

ESB 1960

THE HOUSE OF REPRESENTATIVES  
Monday, April 14, 2008

ENGROSSED  
**Senate Bill No. 1960**  
**As Amended**

ENGROSSED SENATE BILL NO. 1960 - By: SYKES of the Senate and WORTHEN of the House.

[ Oklahoma State Bureau of Narcotics and Dangerous Drugs Control - fees –  
codification - effective date -  
emergency ]

1       SECTION 1.   NEW LAW   A new section of law to be codified in the Oklahoma  
2 Statutes as Section 2-107a of Title 63, unless there is created a duplication in numbering,  
3 reads as follows:  
4       There is hereby created in the State Treasury a revolving fund for the Oklahoma  
5 State Bureau of Narcotics and Dangerous Drugs Control to be designated the “Bureau of  
6 Narcotics Drug Education Revolving Fund”. The fund shall be a continuing fund, not  
7 subject to fiscal year limitations, and shall consist of any monies received pursuant to  
8 subsection D of Section 1313.2 of Title 20 of the Oklahoma Statutes. All monies accruing  
9 to the credit of the fund are hereby appropriated and may be budgeted and expended by  
10 the Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for purposes  
11 relating to drug education and information in the State of Oklahoma.

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

4 Section 1313.2 A. As used in this section:

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

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

10 3. "DNA" means Deoxyribonucleic acid.

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

17 C. 1. Any person convicted of any misdemeanor or felony offense shall pay a  
18 Laboratory Analysis Fee in the amount of One Hundred Fifty Dollars (\$150.00) for each  
19 offense if forensic science or laboratory services are rendered or administered by the  
20 Oklahoma State Bureau of Investigation, by the Toxicology Laboratory of the Office of  
21 the Chief Medical Examiner or by any municipality or county in connection with the

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1 case. This fee shall be in addition to and not a substitution for any and all fines and  
2 penalties otherwise provided for by law for this offense.

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

- 6 a. the Oklahoma State Bureau of Investigation who shall deposit the  
7 monies into the OSBI Revolving Fund provided for in Section 150.19a  
8 of Title 74 of the Oklahoma Statutes for services rendered or  
9 administered by the Oklahoma State Bureau of Investigation,
- 10 b. the Office of the Chief Medical Examiner who shall deposit the monies  
11 into the Office of the Chief Medical Examiner Toxicology Laboratory  
12 Revolving Fund provided for in Section 954 of Title 63 of the Oklahoma  
13 Statutes for services rendered or administered by the Toxicology  
14 Laboratory of the Office of the Chief Medical Examiner, or
- 15 c. the appropriate municipality or county for services rendered or  
16 administered by a municipality or county.

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

- 19 a. providing criminalistic laboratory services,
- 20 b. the purchase and maintenance of equipment for use by the laboratory  
21 in performing analysis,

- 1 c. education, training, and scientific development of Oklahoma State  
2 Bureau of Investigation personnel, and  
3 d. the destruction of seized property and chemicals as prescribed in  
4 Sections 2-505 and 2-508 of Title 63 of the Oklahoma Statutes.

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

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

13 E. Upon conviction or bond forfeiture, the court shall collect the fee provided for in  
14 subsection B of this section and deposit it in an account created for that purpose. Except  
15 as otherwise provided in subsection E of this section, monies shall be forwarded monthly  
16 by the court clerk to the Council on Law Enforcement Education and Training.  
17 Beginning July 1, 2003, deposits shall be due on the fifteenth day of each month for the  
18 preceding calendar month. There shall be a late fee imposed for failure to make timely  
19 deposits; provided, the Council on Law Enforcement Education and Training, in its  
20 discretion, may waive all or part of the late fee. Such late fee shall be one percent (1%) of  
21 the principal amount due per day beginning from the tenth day after payment is due and  
22 accumulating until the late fee reaches one hundred percent (100%) of the principal

1 amount due. Beginning on July 1, 1987, ninety percent (90%) of the monies received by  
2 the Council on Law Enforcement Education and Training from the court clerks pursuant  
3 to this section shall be deposited in the CLEET Fund, and ten percent (10%) shall be  
4 deposited in the General Revenue Fund. Beginning January 1, 2001, sixty and fifty-  
5 three one-hundredths percent (60.53%) of the monies received by the Council on Law  
6 Enforcement Education and Training from the court clerks pursuant to this section shall  
7 be deposited in the CLEET Fund created pursuant to subsection F of this section, five  
8 and eighty-three one-hundredths percent (5.83%) shall be deposited in the General  
9 Revenue Fund and thirty-three and sixty-four one-hundredths percent (33.64%) shall be  
10 deposited in the CLEET Training Center Revolving Fund created pursuant to Section  
11 3311.6 of Title 70 of the Oklahoma Statutes. Along with the deposits required by this  
12 subsection each court shall also submit a report stating the total amount of funds  
13 collected and the total number of fees imposed during the preceding quarter. The report  
14 may be made on computerized or manual disposition reports.

15 ~~E. F.~~ Any municipality or county having a basic law enforcement academy  
16 approved by the Council on Law Enforcement Education and Training pursuant to the  
17 criteria developed by the Council for training law enforcement officers shall retain from  
18 monies collected pursuant to this section, Two Dollars (\$2.00) from each fee. These  
19 monies shall be deposited into an account for the sole use of the municipality or county in  
20 implementing its law enforcement training functions. Not more than seven percent (7%)  
21 of the monies shall be used for court and prosecution training. The court clerk of any

1 such municipality or county shall furnish to the Council on Law Enforcement Education  
2 and Training the report required by subsection D of this section.

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

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

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

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

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1        H. I. It shall be the responsibility of the court clerk to account for and ensure the  
2 correctness and accuracy of payments made to the state agencies identified in Sections  
3 1313.2 through 1313.4 of this title. Payments made directly to an agency by the court  
4 clerk as a result of different types of assessments and fees pursuant to Sections 1313.2  
5 through 1313.4 of this title shall be made monthly to each state agency.

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

7        SECTION 4. It being immediately necessary for the preservation of the public  
8 peace, health and safety, an emergency is hereby declared to exist, by reason whereof  
9 this act shall take effect and be in full force from and after its passage and approval.

10        COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY AND PUBLIC SAFETY,  
11 dated 04-10-28 - DO PASS, As Amended.