

THE HOUSE OF REPRESENTATIVES
Wednesday, February 25, 2009

House Bill No. 1866

HOUSE BILL NO. 1866 - By: HICKMAN of the House.

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

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

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

4 Section 153. A. The clerks of the courts shall collect as costs in every criminal case
5 for each offense of which the defendant is convicted, irrespective of whether or not the
6 sentence is deferred, the following flat charges and no more, except for standing and
7 parking violations and for charges otherwise provided for by law, which fee shall cover
8 docketing of the case, filing of all papers, issuance of process, warrants, orders, and other
9 services to the date of judgment:

- 10 1. For each defendant convicted of exceeding the speed
11 limit by at least one (1) mile per hour but not

1 more than ten (10) miles per hour, whether
 2 charged individually or conjointly with others \$77.00
 3 \$27.00

4 2. For each defendant convicted of a violation of the
 5 Oklahoma Mandatory Seat Belt Use Act or
 6 exceeding the speed limit by at least eleven (11)
 7 miles per hour but not more than fifteen (15)
 8 miles per hour, whether charged individually or
 9 conjointly with others \$48.00

10 3. For each defendant convicted of a misdemeanor traffic
 11 violation other than an offense provided for in
 12 paragraph 1, 2 or ~~5~~ 6 of this subsection, whether
 13 charged individually or conjointly with others \$98.00

14 ~~3.~~ 4. For each defendant convicted of a misdemeanor, other
 15 than for driving under the influence of alcohol or
 16 other intoxicating substance or an offense
 17 provided for in paragraph 1 ~~or~~, 2 or 3 of this
 18 subsection, whether charged individually or
 19 conjointly with others \$93.00

20 ~~4.~~ 5. For each defendant convicted of a felony, other than for
 21 driving under the influence of alcohol or other

1 actual, necessary
2 expenses, whichever is
3 greater

4 ~~10. 11.~~ For the services of a language interpreter, other than an interpreter
5 appointed pursuant to the provisions of the Oklahoma Legal Interpreter for the Deaf and
6 Hard-of-Hearing Act, at each hearing held in the case, the actual cost of the interpreter.

7 B. In addition to the amount collected pursuant to paragraphs ~~2 3~~ through ~~6 7~~ of
8 subsection A of this section, the sum of Six Dollars (\$6.00) shall be assessed and credited
9 to the Law Library Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
10 Statutes.

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

21 D. In addition to the amounts collected pursuant to subsections A and B of this
22 section, the sum of Twenty-five Dollars (\$25.00) shall be assessed and credited to the

1 Oklahoma Court Information System Revolving Fund created pursuant to Section 1315
2 of Title 20 of the Oklahoma Statutes.

3 E. In addition to the amount collected pursuant to paragraphs 1 through ~~6~~ 7 of
4 subsection A of this section, the sum of Ten Dollars (\$10.00) shall be assessed and
5 credited to the Sheriff's Service Fee Account in the county in which the conviction
6 occurred for the purpose of enhancing existing or providing additional courthouse
7 security.

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

11 G. In addition to the amounts collected pursuant to paragraphs 1 through ~~6~~ 7 of
12 subsection A of this section, the sum of Three Dollars (\$3.00) shall be assessed and
13 credited to the Child Abuse Multidisciplinary Account. This fee shall not be used for
14 purposes of hiring or employing any law enforcement officers.

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

18 I. The amounts to be assessed as court costs upon filing of a case shall be those
19 amounts above-stated in paragraph ~~3~~ 4 or ~~4~~ 5 of subsection A and ~~subsection~~ subsections
20 B, C, D and E of this section.

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

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

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

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

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

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

21 5. The following amounts of the fees provided for in paragraphs ~~2~~, ~~3~~, ~~5~~ 4, 6 and ~~6~~ 7
22 of subsection A of this section, when collected, shall be deposited in the Trauma Care

1 Assistance Revolving Fund, created pursuant to the provisions of Section 1-2530.9 of
2 Title 63 of the Oklahoma Statutes:

- 3 a. Ten Dollars (\$10.00) of the ~~Ninety-eight-Dollar~~ ninety-eight-dollar fee
4 provided for in paragraph ~~2~~ 3 of subsection A of this section,
- 5 b. Ten Dollars (\$10.00) of the ~~Ninety-three-Dollar~~ ninety-three-dollar fee
6 provided for in paragraph ~~3~~ 4 of subsection A of this section,
- 7 c. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-Thirty-three-~~
8 ~~Dollar~~ four-hundred-thirty-three-dollar fee provided for in paragraph ~~5~~
9 6 of subsection A of this section, and
- 10 d. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-Thirty-three-~~
11 ~~Dollar~~ four-hundred-thirty-three-dollar fee provided for in paragraph ~~6~~
12 7 of subsection A of this section.

13 K. Costs required to be collected pursuant to this section shall not be dismissed or
14 waived; provided, if the court determines that a person needing the services of a
15 language interpreter is indigent, the court may waive all or part of the costs or require
16 the payment of costs in installments.

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

20 M. A court clerk may accept in payment for any fee, fine, forfeiture payment, cost,
21 penalty assessment or other charge or collection to be assessed or collected by a court
22 clerk pursuant to this section a nationally recognized credit card or debit card or other

1 electronic payment method as provided in paragraph 1 of subsection B of Section 151 of
2 this title.

3 N. Upon receipt of payment of fines and costs for offenses charged prior to July 1,
4 1992, the court clerk shall apportion and pay Thirteen Dollars (\$13.00) per conviction to
5 the court fund.

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

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

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

19 B. The Commissioner of Public Safety, upon application from a person who, for
20 medical reasons, is unable to wear a safety seat belt system supported by written
21 attestation of such fact from a physician licensed pursuant to Section 495 of Title 59 of
22 the Oklahoma Statutes, may issue to the person an exemption from the provisions of this

1 section. The exemption shall be in the form of a restriction appearing on the driver
2 license of the person and shall remain in effect until the expiration date of the driver
3 license. Nothing in this subsection shall be construed to prevent the person from
4 applying for another exemption as provided for in this section. The issuance of an
5 attestation by a physician and the subsequent issuance of an exemption by the
6 Commissioner, in good faith, shall not give rise to, nor shall the physician and the state
7 thereby incur, any liability whatsoever in damages or otherwise, to any person injured by
8 reason of failure of the person to wear a safety seat belt system.

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

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

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

17 F. Municipalities may enact and municipal police officers may enforce ordinances
18 prohibiting and penalizing conduct under provisions of this section, but the provisions of
19 those ordinances shall be the same as provided for in this section, and the enforcement
20 provisions under those ordinances shall not be more stringent than those of this section.

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

22 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 02-24-09 - DO PASS.