

1 ENGROSSED HOUSE  
2 BILL NO. 1866

By: Hickman of the House

3 and

4 Anderson of the Senate

5  
6  
7 An Act relating to court costs; amending 28 O.S.  
8 2001, Section 153, as last amended by Section 21,  
9 Chapter 3, O.S.L. 2008 (28 O.S. Supp. 2008, Section  
10 153), which relates to costs in criminal cases;  
11 reducing amount of certain court costs; adding new  
12 categories of court costs for certain convictions;  
13 amending 47 O.S. 2001, Section 12-417, as last  
14 amended by Section 10, Chapter 190, O.S.L. 2005 (47  
15 O.S. Supp. 2008, Section 12-417), which relates to  
16 the Oklahoma Mandatory Seat Belt Use Act; modifying  
17 penalty; and providing an effective date.

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

19 SECTION 1. AMENDATORY 28 O.S. 2001, Section 153, as last  
20 amended by Section 21, Chapter 3, O.S.L. 2008 (28 O.S. Supp. 2008,  
21 Section 153), is amended to read as follows:

22 Section 153. A. The clerks of the courts shall collect as  
23 costs in every criminal case for each offense of which the defendant  
24 is convicted, irrespective of whether or not the sentence is  
deferred, the following flat charges and no more, except for  
standing and parking violations and for charges otherwise provided  
for by law, which fee shall cover docketing of the case, filing of

1 all papers, issuance of process, warrants, orders, and other  
2 services to the date of judgment:

3 1. For each defendant convicted of  
4 exceeding the speed limit by at least  
5 one (1) mile per hour but not more  
6 than ten (10) miles per hour, whether  
7 charged individually or conjointly  
8 with others.....\$77.00  
9 .....\$27.00

10 2. For each defendant convicted of a  
11 violation of the Oklahoma Mandatory  
12 Seat Belt Use Act or exceeding the  
13 speed limit by at least eleven (11)  
14 miles per hour but not more than  
15 fifteen (15) miles per hour, whether  
16 charged individually or conjointly  
17 with others.....\$48.00

18 3. For each defendant convicted of  
19 exceeding the speed limit by at least  
20 twenty-one (21) miles per hour but not  
21 more than twenty-five (25) miles per  
22 hour, whether charged individually or  
23 conjointly with others . . . . \$166.50

1     4. For each defendant convicted of  
2             exceeding the speed limit by at least  
3             twenty-six (26) miles per hour but not  
4             more than thirty (30) miles per hour,  
5             whether charged individually or  
6             conjointly with others . . . . . \$156.50

7     5. For each defendant convicted of  
8             exceeding the speed limit by at least  
9             thirty-one (31) miles per hour but not  
10            more than thirty-five (35) miles per  
11            hour or for each defendant convicted  
12            of exceeding the speed limit by at  
13            least thirty-six (36) miles per hour  
14            or more, whether charged individually  
15            or conjointly with others . . . . . \$186.50

16     6. For each defendant convicted of a  
17             misdemeanor traffic violation other  
18             than an offense provided for in  
19             paragraph 1, 2, 3, 4, 5 or ~~5~~ 9 of this  
20             subsection, whether charged  
21             individually or conjointly with others. . . . . \$98.00

22     ~~3-~~ 7. For each defendant convicted of a  
23             misdemeanor, other than for driving  
24             under the influence of alcohol or

1 other intoxicating substance or an  
2 offense provided for in paragraph 1  
3 ~~or~~, 2, 3, 4, 5, or 6 of this  
4 subsection, whether charged  
5 individually or conjointly with others.....\$93.00

6 ~~4.~~ 8. For each defendant convicted of a  
7 felony, other than for driving under  
8 the influence of alcohol or other  
9 intoxicating substance, whether  
10 charged individually or conjointly  
11 with others.....\$103.00

12 ~~5.~~ 9. For each defendant convicted of the  
13 misdemeanor of driving under the  
14 influence of alcohol or other  
15 intoxicating substance, whether charged  
16 individually or conjointly with others..... \$433.00

17 ~~6.~~ 10. For each defendant convicted of the  
18 felony of driving under the influence  
19 of alcohol or other intoxicating  
20 substance, whether charged  
21 individually or conjointly with others.....\$433.00

22 ~~7.~~ 11. For the services of a court reporter at  
23 each preliminary hearing and trial  
24 held in the case.....\$20.00

1 ~~8.~~ 12. For each time a jury is requested.....\$30.00

2 ~~9.~~ 13. A sheriff's fee for serving or  
3 endeavoring to serve each writ,  
4 warrant, order, process, command, or  
5 notice or pursuing any fugitive from  
6 justice

7 a. within the county..... \$50.00, or  
8 mileage as  
9 established by the  
10 Oklahoma Statutes,  
11 whichever is  
12 greater, or

13 b. outside of the county..... \$50.00, or  
14 actual, necessary  
15 expenses, whichever  
16 is greater

17 ~~10.~~ 14. For the services of a language interpreter, other than  
18 an interpreter appointed pursuant to the provisions of the Oklahoma  
19 Legal Interpreter for the Deaf and Hard-of-Hearing Act, at each  
20 hearing held in the case, the actual cost of the interpreter.

