

1 STATE OF OKLAHOMA

2 2nd Session of the 52nd Legislature (2010)

3 HOUSE BILL 2739

By: Roussetot

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5
6 AS INTRODUCED

7 An Act relating to fees; amending 28 O.S. 2001,
8 Section 153, as last amended by Section 21, Chapter
9 3, O.S.L. 2008 (28 O.S. Supp. 2009, Section 153),
which relates to costs in criminal cases; adding
certain fee; and providing an effective date.

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

13 SECTION 1. AMENDATORY 28 O.S. 2001, Section 153, as last
14 amended by Section 21, Chapter 3, O.S.L. 2008 (28 O.S. Supp. 2009,
15 Section 153), is amended to read as follows:

16 Section 153. A. The clerks of the courts shall collect as
17 costs in every criminal case for each offense of which the defendant
18 is convicted, irrespective of whether or not the sentence is
19 deferred, the following flat charges and no more, except for
20 standing and parking violations and for charges otherwise provided
21 for by law, which fee shall cover docketing of the case, filing of
22 all papers, issuance of process, warrants, orders, and other
23 services to the date of judgment:
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- 1 1. For each defendant convicted of
2 exceeding the speed limit by at least
3 one (1) mile per hour but not more
4 than ten (10) miles per hour, whether
5 charged individually or conjointly
6 with others.....\$77.00
- 7 2. For each defendant convicted of a
8 misdemeanor traffic violation other
9 than an offense provided for in
10 paragraph 1 or 5 of this subsection,
11 whether charged individually or
12 conjointly with others.....\$98.00
- 13 3. For each defendant convicted of a
14 misdemeanor, other than for driving
15 under the influence of alcohol or
16 other intoxicating substance or an
17 offense provided for in paragraph 1 or
18 2 of this subsection, whether charged
19 individually or conjointly with others.....\$93.00
- 20 4. For each defendant convicted of a
21 felony, other than for driving under
22 the influence of alcohol or other
23 intoxicating substance, whether
24

1 charged individually or conjointly
2 with others.....\$103.00

3 5. For each defendant convicted of the
4 misdemeanor of driving under the
5 influence of alcohol or other
6 intoxicating substance, whether charged
7 individually or conjointly with others..... \$433.00

8 6. For each defendant convicted of the
9 felony of driving under the influence
10 of alcohol or other intoxicating
11 substance, whether charged
12 individually or conjointly with others.....\$433.00

13 7. For the services of a court reporter at
14 each preliminary hearing and trial
15 held in the case.....\$20.00

16 8. For each time a jury is requested.....\$30.00

17 9. A sheriff's fee for serving or
18 endeavoring to serve each writ,
19 warrant, order, process, command, or
20 notice or pursuing any fugitive from
21 justice

22 a. within the county..... \$50.00, or
23 mileage as
24 established by the

Oklahoma Statutes,

whichever is

greater, or

b. outside of the county..... \$50.00, or

actual, necessary

expenses, whichever

is greater

10. A municipal police department fee for

pursuing any fugitive from justice

within the municipality..... \$50.00, or

mileage as

established by the

Oklahoma Statutes,

whichever is

greater

11. For the services of a language interpreter, other than an interpreter appointed pursuant to the provisions of the Oklahoma Interpreter for the Deaf Act, at each hearing held in the case, the actual cost of the interpreter.

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

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

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

20 E. In addition to the amount collected pursuant to paragraphs 1
21 through 6 of subsection A of this section, the sum of Ten Dollars
22 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
23 Account in the county in which the conviction occurred for the
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1 purpose of enhancing existing or providing additional courthouse
2 security.

3 F. In addition to the amounts collected pursuant to paragraphs
4 1 through 6 of subsection A of this section, the sum of Three
5 Dollars (\$3.00) shall be assessed and credited to the Office of the
6 Attorney General Victim Services Unit.

7 G. In addition to the amounts collected pursuant to paragraphs
8 1 through 6 of subsection A of this section, the sum of Three
9 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
10 Multidisciplinary Account. This fee shall not be used for purposes
11 of hiring or employing any law enforcement officers.

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

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

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

21 1. A court clerk issuing a misdemeanor warrant is entitled to
22 ten percent (10%) of the sheriff's service fee, provided for in
23 paragraph 9 of subsection A of this section, collected on a warrant
24 referred to the contractor for the misdemeanor warrant notification

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

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

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

21 4. The fees provided for in subsection C of this section shall
22 be forwarded to the District Attorneys Council Revolving Fund to
23 defray the costs of prosecution; and
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1 5. The following amounts of the fees provided for in paragraphs
2 2, 3, 5 and 6 of subsection A of this section, when collected, shall
3 be deposited in the Trauma Care Assistance Revolving Fund, created
4 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
5 Oklahoma Statutes:

6 a. Ten Dollars (\$10.00) of the Ninety-eight-Dollar fee
7 provided for in paragraph 2 of subsection A of this
8 section,

9 b. Ten Dollars (\$10.00) of the Ninety-three-Dollar fee
10 provided for in paragraph 3 of subsection A of this
11 section,

12 c. One Hundred Dollars (\$100.00) of the Four-Hundred-
13 Thirty-three-Dollar fee provided for in paragraph 5 of
14 subsection A of this section, and

15 d. One Hundred Dollars (\$100.00) of the Four-Hundred-
16 Thirty-three-Dollar fee provided for in paragraph 6 of
17 subsection A of this section.

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

23 L. As used in this section, "convicted" means any final
24 adjudication of guilt, whether pursuant to a plea of guilty or nolo

1 | contendere or otherwise, and any deferred judgment or suspended
2 | sentence.

3 | M. A court clerk may accept in payment for any fee, fine,
4 | forfeiture payment, cost, penalty assessment or other charge or
5 | collection to be assessed or collected by a court clerk pursuant to
6 | this section a nationally recognized credit card or debit card or
7 | other electronic payment method as provided in paragraph 1 of
8 | subsection B of Section 151 of this title.

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

12 | SECTION 2. This act shall become effective November 1, 2010.

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14 | 52-2-8433 GRS 01/07/10

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