

1 STATE OF OKLAHOMA

2 1st Session of the 52nd Legislature (2009)

3 HOUSE BILL 1061

By: Sherrer

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5
6 AS INTRODUCED

7 An Act relating to cities and towns; amending 11 O.S.
8 2001, Section 27-126, as amended by Section 3,
9 Chapter 61, O.S.L. 2006 (11 O.S. Supp. 2008, Section
10 27-126), which relates to costs charged by court;
11 providing for fees that may be charged by court;
12 allowing for increase in court costs; authorizing
13 court clerk to charge and collect fee; authorizing
14 municipalities to enter into certain contracts with
15 debt collection agencies; authorizing collection
16 fees; providing for determination of when items are
17 subject to collection; courts to refer past-due debts
18 to a collection agency; providing for codification;
19 and providing an effective date.

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

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

24 Section 27-126. Except as provided in Section 14-111 of this
title and subject to other limitations or exceptions imposed by law,
the municipal governing body shall determine by ordinance the court
costs and fees that may be charged and collected by the clerk of the
court, ~~but these.~~ Court costs shall not exceed the sum of ~~Twenty-~~

1 ~~five Dollars (\$25.00)~~ Thirty Dollars (\$30.00) plus the fees and
2 mileage of jurors and witnesses. The clerk of the court is
3 authorized to charge and collect the fees as determined by the
4 municipal body.

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

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

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

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

15 B. A governing body of a municipality that enters into a
16 contract with a debt collection agency pursuant to this section may
17 authorize the addition of a collection fee in the amount of twenty-
18 five percent (25%) to forty percent (40%) on each item described in
19 subsection A of this section that is more than sixty (60) days past
20 due and has been referred to the debt collection agency for
21 collection. The collection fee shall not apply to a case that has
22 been dismissed by a court of competent jurisdiction or to any amount
23 that has been satisfied through time-served credit or community
24 service. The collection fee may be applied to any balance remaining

1 after a partial credit for time served or community service if the
2 balance is more than sixty (60) days past due. Unless the contract
3 provides otherwise, the court clerk shall calculate the amount of
4 any collection fee due to the governmental entity or to the debt
5 collection agency performing the collection services and shall
6 receive all fees, including the collection fee. With respect to
7 cases described by paragraph 2 of subsection A of this section, the
8 percentage amount of the collection fee shall be:

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

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

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

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

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

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

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

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

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

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

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23 52-1-5907 AM 12/22/08

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