21 B. In addition to the amount collected pursuant to paragraphs ~~2~~  
22 6 through ~~6~~ 10 of subsection A of this section, the sum of Six  
23 Dollars (\$6.00) shall be assessed and credited to the Law Library  
24

1 Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma  
2 Statutes.

3 C. In addition to the amount collected pursuant to subsection A  
4 of this section, the sum of Ten Dollars (\$10.00) shall be assessed  
5 and collected in every traffic case for each offense other than for  
6 driving under the influence of alcohol or other intoxicating  
7 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and  
8 collected in every misdemeanor case for each offense; the sum of  
9 Fifteen Dollars (\$15.00) shall be assessed and collected in every  
10 misdemeanor case for each offense for driving under the influence of  
11 alcohol or other intoxicating substance; the sum of Twenty-five  
12 Dollars (\$25.00) shall be assessed and collected in every felony  
13 case for each offense; and the sum of Twenty-five Dollars (\$25.00)  
14 shall be assessed and collected in every felony case for each  
15 offense for driving under the influence of alcohol or other  
16 intoxicating substance.

17 D. In addition to the amounts collected pursuant to subsections  
18 A and B of this section, the sum of Twenty-five Dollars (\$25.00)  
19 shall be assessed and credited to the Oklahoma Court Information  
20 System Revolving Fund created pursuant to Section 1315 of Title 20  
21 of the Oklahoma Statutes.

22 E. In addition to the amount collected pursuant to paragraphs 1  
23 through ~~6~~ 10 of subsection A of this section, the sum of Ten Dollars  
24 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee

1 Account in the county in which the conviction occurred for the  
2 purpose of enhancing existing or providing additional courthouse  
3 security.

4 F. In addition to the amounts collected pursuant to paragraphs  
5 1 through ~~6~~ 10 of subsection A of this section, the sum of Three  
6 Dollars (\$3.00) shall be assessed and credited to the Office of the  
7 Attorney General Victim Services Unit.

8 G. In addition to the amounts collected pursuant to paragraphs  
9 1 through ~~6~~ 10 of subsection A of this section, the sum of Three  
10 Dollars (\$3.00) shall be assessed and credited to the Child Abuse  
11 Multidisciplinary Account. This fee shall not be used for purposes  
12 of hiring or employing any law enforcement officers.

13 H. Prior to conviction, parties in criminal cases shall not be  
14 required to pay, advance, or post security for the services of a  
15 language interpreter or for the issuance or service of process to  
16 obtain compulsory attendance of witnesses.

17 I. The amounts to be assessed as court costs upon filing of a  
18 case shall be those amounts above-stated in paragraph ~~3~~ 7 or ~~4~~ 8 of  
19 subsection A and ~~subsection~~ subsections B, C, D and E of this  
20 section.

21 J. The fees collected pursuant to this section shall be  
22 deposited into the court fund, except the following:

23 1. A court clerk issuing a misdemeanor warrant is entitled to  
24 ten percent (10%) of the sheriff's service fee, provided for in

1 paragraph ~~9~~ 13 of subsection A of this section, collected on a  
2 warrant referred to the contractor for the misdemeanor warrant  
3 notification program governed by Sections 514.4 and 514.5 of Title  
4 19 of the Oklahoma Statutes. This ten-percent sum shall be  
5 deposited into the issuing Court Clerk's Revolving Fund, created  
6 pursuant to Section 220 of Title 19 of the Oklahoma Statutes, of the  
7 court clerk issuing the warrant with the balance of the sheriff's  
8 service fee to be deposited into the Sheriff's Service Fee Account,  
9 created pursuant to the provisions of Section 514.1 of Title 19 of  
10 the Oklahoma Statutes, of the sheriff in the county in which service  
11 is made or attempted. Otherwise, the sheriff's service fee, when  
12 collected, shall be deposited in its entirety into the Sheriff's  
13 Service Fee Account of the sheriff in the county in which service is  
14 made or attempted;

15 2. The sheriff's fee provided for in Section 153.2 of this  
16 title;

17 3. The witness fees paid by the district attorney pursuant to  
18 the provisions of Section 82 of this title which, if collected by  
19 the court clerk, shall be transferred to the district attorney's  
20 office in the county where witness attendance was required. Fees  
21 transferred pursuant to this paragraph shall be deposited in the  
22 district attorney's maintenance and operating expense account;

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1 4. The fees provided for in subsection C of this section shall  
2 be forwarded to the District Attorneys Council Revolving Fund to  
3 defray the costs of prosecution; and

4 5. The following amounts of the fees provided for in paragraphs  
5 ~~2, 3, 5~~ 6, 7, 9 and ~~6~~ 10 of subsection A of this section, when  
6 collected, shall be deposited in the Trauma Care Assistance  
7 Revolving Fund, created pursuant to the provisions of Section 1-  
8 2530.9 of Title 63 of the Oklahoma Statutes:

