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THE STATE SENATE
Thursday, April 03, 2008

ENGROSSED
House Bill No. 2715
As Amended

ENGROSSED HOUSE BILL NO. 2715 - By: Auffet and Sullivan of the House
and Wilson of the Senate.

[costs - municipal fines and court cost - per diem -
prisoner labor - effective date]

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

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

Section 14-111. A. The governing body of a municipality may
provide for enforcement of its ordinances and establish fines,
penalties, or imprisonment, as authorized by subsections B through D
of this section, for any offense in violation of its ordinances,
which shall be recoverable together with costs of suit. The
governing body may provide that any person fined for violation of a
municipal ordinance who is financially able but refuses or neglects
to pay the fine or costs may be compelled to satisfy the amount owed
by working on the streets, alleys, avenues, areas, and public
grounds of the municipality, subject to the direction of the street
commissioner or other proper officer, at a rate per day as the

1 governing body may prescribe by ordinance, but not less than ~~Twenty-~~
2 ~~five Dollars (\$25.00)~~ Fifty Dollars (\$50.00) per day for useful
3 labor, until the fine or costs are satisfied.

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

1 juvenile access to alcohol, other laws relating to alcohol and other
2 intoxicating substances, and traffic-related offenses involving
3 alcohol or other intoxicating substances.

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

17 C. Municipalities having a municipal court not of record may
18 enact ordinances prescribing maximum fines pursuant to the
19 provisions of this subsection. A municipal ordinance may not impose
20 a penalty, including fine or deferral fee in lieu of a fine and
21 costs, which is greater than that established by statute for the
22 same offense. The maximum fine or deferral fee in lieu of a fine
23 for traffic-related offenses relating to speeding or parking shall

1 not exceed Two Hundred Dollars (\$200.00). The maximum fine or
2 deferral fee in lieu of a fine for alcohol-related or drug-related
3 offenses shall not exceed Eight Hundred Dollars (\$800.00). For all
4 other offenses, the maximum fine or deferral fee in lieu of a fine
5 shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court
6 shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral
7 fee to a fund of the municipality that shall be used to defray costs
8 for enforcement of laws relating to juvenile access to alcohol,
9 other laws relating to alcohol and other intoxicating substances,
10 and traffic-related offenses involving alcohol or other intoxicating
11 substances. The ordinances may prescribe costs pursuant to the
12 provisions of Section 27-126 of this title or imprisonment not
13 exceeding sixty (60) days or both the fine and imprisonment;
14 provided, that municipalities having only a municipal court not of
15 record shall not have authority to enact any ordinance making
16 unlawful any act or omission declared by state statute to be
17 punishable as a felony; provided further, that municipalities having
18 a municipal court not of record may enact ordinances prescribing
19 maximum fines of One Thousand Dollars (\$1,000.00) and costs or
20 imprisonment not exceeding ninety (90) days or both such fine and
21 imprisonment for violations of municipal ordinances regulating the
22 pretreatment of wastewater and regulating stormwater discharges. If

1 imprisonment is available for the offense, then that person charged
2 shall have a right to a jury trial.

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

6 E. No municipality may levy a fine or deferral fee in lieu of a
7 fine of over Fifty Dollars (\$50.00) until it has compiled and
8 published its penal ordinances as required in Sections 14-109 and
9 14-110 of this title.

10 F. No municipality may levy a fine of more than Ten Dollars
11 (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for
12 exceeding the posted speed limit by no more than ten (10) miles per
13 hour upon any portion of the National System of Interstate and
14 Defense Highways, federal-aid primary highways, and the state
15 highway system which are located on the outskirts of any
16 municipality as determined in Section 2-117 of Title 47 of the
17 Oklahoma Statutes.

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

20 Section 28-124. Any person who shall be convicted in the
21 municipal criminal court of record of a violation of any ordinance
22 of the city and sentenced to pay a fine and costs, who is
23 financially able but refuses or neglects to pay such fine and costs,

1 shall be imprisoned in the jail, farm or workhouse of the city, in
2 the discretion of the court, for one (1) day for each ~~Five Dollars~~
3 ~~(\$5.00)~~ Twenty-five Dollars (\$25.00) of the fine and cost assessed,
4 ~~if he~~ or one (1) day for each Fifty Dollars (\$50.00) of the fine and
5 cost assessed if the person performs useful labor. If the defendant
6 is without means to pay the fine or costs, the municipal judge may
7 direct the total amount due to be entered upon the court minutes and
8 to be certified to the district court in the county where the situs
9 of the municipal government is located where it shall be entered
10 upon the district court judgment docket and shall have the full
11 force and effect of a district court judgment. Thereupon, the same
12 remedies shall be available for the enforcement of the judgment as
13 are available to any other judgment creditor.

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

16 Section 101. The fees herein provided for the clerk of the
17 district court and the sheriff, as provided in this act, and all
18 costs in the prosecution of all criminal actions shall, in case of
19 conviction of the defendant, be adjudged a part of the penalty of
20 the offense of which the defendant may be convicted, whether the
21 punishment for such offense be either imprisonment, or fine, or
22 both, and fixed either by the verdict of the jury, or judgment of
23 the court, trying the case, and if the defendant shall refuse to pay

1 the fine, fees or costs, the payment of such fees and costs, in
2 addition to the payment of the fine assessed, shall be enforced by
3 imprisonment until the same shall be satisfied at a rate of ~~Five~~
4 ~~Dollars (\$5.00)~~ Twenty-five Dollars (\$25.00) per day of such fees
5 and costs, or fine, or both, ~~whether~~ or shall be satisfied at a rate
6 of Fifty Dollars (\$50.00) per day of such fees and costs, or fine,
7 or both, should the defendant ~~shall~~ perform useful labor ~~on the~~
8 ~~public road or highway, or remain in prison.~~ If the defendant is
9 without means to pay the fine, fees or costs, the total amount owed
10 shall be entered upon the judgment docket and thereupon the same
11 remedies shall be available for the enforcement of said judgment as
12 are available to any other judgment creditor.

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

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

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

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 4-1-08 - DO PASS,
10 As Amended.