

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 2871

By: Buck

4
5
6 AS INTRODUCED

7 An Act relating to fees; amending 28 O.S. 2001,
8 Section 101, as amended by Section 3, Chapter 413,
9 O.S.L. 2008 (28 O.S. Supp. 2009, Section 101), which
10 relates to fees and costs for criminal cases;
11 authorizing placing a lien on personal property;
12 allowing district attorney to enforce judgments of
13 uncollected fees and costs; and providing an
14 effective date.

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

16 SECTION 1. AMENDATORY 28 O.S. 2001, Section 101, as
17 amended by Section 3, Chapter 413, O.S.L. 2008 (28 O.S. Supp. 2009,
18 Section 101), is amended to read as follows:

19 Section 101. A. The fees herein provided for the clerk of the
20 district court and the sheriff, as provided in this act, and all
21 costs in the prosecution of all criminal actions shall, in case of
22 conviction of the defendant, be adjudged a part of the penalty of
23 the offense of which the defendant may be convicted, whether the
24 punishment for such offense be either imprisonment, or fine, or
both, and fixed either by the verdict of the jury, or judgment of
the court, trying the case, and if the defendant shall refuse to pay

1 the fine, fees or costs, the payment of such fees and costs, in
2 addition to the payment of the fine assessed, shall be enforced by
3 imprisonment until the same shall be satisfied at a rate of Twenty-
4 five Dollars (\$25.00) per day of such fees and costs, or fine, or
5 both, or shall be satisfied at a rate of Fifty Dollars (\$50.00) per
6 day of such fees and costs, or fine, or both, should the defendant
7 perform useful labor. If the defendant is without means to pay the
8 fine, fees or costs, the total amount owed shall be entered upon the
9 judgment docket as a civil judgment and thereupon the same remedies
10 shall be available for the enforcement of said judgment as are
11 available to any other judgment creditor, including the ability to
12 place a lien upon personal property in order to satisfy the
13 judgment.

14 B. The district attorney shall have the authority to collect
15 any unpaid fine, fees or costs that are entered as civil judgments
16 as provided by subsection A of this section.

17 C. The term "all costs in the prosecution of all criminal
18 actions", as used in this section, shall include only the following
19 taxable items:

- 20 1. Court clerk's costs and fees authorized by statute;
- 21 2. Sheriff's fees;
- 22 3. Fees and mileage of witnesses; and

23
24

1 4. Cost deposits in the appellate court, whether on appeal, in
2 an original proceeding or in any postconviction challenge, if waived
3 on the basis of a pauper's affidavit.

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

5
6 52-2-8581 EK 01/11/10
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24