

1 STATE OF OKLAHOMA

2 2nd Session of the 51st Legislature (2008)

3 SENATE BILL 1796

By: Barrington

4
5 AS INTRODUCED

6 An Act relating to criminal procedure; amending 22
7 O.S. 2001, Section 991d, as last amended by Section
8 1, Chapter 159, O.S.L. 2006 (22 O.S. Supp. 2007,
9 Section 991d), which relates to supervision fee;
10 directing collection and disbursement of certain fee;
11 and providing an effective date.

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

13 SECTION 1. AMENDATORY 22 O.S. 2001, Section 991d, as
14 last amended by Section 1, Chapter 159, O.S.L. 2006 (22 O.S. Supp.
15 2007, Section 991d), is amended to read as follows:

16 Section 991d. A. 1. When the court orders supervision by the
17 Department of Corrections, or the district attorney requires the
18 Department to supervise any person pursuant to a deferred
19 prosecution agreement, the person shall be required to pay a
20 supervision fee of Forty Dollars (\$40.00) per month during the
21 supervision period, unless the fee would impose an unnecessary
22 hardship on the person. In hardship cases, the Department shall
23 expressly waive all or part of the fee. The court shall make
24 payment of the fee a condition of the sentence which shall be
imposed whether the supervision is incident to the suspending of

1 execution of a sentence, incident to the suspending of imposition of
2 a sentence, or incident to the deferral of proceedings after a
3 verdict or plea of guilty. The Department shall determine methods
4 for payment of supervision fee, and may charge a reasonable user fee
5 for collection of supervision fees electronically. The Department
6 is required to report to the sentencing court any failure of the
7 person to pay supervision fees and to report immediately if the
8 person violates any condition of the sentence.

9 2. When the court imposes a suspended or deferred sentence and
10 does not order supervision by the Department of Corrections, the
11 offender shall be required to pay ~~to the~~ a district attorney a
12 supervision fee of Twenty Dollars (\$20.00) per month to be collected
13 by the court clerk and disbursed to the district attorney a minimum
14 of once per month. In hardship cases, the district attorney shall
15 expressly waive all or part of the fee.

16 3. If restitution is ordered by the court in conjunction with
17 supervision, the supervision fee will be paid in addition to the
18 restitution ordered. In addition to the restitution payment and
19 supervision fee, a reasonable user fee may be charged by the
20 Department of Corrections to cover the expenses of administration of
21 the restitution, except no user fee shall be collected by the
22 Department when restitution payment is collected and disbursed to
23 the victim by the office of the district attorney as provided in
24 Section 991f of this title or Section 991f-1.1 of this title.

1 B. The Pardon and Parole Board shall require a supervision fee
2 to be paid by the parolee as a condition of parole which shall be
3 paid to the Department of Corrections. The Department shall
4 determine the amount of the fee as provided for other persons under
5 supervision by the Department.

6 C. Upon acceptance of an offender by the Department of
7 Corrections whose probation or parole supervision was transferred to
8 Oklahoma through the Interstate Compact Agreement, or upon the
9 assignment of an inmate to any community placement, a fee shall be
10 required to be paid by the offender to the Department of Corrections
11 as provided for other persons under supervision of the Department.

12 D. Except as provided in subsection A and this subsection, all
13 fees collected pursuant to this section shall be deposited in the
14 Department of Corrections Revolving Fund created pursuant to Section
15 557 of Title 57 of the Oklahoma Statutes. For the fiscal year
16 ending June 30, 1996, fifty percent (50%) of all collections
17 received from offenders placed on supervision after July 1, 1995,
18 shall be transferred to the credit of the General Revenue Fund of
19 the State Treasury until such time as total transfers equal Three
20 Million Three Hundred Thousand Dollars (\$3,300,000.00).

21 SECTION 2. This act shall become effective November 1, 2008.

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