

THE HOUSE OF REPRESENTATIVES
Wednesday, February 24, 2010

House Bill No. 3242

HOUSE BILL NO. 3242 - By: DERBY of the House.

An Act relating to counties and county officers; amending Sections 1 and 2, Chapter 254, O.S.L. 2003, as amended by Sections 2 and 3, Chapter 208, O.S.L. 2005 (19 O.S. Supp. 2009, Sections 514.4 and 514.5), which relate to outstanding warrants; modifying scope of certain contracts; modifying administrative costs for certain warrants; and providing an effective date.

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

1 SECTION 1. AMENDATORY Section 1, Chapter 254, O.S.L. 2003, as amended
2 by Section 2, Chapter 208, O.S.L. 2005 (19 O.S. Supp. 2009, Section 514.4), is amended to
3 read as follows:

4 Section 514.4 A. Notwithstanding any other section of law, the county sheriffs of
5 any Oklahoma county may enter into a private contract, pursuant to Section 85.41 of
6 Title 74 of the Oklahoma Statutes. Such contract shall require the contractor to attempt
7 to locate and notify persons of their outstanding ~~misdemeanor~~ failure-to-pay warrants.

8 B. A person may make payment directly to the court, as allowed by law, or the
9 contractor shall be authorized to accept payment on ~~misdemeanor~~ failure-to-pay
10 warrants by various means including, but not limited to, payment by phone, mail, or
11 Internet, and in any payment form including, but not limited to, personal, cashier's,
12 traveler's, certified, or guaranteed bank check, postal or commercial money order,

1 nationally recognized credit or a debit card, or other generally accepted payment form.
2 Any payment collected and received by the contractor shall be paid within fifteen (15)
3 days to the court clerk of the entity that issued the outstanding ~~misdemeanor~~ failure-to-
4 pay warrant.

5 C. As provided for by this section, a person may pay in lieu of appearance before
6 the court and such payment accepted by the court shall constitute a finding of guilty as
7 though a plea of nolo contendere had been entered by the defendant as allowed by law
8 and shall function as a written, dated, and signed plea form acceptable to the court.
9 Such payment shall serve as a written waiver of a jury trial.

10 D. The court shall release the outstanding ~~misdemeanor~~ failure-to-pay warrant
11 upon receipt of all sums due pursuant to said warrant including the ~~misdemeanor~~
12 failure-to-pay warrant, scheduled fine or sum due, all associated fees, costs and
13 statutory penalty assessments, and the administrative cost pursuant to Section 514.5 of
14 this title.

15 E. The provisions of any contract entered into by a county sheriff shall be
16 administered by a statewide association of county sheriffs in Oklahoma. The county
17 sheriff of any Oklahoma county may assign their right to contract to the statewide
18 association administering the provisions of this contract.

19 F. The provisions of this section and Section 514.5 of this title shall be applicable
20 to:

21 1. Any ~~misdemeanor~~ failure-to-pay warrant issued or relating to any proceeding
22 pursuant to the State and Municipal Traffic Bail Bond Procedure Act; ~~and~~

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

1 2. Any ~~misdemeanor~~ failure-to-pay warrant issued that allows a defendant to
2 resolve the matter by payment in lieu of a personal appearance in court; and

3 3. Any failure to pay warrant issued in a criminal case.

4 SECTION 2. AMENDATORY Section 2, Chapter 254, O.S.L. 2003, as amended
5 by Section 3, Chapter 208, O.S.L. 2005 (19 O.S. Supp. 2009, Section 514.5), is amended to
6 read as follows:

7 Section 514.5 A. ~~Misdemeanor~~ Failure-to-pay warrants referred to the contractor
8 pursuant to Section 514.4 of this title shall include the addition of an administrative cost
9 of ~~twenty percent (20%)~~ thirty percent (30%) of the outstanding ~~misdemeanor~~ failure-to-
10 pay warrant, scheduled fine or sum due, and all associated fees, costs and statutory
11 penalty assessments. This administrative cost shall not be waived or reduced except by
12 order of the court.

13 B. The administrative cost reflected in subsection A of this section, when collected,
14 shall be distributed to the association administering the provisions of the contract, a
15 portion of which may be used to compensate the contractor.

16 C. The monies collected and disbursed shall be audited at least once a year by a
17 firm approved by the State Auditor and Inspector.

18 SECTION 3. This act shall become effective November 1, 2010.

19 COMMITTEE REPORT BY: COMMITTEE ON GENERAL GOVERNMENT, dated 02-
20 23-10 - DO PASS.