

**EHB 2963**

1 THE STATE SENATE  
2 Thursday, April 03, 2008

3 ENGROSSED

4 House Bill No. 2963

5 As Amended

6 ENGROSSED HOUSE BILL NO. 2963 - By: Morgan of the House and Coates  
7 of the Senate.

8 [ costs - court cost - community service - per diem -  
9 effective date ]

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

11 SECTION 1. AMENDATORY 11 O.S. 2001, Section 27-122, as  
12 amended by Section 3, Chapter 173, O.S.L. 2004 (11 O.S. Supp. 2007,  
13 Section 27-122), is amended to read as follows:

14 Section 27-122. A. If a defendant who is financially able  
15 refuses or neglects to pay a fine or costs or both, payment may be  
16 enforced:

17 1. By imprisonment until the same shall be satisfied at the  
18 rate of Twenty-five Dollars (\$25.00) per day of such fine or costs  
19 or both, whether the defendant shall perform community service, or  
20 remain in jail; or

21 2. In the same manner as is prescribed in subsection B of this  
22 section for a defendant who is without means to make such payment.

23 B. If the defendant is without means to pay the fine or costs,  
24 the municipal judge may direct the total amount due to be entered

1 upon the court minutes and to be certified to the district court in  
2 the county where the situs of the municipal government is located,  
3 where it shall be entered upon the district court judgment docket  
4 and shall have the full force and effect of a district court  
5 judgment. The same remedies shall be available for the enforcement  
6 of the judgment as are available to any other judgment creditor.

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

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

1 enforcement of the judgment as are available to any other judgment  
2 creditor.

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

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

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

- 4       1. Court clerk's costs and fees authorized by statute;
- 5       2. Sheriffs' fees;
- 6       3. Fees and mileage of witnesses; and
- 7       4. Cost deposits in the appellate court, whether on appeal, in  
8 an original proceeding or in any postconviction challenge, if waived  
9 on the basis of a pauper's affidavit.

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

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