

THE HOUSE OF REPRESENTATIVES
Wednesday, March 5, 2008

House Bill No. 2963

HOUSE BILL NO. 2963 - By: MORGAN of the House.

An Act relating to costs; amending 11 O.S. 2001, Sections 27-122, as amended by Section 3, Chapter 173, O.S.L. 2004 and 28-124 (11 O.S. Supp. 2007, Section 27-122), which relate to court costs; increasing per diem rate for satisfaction of certain fines, fees, and costs; allowing for community service; amending 28 O.S. 2001, Section 101, which relates to court costs; increasing per diem rate for satisfaction of certain fines, fees, and costs; allowing for community service; 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 27-122, as amended by
2 Section 3, Chapter 173, O.S.L. 2004 (11 O.S. Supp. 2007, Section 27-122), is amended to
3 read as follows:
- 4 Section 27-122. A. If a defendant who is financially able refuses or neglects to pay
5 a fine or costs or both, payment may be enforced:
- 6 1. By imprisonment until the same shall be satisfied at the rate of Twenty-five
7 Dollars (\$25.00) per day of such fine or costs or both, whether the defendant shall
8 perform community service, or remain in jail; or
- 9 2. In the same manner as is prescribed in subsection B of this section for a
10 defendant who is without means to make such payment.

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

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

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

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

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

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

- 19 1. Court clerk's costs and fees authorized by statute;
- 20 2. Sheriffs' fees;
- 21 3. Fees and mileage of witnesses; and

1 4. Cost deposits in the appellate court, whether on appeal, in an original proceeding
2 or in any postconviction challenge, if waived on the basis of a pauper's affidavit.

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

4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,
5 dated 03-04-08 - DO PASS.