

1 STATE OF OKLAHOMA

2 2nd Session of the 53rd Legislature (2012)

3 SUBCOMMITTEE RECOMMENDATION
4 FOR

5 HOUSE BILL NO. 2682

6 By: Banz

7 SUBCOMMITTEE RECOMMENDATION

8 An Act relating to counties and county officers;
9 defining term; allowing imposition of certain
10 community service program assessment; providing for
11 assessment in certain cases; setting range for amount
12 of assessment; limiting assessment to certain cases;
13 requiring consideration of certain factors; providing
14 for assessment on juvenile proceedings; setting range
15 for amount of assessment; limiting assessment to
16 certain cases; providing for assessment in municipal
17 cases; limiting assessment to certain cases; setting
18 range for amount of assessment; allowing retention of
19 portion of assessment by municipal court clerk;
20 providing for creation of community service program
21 assessment revolving funds; limiting purpose;
22 providing for codification; providing an effective
23 date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 339.7 of Title 19, unless there
is created a duplication in numbering, reads as follows:

A. As used in this section, "community service program" means a
structured program for offenders sentenced to community service to

1 work in or on any government property and designed to save public
2 funds or improve the community that has been approved by a majority
3 vote of the board of county commissioners of the county.

4 B. In any county in this state that has a community service
5 program the county commissioners may, pursuant to a majority vote of
6 the board of county commissioners of the county, impose a community
7 service program assessment as provided for pursuant to the
8 provisions of this section.

9 C. In every county in which a community service program
10 assessment has been imposed pursuant to subsection B of this
11 section, in addition to the imposition of any costs, penalties or
12 fines imposed pursuant to law by the district court, any person
13 convicted of, pleading guilty or nolo contendere to, or agreeing to
14 a deferred judgment procedure under the provisions set forth in the
15 Oklahoma Statutes for, any felony or misdemeanor shall be ordered to
16 pay a community service program assessment of at least Twenty-five
17 Dollars (\$25.00), but not to exceed Two Hundred Fifty Dollars
18 (\$250.00), for each felony or misdemeanor for which the person is
19 ordered to complete community service in the community service
20 program of the county.

21 D. In every county in which a community service program
22 assessment has been imposed pursuant to subsection B of this
23 section, in addition to the imposition of any costs, penalties or
24 fines imposed pursuant to law by the district court, a community

1 service program assessment of at least Twenty-five Dollars (\$25.00),
2 but not to exceed Two Hundred Fifty Dollars (\$250.00), shall be
3 levied by the court against the child at the time the child is
4 adjudicated by the court as a delinquent child or agrees to a
5 deferred adjudication, provided the delinquent is ordered to
6 complete community service in the community service program of the
7 county.

8 E. In every county in which a community service program
9 assessment has been imposed pursuant to subsection B of this
10 section, in addition to the imposition of any costs, penalties or
11 fines imposed pursuant to law, in any municipal court of record in
12 which the defendant is ordered by the court to pay municipal court
13 costs and to complete community service in the community service
14 program of the county, the court shall levy and collect a community
15 service program assessment of at least Twenty-five Dollars (\$25.00),
16 but not to exceed Two Hundred Fifty Dollars (\$250.00). The
17 municipal court clerk collecting said assessment is authorized to
18 deduct ten percent (10%) of the amount collected for administrative
19 costs.

20 F. All monies collected pursuant to subsections C, D and E of
21 this section shall be forwarded monthly by the applicable court
22 clerk to the community service program assessment revolving fund of
23 the appropriate county created pursuant to subsection G of this
24 section.

1 G. There are hereby created community service program
2 assessment revolving funds in each county in which the county has
3 levied an assessment pursuant to the provisions of subsection B of
4 this section. Each such revolving fund shall be designated for use
5 within the county to operate and administer a community service
6 program and shall consist of all monies generated by such
7 assessment. Monies in such funds shall only be expended for the
8 purposes specifically designated as required by this section. A
9 community service program assessment revolving fund shall be a
10 continuing fund, not subject to fiscal year limitations.

11 SECTION 2. This act shall become effective July 1, 2012.

12 SECTION 3. It being immediately necessary for the preservation
13 of the public peace, health and safety, an emergency is hereby
14 declared to exist, by reason whereof this act shall take effect and
15 be in full force from and after its passage and approval.

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