

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 1866

By: Hickman

4  
5  
6 AS INTRODUCED

7 An Act relating to court costs; amending 28 O.S.  
8 2001, Section 153, as last amended by Section 21,  
Chapter 3, O.S.L. 2008 (28 O.S. Supp. 2008, Section  
9 153), which relates to costs in criminal cases;  
10 reducing amount of certain court costs; adding new  
category of court costs for certain convictions;  
11 amending 47 O.S. 2001, Section 12-417, as last  
amended by Section 10, Chapter 190, O.S.L. 2005 (47  
12 O.S. Supp. 2008, Section 12-417), which relates to  
the Oklahoma Mandatory Seat Belt Use Act; modifying  
penalty; and providing an effective date.

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14  
15 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

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

19 Section 153. A. The clerks of the courts shall collect as  
20 costs in every criminal case for each offense of which the defendant  
21 is convicted, irrespective of whether or not the sentence is  
22 deferred, the following flat charges and no more, except for  
23 standing and parking violations and for charges otherwise provided  
24 for by law, which fee shall cover docketing of the case, filing of

1 all papers, issuance of process, warrants, orders, and other  
2 services to the date of judgment:

3 1. For each defendant convicted of  
4 exceeding the speed limit by at least  
5 one (1) mile per hour but not more  
6 than ten (10) miles per hour, whether  
7 charged individually or conjointly  
8 with others.....~~\$77.00~~  
9 .....\$27.00

10 2. For each defendant convicted of a  
11 violation of the Oklahoma Mandatory  
12 Seat Belt Use Act or exceeding the  
13 speed limit by at least eleven (11)  
14 miles per hour but not more than  
15 fifteen (15) miles per hour, whether  
16 charged individually or conjointly  
17 with others.....\$48.00

18 3. For each defendant convicted of a  
19 misdemeanor traffic violation other  
20 than an offense provided for in  
21 paragraph 1, 2 or ~~5~~ 6 of this  
22 subsection, whether charged  
23 individually or conjointly with others.....\$98.00  
24

- 1 ~~3.~~ 4. For each defendant convicted of a  
2 misdemeanor, other than for driving  
3 under the influence of alcohol or  
4 other intoxicating substance or an  
5 offense provided for in paragraph 1  
6 ~~or~~, 2 or 3 of this subsection, whether  
7 charged individually or conjointly  
8 with others.....\$93.00
- 9 ~~4.~~ 5. For each defendant convicted of a  
10 felony, other than for driving under  
11 the influence of alcohol or other  
12 intoxicating substance, whether  
13 charged individually or conjointly  
14 with others.....\$103.00
- 15 ~~5.~~ 6. For each defendant convicted of the  
16 misdemeanor of driving under the  
17 influence of alcohol or other  
18 intoxicating substance, whether charged  
19 individually or conjointly with others..... \$433.00
- 20 ~~6.~~ 7. For each defendant convicted of the  
21 felony of driving under the influence  
22 of alcohol or other intoxicating  
23 substance, whether charged  
24 individually or conjointly with others.....\$433.00

1 ~~7.~~ 8. For the services of a court reporter at  
2 each preliminary hearing and trial  
3 held in the case.....\$20.00  
4 ~~8.~~ 9. For each time a jury is requested.....\$30.00  
5 ~~9.~~ 10. A sheriff's fee for serving or  
6 endeavoring to serve each writ,  
7 warrant, order, process, command, or  
8 notice or pursuing any fugitive from  
9 justice  
10 a. within the county..... \$50.00, or  
11 mileage as  
12 established by the  
13 Oklahoma Statutes,  
14 whichever is  
15 greater, or  
16 b. outside of the county..... \$50.00, or  
17 actual, necessary  
18 expenses, whichever  
19 is greater  
20 ~~10.~~ 11. For the services of a language interpreter, other than  
21 an interpreter appointed pursuant to the provisions of the Oklahoma  
22 Legal Interpreter for the Deaf and Hard-of-Hearing Act, at each  
23 hearing held in the case, the actual cost of the interpreter.  
24

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

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

20 D. In addition to the amounts collected pursuant to subsections  
21 A and B of this section, the sum of Twenty-five Dollars (\$25.00)  
22 shall be assessed and credited to the Oklahoma Court Information  
23 System Revolving Fund created pursuant to Section 1315 of Title 20  
24 of the Oklahoma Statutes.

