

1 ENGROSSED SENATE  
2 BILL NO. 614

By: Anderson of the Senate

3 and

4 Duncan of the House

5  
6 [ criminal procedure - supervision fee - sunset

7 provision - effective date -

8 emergency ]

9  
10 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

11 SECTION 1. AMENDATORY 22 O.S. 2001, Section 991d, as  
12 last amended by Section 1, Chapter 345, O.S.L. 2008 (22 O.S. Supp.  
13 2008, Section 991d), is amended to read as follows:

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

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

8 2. a.

9 When the court imposes a suspended or deferred sentence for any  
10 offense and does not order supervision by the Department of  
11 Corrections, the offender shall be required to pay to the district  
12 attorney a supervision fee of ~~Twenty Dollars (\$20.00)~~ Forty Dollars  
13 (\$40.00) per month. In hardship cases, the district attorney shall  
14 expressly waive all or part of the fee.

15 ~~b. From the effective date of this act through July 1,~~  
16 ~~2009, when the court imposes a suspended or deferred~~  
17 ~~sentence on any offense and does not order supervision~~  
18 ~~by the Department of Corrections, the offender shall~~  
19 ~~be required to pay to the district attorney a~~  
20 ~~supervision fee of Forty Dollars (\$40.00) per month.~~  
21 ~~In hardship cases, the district attorney shall~~  
22 ~~expressly waive all or part of the fee.~~

23 3. If restitution is ordered by the court in conjunction with  
24 supervision, the supervision fee will be paid in addition to the

1 restitution ordered. In addition to the restitution payment and  
2 supervision fee, a reasonable user fee may be charged by the  
3 Department of Corrections to cover the expenses of administration of  
4 the restitution, except no user fee shall be collected by the  
5 Department when restitution payment is collected and disbursed to  
6 the victim by the office of the district attorney as provided in  
7 Section 991f of this title or Section 991f-1.1 of this title.

8 B. The Pardon and Parole Board shall require a supervision fee  
9 to be paid by the parolee as a condition of parole which shall be  
10 paid to the Department of Corrections. The Department shall  
11 determine the amount of the fee as provided for other persons under  
12 supervision by the Department.

13 C. Upon acceptance of an offender by the Department of  
14 Corrections whose probation or parole supervision was transferred to  
15 Oklahoma through the Interstate Compact Agreement, or upon the  
16 assignment of an inmate to any community placement, a fee shall be  
17 required to be paid by the offender to the Department of Corrections  
18 as provided for other persons under supervision of the Department.

19 D. Except as provided in subsection A and this subsection, all  
20 fees collected pursuant to this section shall be deposited in the  
21 Department of Corrections Revolving Fund created pursuant to Section  
22 557 of Title 57 of the Oklahoma Statutes. For the fiscal year  
23 ending June 30, 1996, fifty percent (50%) of all collections  
24 received from offenders placed on supervision after July 1, 1995,

1 shall be transferred to the credit of the General Revenue Fund of  
2 the State Treasury until such time as total transfers equal Three  
3 Million Three Hundred Thousand Dollars (\$3,300,000.00).

4 SECTION 2. This act shall become effective July 1, 2009.

5 SECTION 3. 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 Passed the Senate the 26th day of February, 2009.

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11 \_\_\_\_\_  
12 Presiding Officer of the Senate

13 Passed the House of Representatives the \_\_\_\_ day of \_\_\_\_\_,  
14 2009.

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16 \_\_\_\_\_  
17 Presiding Officer of the House  
18 of Representatives  
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