

SB 1960

1 THE STATE SENATE
2 Monday, February 25, 2008

3 Senate Bill No. 1960
4 As Amended

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

7 [Oklahoma State Bureau of Narcotics and Dangerous Drugs
8 Control - fees - effective date -
9 emergency]

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2-107a of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 There is hereby created in the State Treasury a revolving fund
15 for the Oklahoma State Bureau of Narcotics and Dangerous Drugs
16 Control to be designated the "Bureau of Narcotics Drug Education
17 Revolving Fund". The fund shall be a continuing fund, not subject
18 to fiscal year limitations, and shall consist of any monies received
19 pursuant to subsection D of Section 1313.2 of Title 20 of the
20 Oklahoma Statutes. All monies accruing to the credit of the fund
21 are hereby appropriated and may be budgeted and expended by the
22 Oklahoma State Bureau of Narcotics and Dangerous Drugs Control for
23 purposes relating to drug education and information in the State of
24 Oklahoma.

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

4 Section 1313.2 A. As used in this section:

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

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

10 3. "DNA" means Deoxyribonucleic acid.

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

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

1 Office of the Chief Medical Examiner or by any municipality or
2 county in connection with the case. This fee shall be in addition
3 to and not a substitution for any and all fines and penalties
4 otherwise provided for by law for this offense.

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

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

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

- 3 a. providing criminalistic laboratory services,
- 4 b. the purchase and maintenance of equipment for use by
5 the laboratory in performing analysis,
- 6 c. education, training, and scientific development of
7 Oklahoma State Bureau of Investigation personnel, and
- 8 d. the destruction of seized property and chemicals as
9 prescribed in Sections 2-505 and 2-508 of Title 63 of
10 the Oklahoma Statutes.

11 D. 1. Any person entering a plea of guilty or nolo contendere
12 to the crime of misdemeanor possession of marijuana shall be ordered
13 by the court to pay a Five Dollar (\$5.00) fee, which shall be in
14 addition to and not in substitution for any and all fines and
15 penalties otherwise provided for by law for such offense.

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

21 E. Upon conviction or bond forfeiture, the court shall collect
22 the fee provided for in subsection B of this section and deposit it
23 in an account created for that purpose. Except as otherwise

1 provided in subsection E of this section, monies shall be forwarded
2 monthly by the court clerk to the Council on Law Enforcement
3 Education and Training. Beginning July 1, 2003, deposits shall be
4 due on the fifteenth day of each month for the preceding calendar
5 month. There shall be a late fee imposed for failure to make timely
6 deposits; provided, the Council on Law Enforcement Education and
7 Training, in its discretion, may waive all or part of the late fee.
8 Such late fee shall be one percent (1%) of the principal amount due
9 per day beginning from the tenth day after payment is due and
10 accumulating until the late fee reaches one hundred percent (100%)
11 of the principal amount due. Beginning on July 1, 1987, ninety
12 percent (90%) of the monies received by the Council on Law
13 Enforcement Education and Training from the court clerks pursuant to
14 this section shall be deposited in the CLEET Fund, and ten percent
15 (10%) shall be deposited in the General Revenue Fund. Beginning
16 January 1, 2001, sixty and fifty-three one-hundredths percent
17 (60.53%) of the monies received by the Council on Law Enforcement
18 Education and Training from the court clerks pursuant to this
19 section shall be deposited in the CLEET Fund created pursuant to
20 subsection F of this section, five and eighty-three one-hundredths
21 percent (5.83%) shall be deposited in the General Revenue Fund and
22 thirty-three and sixty-four one-hundredths percent (33.64%) shall be
23 deposited in the CLEET Training Center Revolving Fund created

1 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
2 Along with the deposits required by this subsection each court shall
3 also submit a report stating the total amount of funds collected and
4 the total number of fees imposed during the preceding quarter. The
5 report may be made on computerized or manual disposition reports.

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

18 ~~F.~~ G. There is hereby created in the State Treasury a fund for
19 the Council on Law Enforcement Education and Training to be
20 designated the "CLEET Fund". The fund shall be subject to
21 legislative appropriation and shall consist of any monies received
22 from fees and receipts collected pursuant to the Oklahoma Open
23 Records Act, reimbursements for parts used in the repair of weapons

1 of law enforcement officers attending the basic academies, gifts,
2 bequests, contributions, tuition, fees, devises, and the assessments
3 levied pursuant to the fund pursuant to law.

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

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

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

20 ~~H.~~ I. It shall be the responsibility of the court clerk to
21 account for and ensure the correctness and accuracy of payments made
22 to the state agencies identified in Sections 1313.2 through 1313.4
23 of this title. Payments made directly to an agency by the court

1 clerk as a result of different types of assessments and fees
2 pursuant to Sections 1313.2 through 1313.4 of this title shall be
3 made monthly to each state agency.

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

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

9 COMMITTEE REPORT BY: COMMITTEE ON HEALTH & HUMAN RESOURCES, dated
10 2-21-08 - DO PASS, As Amended and Coauthored.