HOUSE OF REPRESENTATIVES - FLOOR VERSION

STATE OF OKLAHOMA

2nd Session of the 53rd Legislature (2012)

COMMITTEE SUBSTITUTE
FOR
HOUSE BILL NO. 2682

By: Banz and Stiles of the House

and

Holt of the Senate

COMMITTEE SUBSTITUTE

An Act relating to counties and county officers; creating the Safari McDoulett Community Service Act; defining term; allowing imposition of certain community service program assessment; providing for assessment in certain cases; setting range for amount of assessment; limiting assessment to certain cases; requiring consideration of certain factors; providing for assessment on juvenile proceedings; setting range for amount of assessment; limiting assessment to certain cases; providing for assessment in municipal cases; limiting assessment to certain cases; setting range for amount of assessment; allowing retention of portion of assessment by municipal court clerk; providing for creation of community service program assessment revolving funds; limiting purpose; providing for codification; providing for noncodification; providing an effective date; and declaring an emergency.

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

UNDERLINED language denotes Amendments to present Statutes.
BOLD FACE CAPITALIZED language denotes Committee Amendments.
~~Strike thru~~ language denotes deletion from present Statutes.

SECTION 1. NEW LAW A new section of law not to be codified in the Oklahoma Statutes reads as follows:

This act shall be known and may be cited as the "Safari McDoulett Community Service Act".

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

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

C. In every county in which a community service program assessment has been imposed pursuant to subsection B of this section, in addition to the imposition of any costs, penalties or fines imposed pursuant to law by the district court, any person convicted of, pleading guilty or nolo contendere to, or agreeing to a deferred judgment procedure under the provisions set forth in the

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Oklahoma Statutes for, any felony or misdemeanor shall be ordered to pay a community service program assessment of at least Twenty-five Dollars ($25.00), but not to exceed Two Hundred Fifty Dollars ($250.00), for each felony or misdemeanor for which the person is ordered to complete community service in the community service program of the county.

D. In every county in which a community service program assessment has been imposed pursuant to subsection B of this section, in addition to the imposition of any costs, penalties or fines imposed pursuant to law by the district court, a community service program assessment of at least Twenty-five Dollars ($25.00), but not to exceed Two Hundred Fifty Dollars ($250.00), shall be levied by the court against the child at the time the child is adjudicated by the court as a delinquent child or agrees to a deferred adjudication, provided the delinquent is ordered to complete community service in the community service program of the county.

E. In every county in which a community service program assessment has been imposed pursuant to subsection B of this section, in addition to the imposition of any costs, penalties or fines imposed pursuant to law, in any municipal court of record in which the defendant is ordered by the court to pay municipal court costs and to complete community service in the community service

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program of the county, the court shall levy and collect a community service program assessment of at least Twenty-five Dollars ($25.00), but not to exceed Two Hundred Fifty Dollars ($250.00). The municipal court clerk collecting said assessment is authorized to deduct ten percent (10%) of the amount collected for administrative costs.

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

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

SECTION 3. This act shall become effective July 1, 2012.

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SECTION 4. It being immediately necessary for the preservation of the public peace, health and safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated 02/29/2012 - DO PASS, As Amended and Coauthored.

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