9 a. Ten Dollars (\$10.00) of the ~~Ninety-eight Dollar~~  
10 ninety-eight-dollar fee provided for in paragraph ~~2~~ 6  
11 of subsection A of this section,

12 b. Ten Dollars (\$10.00) of the ~~Ninety-three Dollar~~  
13 ninety-three-dollar fee provided for in paragraph ~~3~~ 7  
14 of subsection A of this section,

15 c. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~  
16 ~~Thirty-three Dollar~~ four-hundred-thirty-three-dollar  
17 fee provided for in paragraph ~~5~~ 9 of subsection A of  
18 this section, and

19 d. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~  
20 ~~Thirty-three Dollar~~ four-hundred-thirty-three-dollar  
21 fee provided for in paragraph ~~6~~ 10 of subsection A of  
22 this section.

23 K. Costs required to be collected pursuant to this section  
24 shall not be dismissed or waived; provided, if the court determines

1 that a person needing the services of a language interpreter is  
2 indigent, the court may waive all or part of the costs or require  
3 the payment of costs in installments.

4 L. As used in this section, "convicted" means any final  
5 adjudication of guilt, whether pursuant to a plea of guilty or nolo  
6 contendere or otherwise, and any deferred judgment or suspended  
7 sentence.

8 M. A court clerk may accept in payment for any fee, fine,  
9 forfeiture payment, cost, penalty assessment or other charge or  
10 collection to be assessed or collected by a court clerk pursuant to  
11 this section a nationally recognized credit card or debit card or  
12 other electronic payment method as provided in paragraph 1 of  
13 subsection B of Section 151 of this title.

14 N. Upon receipt of payment of fines and costs for offenses  
15 charged prior to July 1, 1992, the court clerk shall apportion and  
16 pay Thirteen Dollars (\$13.00) per conviction to the court fund.

17 SECTION 2. AMENDATORY 47 O.S. 2001, Section 12-417, as  
18 last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp.  
19 2008, Section 12-417), is amended to read as follows:

20 Section 12-417. A. 1. Every operator and front seat passenger  
21 of a passenger car operated in this state shall wear a properly  
22 adjusted and fastened safety seat belt system, required to be  
23 installed in the motor vehicle when manufactured pursuant to 49  
24 C.F.R., Section 571.208.

1        2. For the purposes of this section, "passenger car" shall mean  
2 "vehicle" as defined in Section 1102 of this title. "Passenger car"  
3 shall include the passenger compartment of pickups, vans, minivans,  
4 and sport utility vehicles. "Passenger car" shall not include  
5 trucks, truck-tractors, recreational vehicles, motorcycles, or  
6 motorized bicycles. "Passenger car" shall not include a vehicle  
7 used primarily for farm use which is registered and licensed  
8 pursuant to the provisions of Section 1134 of this title.

9        B. The Commissioner of Public Safety, upon application from a  
10 person who, for medical reasons, is unable to wear a safety seat  
11 belt system supported by written attestation of such fact from a  
12 physician licensed pursuant to Section 495 of Title 59 of the  
13 Oklahoma Statutes, may issue to the person an exemption from the  
14 provisions of this section. The exemption shall be in the form of a  
15 restriction appearing on the driver license of the person and shall  
16 remain in effect until the expiration date of the driver license.  
17 Nothing in this subsection shall be construed to prevent the person  
18 from applying for another exemption as provided for in this section.  
19 The issuance of an attestation by a physician and the subsequent  
20 issuance of an exemption by the Commissioner, in good faith, shall  
21 not give rise to, nor shall the physician and the state thereby  
22 incur, any liability whatsoever in damages or otherwise, to any  
23 person injured by reason of failure of the person to wear a safety  
24 seat belt system.

1 C. This section shall not apply to an operator of a motor  
2 vehicle while performing official duties as a route carrier of the  
3 U.S. Postal Service.

4 D. The Department of Public Safety shall not record or assess  
5 points for violations of this section on any license holder's  
6 traffic record maintained by the Department.

7 E. ~~Fine and court costs~~ The fine for violating the provisions  
8 of this section shall ~~not exceed~~ be Twenty Dollars (\$20.00). Court  
9 costs shall be assessed pursuant to the provisions of paragraph 2 of  
10 subsection A of Section 153 of Title 28 of the Oklahoma Statutes.

11 F. Municipalities may enact and municipal police officers may  
12 enforce ordinances prohibiting and penalizing conduct under  
13 provisions of this section, but the provisions of those ordinances  
14 shall be the same as provided for in this section, and the  
15 enforcement provisions under those ordinances shall not be more  
16 stringent than those of this section.

17 SECTION 3. This act shall become effective November 1, 2009.

1 Passed the House of Representatives the 3rd day of March, 2009.

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4 Presiding Officer of the House of  
Representatives

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6 Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 2009.

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9 Presiding Officer of the Senate