

1 STATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 COMMITTEE SUBSTITUTE

4 FOR

5 HOUSE BILL NO. 1905

6 By: Jackson

7 COMMITTEE SUBSTITUTE

8 An Act relating to children; amending 10 O.S. 2001,
9 Sections 7110.1, as last amended by Section 88,
10 Chapter 233, O.S.L. 2009, and as renumbered by
11 Section 295, Chapter 233, O.S.L. 2009 and 7110.2, as
12 last amended by Section 89, Chapter 233, O.S.L. 2009
13 and as renumbered by Section 296, Chapter 233, O.S.L.
14 2009 (10A O.S. Supp. 2010, Sections 1-9-103 and 1-9-
15 104), which relate to the Child Abuse
16 Multidisciplinary Account; establishing two separate
17 accounts; providing for allocations from the
18 accounts; modifying criteria for funding
19 distribution; amending 28 O.S. 2001, Section 153, as
20 last amended by Section 21, Chapter 3, O.S.L. 2008
21 (28 O.S. Supp. 2010, Section 153), which relates to
22 costs in criminal cases; modifying certain fee; and
23 providing an effective date.

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

SECTION 1. AMENDATORY 10 O.S. 2001, Section 7110.1, as
last amended by Section 88, Chapter 233, O.S.L. 2009, and as
renumbered by Section 295, Chapter 233, O.S.L. 2009 (10A O.S. Supp.
2010, Section 1-9-103), is amended to read as follows:

Section 1-9-103. A. 1. There is hereby created in the
Department of Human Services a two revolving ~~fund~~ funds to be

1 designated the "Child Abuse Multidisciplinary Account" and the
2 "Freestanding Multidisciplinary Team Account".

3 2. The ~~account~~ accounts shall be a continuing ~~fund~~ funds, not
4 subject to fiscal year limitations, and shall consist of all monies
5 received by the Department pursuant to the provisions of this
6 section and Section 1-9-104 of this title.

7 3. All monies accruing to the credit of the ~~fund~~ funds are
8 hereby appropriated and shall be budgeted and expended by the
9 Department for the purposes provided in Sections 1-9-102 and 1-9-104
10 of this title.

11 4. Expenditures from the ~~account~~ accounts shall be made upon
12 warrants issued by the State Treasurer against claims filed as
13 prescribed by law with the Director of the Office of State Finance
14 for approval and payment.

15 B. The ~~account~~ accounts shall be administered by the Department
16 for the benefit of children of Oklahoma and made available to
17 eligible:

- 18 1. Coordinated multidisciplinary child abuse teams;
- 19 2. Nonurban child advocacy centers;
- 20 3. Mid-level nonurban child advocacy centers; and
- 21 4. Urban child advocacy centers.

22 C. 1. The Child Abuse Multidisciplinary Account shall consist
23 of:

24

- 1 a. all monies received by the Department pursuant to the
2 provisions of Section 1-9-104 of this title,
3 b. interest attributable to investment of money in the
4 Account, and
5 c. money received by the Department in the form of gifts,
6 grants, reimbursements, or from any other source
7 intended to be used for the purposes specified or
8 collected pursuant to the provisions of this section
9 and Section 1-9-102 of this title.

10 2. The monies deposited in the Child Abuse Multidisciplinary
11 Account or the Freestanding Multidisciplinary Team Account shall at
12 no time become monies of the state and shall not become part of the
13 general budget of the Department or any other state agency. Except
14 as otherwise authorized by this section, no monies from the ~~Account~~
15 accounts shall be transferred for any purpose to any other state
16 agency or any account of the Department or be used for the purpose
17 of contracting with any other state agency or reimbursing any other
18 state agency for any expense.

