

THE HOUSE OF REPRESENTATIVES
Wednesday, March 25, 2009

Committee Substitute for
ENGROSSED
Senate Bill No. 614

COMMITTEE SUBSTITUTE FOR ENGROSSED SENATE BILL NO. 614 - By:
ANDERSON of the Senate and DUNCAN of the House.

An Act relating to criminal procedure; amending 22 O.S. 2001, Section 991d, as last amended by Section 1, Chapter 345, O.S.L. 2008 (22 O.S. Supp. 2008, Section 991d), which relates to supervision fees; modifying certain fee; deleting sunset provision; providing an effective date; and declaring an emergency.

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

1 SECTION 1. AMENDATORY 22 O.S. 2001, Section 991d, as last amended by
2 Section 1, Chapter 345, O.S.L. 2008 (22 O.S. Supp. 2008, Section 991d), is amended to
3 read as follows:
4 Section 991d. A. 1. When the court orders supervision by the Department of
5 Corrections, or the district attorney requires the Department to supervise any person
6 pursuant to a deferred prosecution agreement, the person shall be required to pay a
7 supervision fee of Forty Dollars (\$40.00) per month during the supervision period, unless
8 the fee would impose an unnecessary hardship on the person. In hardship cases, the
9 Department shall expressly waive all or part of the fee. The court shall make payment of
10 the fee a condition of the sentence which shall be imposed whether the supervision is

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

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

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

19 3. If restitution is ordered by the court in conjunction with supervision, the
20 supervision fee will be paid in addition to the restitution ordered. In addition to the
21 restitution payment and supervision fee, a reasonable user fee may be charged by the
22 Department of Corrections to cover the expenses of administration of the restitution,

1 except no user fee shall be collected by the Department when restitution payment is
2 collected and disbursed to the victim by the office of the district attorney as provided in
3 Section 991f of this title or Section 991f-1.1 of this title.

4 B. The Pardon and Parole Board shall require a supervision fee to be paid by the
5 parolee as a condition of parole which shall be paid to the Department of Corrections.
6 The Department shall determine the amount of the fee as provided for other persons
7 under supervision by the Department.

8 C. Upon acceptance of an offender by the Department of Corrections whose
9 probation or parole supervision was transferred to Oklahoma through the Interstate
10 Compact Agreement, or upon the assignment of an inmate to any community placement,
11 a fee shall be required to be paid by the offender to the Department of Corrections as
12 provided for other persons under supervision of the Department.

13 D. Except as provided in subsection A and this subsection, all fees collected
14 pursuant to this section shall be deposited in the Department of Corrections Revolving
15 Fund created pursuant to Section 557 of Title 57 of the Oklahoma Statutes. For the
16 fiscal year ending June 30, 1996, fifty percent (50%) of all collections received from
17 offenders placed on supervision after July 1, 1995, shall be transferred to the credit of the
18 General Revenue Fund of the State Treasury until such time as total transfers equal
19 Three Million Three Hundred Thousand Dollars (\$3,300,000.00).

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

1 SECTION 3. It being immediately necessary for the preservation of the public
2 peace, health and safety, an emergency is hereby declared to exist, by reason whereof
3 this act shall take effect and be in full force from and after its passage and approval.
4 COMMITTEE REPORT BY: COMMITTEE ON JUDICIARY, dated 03-24-09 - DO PASS,
5 As Amended.