

THE HOUSE OF REPRESENTATIVES
Monday, March 3, 2008

Committee Substitute for
House Bill No. 2715

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 2715 - By: AUFFET AND SULLIVAN of the House.

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

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

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

4 Section 14-111. A. The governing body of a municipality may provide for
5 enforcement of its ordinances and establish fines, penalties, or imprisonment, as
6 authorized by subsections B through D of this section, for any offense in violation of its
7 ordinances, which shall be recoverable together with costs of suit. The governing body
8 may provide that any person fined for violation of a municipal ordinance who is
9 financially able but refuses or neglects to pay the fine or costs may be compelled to

1 satisfy the amount owed by working on the streets, alleys, avenues, areas, and public
2 grounds of the municipality, subject to the direction of the street commissioner or other
3 proper officer, at a rate per day as the governing body may prescribe by ordinance, but
4 not less than ~~Twenty-five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) per day for useful labor,
5 until the fine or costs are satisfied.

6 B. 1. Except for municipal ordinances related to prostitution and as otherwise
7 provided in this section, cities having a municipal criminal court of record may enact
8 ordinances prescribing maximum fines of One Thousand Two Hundred Dollars
9 (\$1,200.00) and costs or imprisonment not exceeding six (6) months or both the fine and
10 imprisonment, but shall not have authority to enact any ordinance making unlawful an
11 act or omission declared by state statute to be punishable as a felony. Cities having a
12 municipal criminal court of record may enact ordinances prescribing maximum fines of
13 One Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding six (6)
14 months or both such fine and imprisonment for violations of municipal ordinances
15 regulating the pretreatment of wastewater and regulating stormwater discharges. Cities
16 having a municipal criminal court of record may enact ordinances prescribing maximum
17 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and costs or imprisonment
18 not exceeding six (6) months or both such fine and imprisonment for alcohol-related or
19 drug-related traffic offenses. The court shall remit Fifty Dollars (\$50.00) of each alcohol
20 fine or deferral fee to a fund of the municipality that shall be used to defray costs for
21 enforcement of laws relating to juvenile access to alcohol, other laws relating to alcohol

1 and other intoxicating substances, and traffic-related offenses involving alcohol or other
2 intoxicating substances.

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

13 C. Municipalities having a municipal court not of record may enact ordinances
14 prescribing maximum fines pursuant to the provisions of this subsection. A municipal
15 ordinance may not impose a penalty, including fine or deferral fee in lieu of a fine and
16 costs, which is greater than that established by statute for the same offense. The
17 maximum fine or deferral fee in lieu of a fine for traffic-related offenses relating to
18 speeding or parking shall not exceed Two Hundred Dollars (\$200.00). The maximum fine
19 or deferral fee in lieu of a fine for alcohol-related or drug-related offenses shall not exceed
20 Eight Hundred Dollars (\$800.00). For all other offenses, the maximum fine or deferral
21 fee in lieu of a fine shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court
22 shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral fee to a fund of the

1 municipality that shall be used to defray costs for enforcement of laws relating to
2 juvenile access to alcohol, other laws relating to alcohol and other intoxicating
3 substances, and traffic-related offenses involving alcohol or other intoxicating
4 substances. The ordinances may prescribe costs pursuant to the provisions of Section 27-
5 126 of this title or imprisonment not exceeding sixty (60) days or both the fine and
6 imprisonment; provided, that municipalities having only a municipal court not of record
7 shall not have authority to enact any ordinance making unlawful any act or omission
8 declared by state statute to be punishable as a felony; provided further, that
9 municipalities having a municipal court not of record may enact ordinances prescribing
10 maximum fines of One Thousand Dollars (\$1,000.00) and costs or imprisonment not
11 exceeding ninety (90) days or both such fine and imprisonment for violations of municipal
12 ordinances regulating the pretreatment of wastewater and regulating stormwater
13 discharges. If imprisonment is available for the offense, then that person charged shall
14 have a right to a jury trial.

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

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

21 F. No municipality may levy a fine of more than Ten Dollars (\$10.00) nor court
22 costs of more than Fifteen Dollars (\$15.00) for exceeding the posted speed limit by no

1 more than ten (10) miles per hour upon any portion of the National System of Interstate
2 and Defense Highways, federal-aid primary highways, and the state highway system
3 which are located on the outskirts of any municipality as determined in Section 2-117 of
4 Title 47 of the Oklahoma Statutes.

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

7 Section 28-124. Any person who shall be convicted in the municipal criminal court
8 of record of a violation of any ordinance of the city and sentenced to pay a fine and costs,
9 who is financially able but refuses or neglects to pay such fine and costs, shall be
10 imprisoned in the jail, farm or workhouse of the city, in the discretion of the court, for
11 one (1) day for each ~~Five Dollars (\$5.00)~~ Twenty-five Dollars (\$25.00) of the fine and cost
12 assessed, ~~if he~~ or one (1) day for each Fifty Dollars (\$50.00) of the fine and cost assessed
13 if the person performs useful labor. If the defendant is without means to pay the fine or
14 costs, the municipal judge may direct the total amount due to be entered upon the court
15 minutes and to be certified to the district court in the county where the situs of the
16 municipal government is located where it shall be entered upon the district court
17 judgment docket and shall have the full force and effect of a district court judgment.
18 Thereupon, the same remedies shall be available for the enforcement of the judgment as
19 are available to any other judgment creditor.

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

1 Section 101. The fees herein provided for the clerk of the district court and the
2 sheriff, as provided in this act, and all costs in the prosecution of all criminal actions
3 shall, in case of conviction of the defendant, be adjudged a part of the penalty of the
4 offense of which the defendant may be convicted, whether the punishment for such
5 offense be either imprisonment, or fine, or both, and fixed either by the verdict of the
6 jury, or judgment of the court, trying the case, and if the defendant shall refuse to pay
7 the fine, fees or costs, the payment of such fees and costs, in addition to the payment of
8 the fine assessed, shall be enforced by imprisonment until the same shall be satisfied at a
9 rate of ~~Five Dollars (\$5.00)~~ Twenty-five Dollars (\$25.00) per day of such fees and costs, or
10 fine, or both, ~~whether~~ or shall be satisfied at a rate of Fifty Dollars (\$50.00) per day of
11 such fees and costs, or fine, or both, should the defendant shall perform useful labor on
12 ~~the public road or highway, or remain in prison.~~ If the defendant is without means to
13 pay the fine, fees or costs, the total amount owed shall be entered upon the judgment
14 docket and thereupon the same remedies shall be available for the enforcement of said
15 judgment as are available to any other judgment creditor.

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

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

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

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

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

10 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
11 dated 02-28-08 - DO PASS, As Amended and Coauthored.