19 SECTION 2. AMENDATORY 10 O.S. 2001, Section 7110.2, as
20 last amended by Section 89, Chapter 233, O.S.L. 2009, and as
21 renumbered by Section 296, Chapter 233, O.S.L. 2009 (10A O.S. Supp.
22 2010, Section 1-9-104), is amended to read as follows:
23
24

1 Section 1-9-104. A. The Department of Human Services shall
2 allocate monies available in the Child Abuse Multidisciplinary
3 Account (CAMA) to:

4 ~~1. One functioning freestanding multidisciplinary child abuse~~
5 ~~team per county, as provided in Section 1-9-102 of this title;~~

6 ~~2. One hospital team pursuant to subsection E of Section 1-9-~~
7 ~~102 of this title; and~~

8 ~~3. One one child advocacy center, accredited by the National~~
9 ~~Children's Alliance, per district attorney's district. A child~~
10 ~~advocacy center shall:~~

11 ~~a. be~~

12 ~~1. Be eligible for Child Abuse Multidisciplinary Account (CAMA)~~
13 ~~funding upon accreditation by the National Children's Alliance;~~

14 ~~b. secure;~~

15 ~~2. Secure a third-year interim review to determine whether the~~
16 ~~child advocacy center continues to meet the National Children's~~
17 ~~Alliance standards in effect at the time of its last accreditation.~~
18 ~~If a child advocacy center fails the third-year review, the center~~
19 ~~shall remain eligible for CAMA funding, but shall have another~~
20 ~~review conducted in the fourth year. If the child advocacy center~~
21 ~~fails the fourth-year review, the center shall be ineligible to~~
22 ~~receive CAMA funding until such time as the center receives~~
23 ~~reaccreditation from the National Children's Alliance;~~
24 ~~and~~

~~c. remain~~

1 3. Remain the center for the district attorney's district as
2 long as the center is accredited and eligibility is maintained
3 pursuant to the provisions of Section 1-9-102 of this title. If a
4 center does not remain eligible pursuant to the provisions of
5 Section 1-9-102 of this title, endorsement by the district attorney
6 as the child advocacy center for the district may be sought by any
7 entity beginning with the calendar year after the center is
8 determined to be ineligible. The two centers in district number (4)
9 and district number (13) that were accredited as of the effective
10 date of this act shall continue to receive funding at the nonurban
11 level. Should one of the exempted centers close or no longer meet
12 the criteria for a child advocacy center pursuant to the provisions
13 of Section 1-9-102 of this title, the center shall not be allowed to
14 reopen in that district or to receive CAMA funds. The remaining
15 center shall become the sole child advocacy center for the district
16 attorney's district.

17 B. The Department of Human Services shall allocate monies
18 available in the Freestanding Multidisciplinary Team Account (FMFTA)
19 to:

- 20 1. One functioning freestanding multidisciplinary child abuse
21 team per county, as provided in Section 1-9-102 of this title; and
22 2. One hospital team pursuant to subsection E of Section 1-9-
23 102 of this title.

24

1 C. Funding distribution pursuant to the provisions of
2 subsection A of this section shall be determined:

3 1. By multiplying the number of applicants in each category by
4 the corresponding weight as follows:

5 a. ~~freestanding multidisciplinary child abuse team — 1,~~

6 b. ~~hospital team — 1,~~

7 c. nonurban centers - 4,

8 ~~d.~~ b. mid-level nonurban centers - 6, and

9 ~~e.~~ c. urban centers - 24;

10 2. Adding together the weighted results for all categories;

11 3. Dividing the weighted result for each category by the sum of
12 the weighted results for all categories; and

13 4. Equally distributing funding to each applicant in the
14 corresponding category based on the amounts obtained by multiplying
15 the total available funding by the calculated percentages.

16 ~~C.~~ D. Funding distribution pursuant to the provisions of
17 subsection B of this section shall be divided evenly between the
18 freestanding multidisciplinary child abuse team and the hospital
19 team.

20 E. 1. Pursuant to the provisions of Section 1-9-103 of this
21 title, by January 31, 2003, and by January 31 of each year
22 thereafter, the Department shall disburse monies from the Child
23 Abuse Multidisciplinary Account to eligible freestanding
24 multidisciplinary child abuse teams and to eligible child advocacy

1 centers as specified in subsections A and B of this section. A
2 child advocacy center shall be in compliance with the provisions of
3 Section 1-9-102 of this title to be eligible for Child Abuse
4 Multidisciplinary Account funding. The disbursement shall be a
5 single, annual disbursement, for the collection period of the
6 preceding year beginning October 1 through September 30.

7 2. The Department, the Child Abuse Training and Coordinating
8 Council and the Children's Advocacy Centers of Oklahoma, Inc., shall
9 meet annually, after September 30, 2002, to review the amount of
10 CAMA funds to be disbursed.

