

THE HOUSE OF REPRESENTATIVES
Thursday, February 26, 2009

House Bill No. 1061

HOUSE BILL NO. 1061 - By: SHERRER of the House and BURRAGE of the Senate.

An Act relating to cities and towns; amending 11 O.S. 2001, Section 27-126, as amended by Section 3, Chapter 61, O.S.L. 2006 (11 O.S. Supp. 2008, Section 27-126), which relates to costs charged by court; providing for fees that may be charged by court; allowing for increase in court costs; authorizing court clerk to charge and collect fee; authorizing municipalities to enter into certain contracts with debt collection agencies; authorizing collection fees; providing for determination of when items are subject to collection; courts to refer past-due debts to a collection agency; providing for codification; and providing an effective date.

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

1 SECTION 1. AMENDATORY 11 O.S. 2001, Section 27-126, as amended by
2 Section 3, Chapter 61, O.S.L. 2006 (11 O.S. Supp. 2008, Section 27-126), is amended to
3 read as follows:

4 Section 27-126. Except as provided in Section 14-111 of this title and subject to
5 other limitations or exceptions imposed by law, the municipal governing body shall
6 determine by ordinance the court costs and fees that may be charged and collected by the
7 clerk of the court, ~~but these.~~ Court costs shall not exceed the sum of ~~Twenty-five Dollars~~
8 ~~(\$25.00)~~ Thirty Dollars (\$30.00) plus the fees and mileage of jurors and witnesses. The
9 clerk of the court is authorized to charge and collect the fees as determined by the
10 municipal body.

1 SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma
2 Statutes as Section 22-138 of Title 11, unless there is created a duplication in numbering,
3 reads as follows:

4 A. The governing body of a municipality may enter into a contract with a debt
5 collection agency for the provision of collection services for one or more of the following
6 items:

7 1. Debts and accounts receivable including, but not limited to, unpaid fines, fees,
8 court costs, forfeited bonds, and restitution ordered paid by a court serving the
9 municipality, as applicable; or

10 2. Amounts in cases in which the accused has failed to appear.

11 B. A governing body of a municipality that enters into a contract with a debt
12 collection agency pursuant to this section may authorize the addition of a collection fee in
13 the amount of twenty-five percent (25%) to forty percent (40%) on each item described in
14 subsection A of this section that is more than sixty (60) days past due and has been
15 referred to the debt collection agency for collection. The collection fee shall not apply to a
16 case that has been dismissed by a court of competent jurisdiction or to any amount that
17 has been satisfied through time-served credit or community service. The collection fee
18 may be applied to any balance remaining after a partial credit for time served or
19 community service if the balance is more than sixty (60) days past due. Unless the
20 contract provides otherwise, the court clerk shall calculate the amount of any collection
21 fee due to the governmental entity or to the debt collection agency performing the
22 collection services and shall receive all fees, including the collection fee. With respect to

1 cases described by paragraph 2 of subsection A of this section, the percentage amount of
2 the collection fee shall be:

3 1. The amount to be paid that is communicated to the accused as acceptable to the
4 court under its standard policy for resolution of the case, if the accused voluntarily
5 agrees to pay that amount; or

6 2. The amount ordered paid by the court after plea or trial.

7 C. A defendant is not liable for the collection of fees authorized under subsection B
8 of this section if the court of original jurisdiction has determined the defendant is
9 indigent, or has insufficient resources or income, or is otherwise unable to pay all or part
10 of the underlying fines or costs.

11 D. If a municipality has entered into a contract pursuant to subsection A of this
12 section and a person pays an amount that is less than the aggregate total to be collected
13 pursuant to subsections A and B of this section, the allocation to the municipality and
14 the debt collection agency shall be reduced proportionately.

15 E. An item subject to collection services pursuant to subsection A of this section
16 and to the additional collection fee authorized by subsection B of this section is
17 considered more than sixty (60) days past due pursuant to subsection B of this section if
18 it remains unpaid on the sixty-first day after the following appropriate date:

19 1. With respect to an item described by paragraph 1 of subsection A of this section,
20 the date on which the debt, fine, fee, forfeited bond, or court cost must be paid in full as
21 determined by the court; or

1 2. With respect to an item described by paragraph 2 of subsection A of this section,
2 the date the accused promised to appear or was notified, summoned, or ordered to
3 appear.

4 F. This section shall not apply to the collection of commercial bail bonds.

5 G. A communication to the accused person regarding the amount of payment that
6 is acceptable to the court under the court's standard policy for resolution of a case shall
7 include a notice of the right of the person to enter a plea or go to trial on any offense
8 charged.

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

10 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-
11 25-09 - DO PASS, As Coauthored.