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

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

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

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

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

24

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

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

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

21 3. The witness fees paid by the district attorney pursuant to  
22 the provisions of Section 82 of this title which, if collected by  
23 the court clerk, shall be transferred to the district attorney's  
24 office in the county where witness attendance was required. Fees

1 transferred pursuant to this paragraph shall be deposited in the  
2 district attorney's maintenance and operating expense account;

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

6 5. The following amounts of the fees provided for in paragraphs  
7 ~~2~~ 3, ~~5~~ 4, 6 and ~~6~~ 7 of subsection A of this section, when  
8 collected, shall be deposited in the Trauma Care Assistance  
9 Revolving Fund, created pursuant to the provisions of Section 1-  
10 2530.9 of Title 63 of the Oklahoma Statutes:

11 a. Ten Dollars (\$10.00) of the ~~Ninety-eight Dollar~~  
12 ninety-eight-dollar fee provided for in paragraph ~~2~~ 3  
13 of subsection A of this section,

14 b. Ten Dollars (\$10.00) of the ~~Ninety-three Dollar~~  
15 ninety-three-dollar fee provided for in paragraph ~~3~~ 4  
16 of subsection A of this section,

17 c. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~  
18 ~~Thirty-three Dollar~~ four-hundred-thirty-three-dollar  
19 fee provided for in paragraph ~~5~~ 6 of subsection A of  
20 this section, and

21 d. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~  
22 ~~Thirty-three Dollar~~ four-hundred-thirty-three-dollar  
23 fee provided for in paragraph ~~6~~ 7 of subsection A of  
24 this section.

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

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

10 M. A court clerk may accept in payment for any fee, fine,  
11 forfeiture payment, cost, penalty assessment or other charge or  
12 collection to be assessed or collected by a court clerk pursuant to  
13 this section a nationally recognized credit card or debit card or  
14 other electronic payment method as provided in paragraph 1 of  
15 subsection B of Section 151 of this title.

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

19 SECTION 2. AMENDATORY 47 O.S. 2001, Section 12-417, as  
20 last amended by Section 10, Chapter 190, O.S.L. 2005 (47 O.S. Supp.  
21 2008, Section 12-417), is amended to read as follows:

22 Section 12-417. A. 1. Every operator and front seat passenger  
23 of a passenger car operated in this state shall wear a properly  
24 adjusted and fastened safety seat belt system, required to be

1 installed in the motor vehicle when manufactured pursuant to 49  
2 C.F.R., Section 571.208.

3 2. For the purposes of this section, "passenger car" shall mean  
4 "vehicle" as defined in Section 1102 of this title. "Passenger car"  
5 shall include the passenger compartment of pickups, vans, minivans,  
6 and sport utility vehicles. "Passenger car" shall not include  
7 trucks, truck-tractors, recreational vehicles, motorcycles, or  
8 motorized bicycles. "Passenger car" shall not include a vehicle  
9 used primarily for farm use which is registered and licensed  
10 pursuant to the provisions of Section 1134 of this title.

11 B. The Commissioner of Public Safety, upon application from a  
12 person who, for medical reasons, is unable to wear a safety seat  
13 belt system supported by written attestation of such fact from a  
14 physician licensed pursuant to Section 495 of Title 59 of the  
15 Oklahoma Statutes, may issue to the person an exemption from the  
16 provisions of this section. The exemption shall be in the form of a  
17 restriction appearing on the driver license of the person and shall  
18 remain in effect until the expiration date of the driver license.  
19 Nothing in this subsection shall be construed to prevent the person  
20 from applying for another exemption as provided for in this section.  
21 The issuance of an attestation by a physician and the subsequent  
22 issuance of an exemption by the Commissioner, in good faith, shall  
23 not give rise to, nor shall the physician and the state thereby  
24 incur, any liability whatsoever in damages or otherwise, to any

1 person injured by reason of failure of the person to wear a safety  
2 seat belt system.

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

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

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

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

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

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21 52-1-6264 GRS 01/09/09

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