11 ~~D.~~ F. A team or center may carry over funding for a period of
12 one (1) year after allocation, such one-year period to begin in
13 January and end in December of the same year; provided, however,
14 funds not used within twenty-four (24) months of the original
15 allocation will be deducted from the contract amount for the next
16 contract year. If a team or center is ineligible for funding in an
17 upcoming year, unused funds from the current or previous years shall
18 be returned to the CAMA account or the FMTA account, as appropriate,
19 for use in subsequent years.

20 ~~E.~~ G. The Department of Human Services is hereby authorized to
21 receive ~~one half of one percent (0.5%)~~ twenty-five one-hundredths
22 percent (0.25%) in administrative costs from the CAMA account and
23 twenty-five one-hundredths percent (0.25%) from the FMTA account.

24

1 SECTION 3. AMENDATORY 28 O.S. 2001, Section 153, as last
2 amended by Section 21, Chapter 3, O.S.L. 2008 (28 O.S. Supp. 2010,
3 Section 153), is amended to read as follows:

4 Section 153. A. The clerks of the courts shall collect as
5 costs in every criminal case for each offense of which the defendant
6 is convicted, irrespective of whether or not the sentence is
7 deferred, the following flat charges and no more, except for
8 standing and parking violations and for charges otherwise provided
9 for by law, which fee shall cover docketing of the case, filing of
10 all papers, issuance of process, warrants, orders, and other
11 services to the date of judgment:

12 1. For each defendant convicted of
13 exceeding the speed limit by at least
14 one (1) mile per hour but not more
15 than ten (10) miles per hour, whether
16 charged individually or conjointly
17 with others.....\$77.00

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

24

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

- 1 7. For the services of a court reporter at
2 each preliminary hearing and trial
3 held in the case.....\$20.00
4 8. For each time a jury is requested.....\$30.00
5 9. 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. For the services of a language interpreter, other than an
21 interpreter appointed pursuant to the provisions of the Oklahoma
22 Interpreter for the Deaf Act, at each hearing held in the case, the
23 actual cost of the interpreter.
24

1 B. In addition to the amount collected pursuant to paragraphs 2
2 through 6 of subsection A of this section, the sum of Six Dollars
3 (\$6.00) shall be assessed and credited to the Law Library Fund
4 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 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 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 of subsection A of this section, the sum of ~~Three~~
13 ~~Dollars (\$3.00)~~ Two Dollars (\$2.00) shall be assessed and credited
14 to the Child Abuse Multidisciplinary Account and Two Dollars (\$2.00)
15 shall be assessed and credited to the Freestanding Multidisciplinary
16 Team Account. ~~This fee~~ These fees shall not be used for purposes of
17 hiring or employing any law enforcement officers.

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

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

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 of subsection A of this section, collected on a warrant
6 referred to the contractor for the misdemeanor warrant notification
7 program governed by Sections 514.4 and 514.5 of Title 19 of the
8 Oklahoma Statutes. This ten-percent sum shall be deposited into the
9 issuing Court Clerk's Revolving Fund, created pursuant to Section
10 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing
11 the warrant with the balance of the sheriff's service fee to be
12 deposited into the Sheriff's Service Fee Account, created pursuant
13 to the provisions of Section 514.1 of Title 19 of the Oklahoma
14 Statutes, of the sheriff in the county in which service is made or
15 attempted. Otherwise, the sheriff's service fee, when collected,
16 shall be deposited in its entirety into the Sheriff's Service Fee
17 Account of the sheriff in the county in which service is made or
18 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 and 6 of subsection A of this section, when collected, shall
8 be deposited in the Trauma Care Assistance Revolving Fund, created
9 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
10 Oklahoma Statutes:

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

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

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

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

23 K. Costs required to be collected pursuant to this section
24 shall not be dismissed or waived; provided, if the court determines

1 that a person needing the services of a language interpreter is
2 indigent, the court may waive all or part of the costs or require
3 the payment of costs in installments.

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

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

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

17 SECTION 4. This act shall become effective November 1, 2012.

18

19 53-1-7085 CJB 03/03/11

20

21

22

23

24