendered or
14 administered by the Oklahoma State Bureau of
15 Investigation,

16 b. the Office of the Chief Medical Examiner who shall
17 deposit the monies into the Office of the Chief
18 Medical Examiner Toxicology Laboratory Revolving Fund
19 provided for in Section 954 of Title 63 of the
20 Oklahoma Statutes for services rendered or
21 administered by the Toxicology Laboratory of the
22 Office of the Chief Medical Examiner, or

23 c. the appropriate municipality or county for services
24 rendered or administered by a municipality or county.

1 3. The monies from the Laboratory Analysis Fee Fund deposited
2 into the OSBI Revolving Fund shall be used for the following:

- 3 a. providing criminalistic laboratory services,
- 4 b. the purchase and maintenance of equipment for use by
5 the laboratory in performing analysis,
- 6 c. education, training, and scientific development of
7 Oklahoma State Bureau of Investigation personnel, and
- 8 d. the destruction of seized property and chemicals as
9 prescribed in Sections 2-505 and 2-508 of Title 63 of
10 the Oklahoma Statutes.

11 D. 1. Any person entering a plea of guilty or nolo contendere
12 to the crime of misdemeanor possession of marijuana shall be ordered
13 by the court to pay a five-dollar fee, which shall be in addition to
14 and not in substitution for any and all fines and penalties
15 otherwise provided for by law for such offense.

16 2. The court clerk shall cause to be deposited the amount of
17 Five Dollars (\$5.00) as collected, for every adjudicated or
18 otherwise convicted person as described in this subsection. The
19 court clerk shall remit the monies in the fund on a monthly basis
20 directly to the Bureau of Narcotics Drug Education Revolving Fund.

21 E. Upon conviction or bond forfeiture, the court shall collect
22 the fee provided for in subsection B of this section and deposit it
23 in an account created for that purpose. Except as otherwise
24 provided in subsection E of this section, monies shall be forwarded

1 monthly by the court clerk to the Council on Law Enforcement
2 Education and Training. Beginning July 1, 2003, deposits shall be
3 due on the fifteenth day of each month for the preceding calendar
4 month. There shall be a late fee imposed for failure to make timely
5 deposits; provided, the Council on Law Enforcement Education and
6 Training, in its discretion, may waive all or part of the late fee.
7 Such late fee shall be one percent (1%) of the principal amount due
8 per day beginning from the tenth day after payment is due and
9 accumulating until the late fee reaches one hundred percent (100%)
10 of the principal amount due. Beginning on July 1, 1987, ninety
11 percent (90%) of the monies received by the Council on Law
12 Enforcement Education and Training from the court clerks pursuant to
13 this section shall be deposited in the CLEET Fund, and ten percent
14 (10%) shall be deposited in the General Revenue Fund. Beginning
15 January 1, 2001, sixty and fifty-three one-hundredths percent
16 (60.53%) of the monies received by the Council on Law Enforcement
17 Education and Training from the court clerks pursuant to this
18 section shall be deposited in the CLEET Fund created pursuant to
19 subsection F of this section, five and eighty-three one-hundredths
20 percent (5.83%) shall be deposited in the General Revenue Fund and
21 thirty-three and sixty-four one-hundredths percent (33.64%) shall be
22 deposited in the CLEET Training Center Revolving Fund created
23 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
24 Along with the deposits required by this subsection each court shall

1 also submit a report stating the total amount of funds collected and
2 the total number of fees imposed during the preceding quarter. The
3 report may be made on computerized or manual disposition reports.

4 ~~E.~~ F. Any municipality or county having a basic law enforcement
5 academy approved by the Council on Law Enforcement Education and
6 Training pursuant to the criteria developed by the Council for
7 training law enforcement officers shall retain from monies collected
8 pursuant to this section, Two Dollars (\$2.00) from each fee. These
9 monies shall be deposited into an account for the sole use of the
10 municipality or county in implementing its law enforcement training
11 functions. Not more than seven percent (7%) of the monies shall be
12 used for court and prosecution training. The court clerk of any
13 such municipality or county shall furnish to the Council on Law
14 Enforcement Education and Training the report required by subsection
15 D of this section.

16 ~~F.~~ G. There is hereby created in the State Treasury a fund for
17 the Council on Law Enforcement Education and Training to be
18 designated the "CLEET Fund". The fund shall be subject to
19 legislative appropriation and shall consist of any monies received
20 from fees and receipts collected pursuant to the Oklahoma Open
21 Records Act, reimbursements for parts used in the repair of weapons
22 of law enforcement officers attending the basic academies, gifts,
23 bequests, contributions, tuition, fees, devises, and the assessments
24 levied pursuant to the fund pursuant to law.

1 ~~G.~~ H. 1. Any person convicted of a felony offense shall pay a
2 DNA fee of One Hundred Fifty Dollars (\$150.00). This fee shall not
3 be collected if the person has a valid DNA sample in the OSBI DNA
4 Offender Database at the time of sentencing.

5 2. The court clerk shall cause to be deposited the amount of
6 One Hundred Fifty Dollars (\$150.00) as collected, for every felony
7 conviction as described in this subsection. The court clerk shall
8 remit the monies in said fund on a monthly basis directly to the
9 Oklahoma State Bureau of Investigation who shall deposit the monies
10 into the OSBI Revolving Fund provided for in Section 150.19a of
11 Title 74 of the Oklahoma Statutes for services rendered or
12 administered by the Oklahoma State Bureau of Investigation.

13 3. The monies from the DNA sample fee deposited into the OSBI
14 Revolving Fund shall be used for creating, staffing, and maintaining
15 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
16 Database.

17 ~~H.~~ I. It shall be the responsibility of the court clerk to
18 account for and ensure the correctness and accuracy of payments made
19 to the state agencies identified in Sections 1313.2 through 1313.4
20 of this title. Payments made directly to an agency by the court
21 clerk as a result of different types of assessments and fees
22 pursuant to Sections 1313.2 through 1313.4 of this title shall be
23 made monthly to each state agency.

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

