

1 STATE OF OKLAHOMA

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

3 COMMITTEE SUBSTITUTE

4 FOR

5 SENATE BILL 1973

By: Jolley and Justice of the
Senate

6 and

7 Sears and Martin (Scott) of
the House

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10
11 COMMITTEE SUBSTITUTE

12 An Act relating to assessments; amending 28 O.S.
13 2011, Section 153, which relates to costs in criminal
14 cases; adding certain assessment; providing an
effective date; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 28 O.S. 2011, Section 153, is
18 amended to read as follows:

19 Section 153. A. The clerks of the courts shall collect as
20 costs in every criminal case for each offense of which the defendant
21 is convicted, irrespective of whether or not the sentence is
22 deferred, the following flat charges and no more, except for
23 standing and parking violations and for charges otherwise provided
24 for by law, which fee shall cover docketing of the case, filing of

1 all papers, issuance of process, warrants, orders, and other
2 services to the date of judgment:

3 1. For each defendant convicted of
4 exceeding the speed limit by at least
5 one (1) mile per hour but not more
6 than ten (10) miles per hour, whether
7 charged individually or conjointly
8 with others.....\$77.00

9 2. For each defendant convicted of a
10 misdemeanor traffic violation other
11 than an offense provided for in
12 paragraph 1 or 5 of this subsection,
13 whether charged individually or
14 conjointly with others.....\$98.00

15 3. For each defendant convicted of a
16 misdemeanor, other than for driving
17 under the influence of alcohol or
18 other intoxicating substance or an
19 offense provided for in paragraph 1 or
20 2 of this subsection, whether charged
21 individually or conjointly with others.....\$93.00

22 4. For each defendant convicted of a
23 felony, other than for driving under
24 the influence of alcohol or other

- 1 intoxicating substance, whether
2 charged individually or conjointly
3 with others.....\$103.00
- 4 5. For each defendant convicted of the
5 misdemeanor of driving under the
6 influence of alcohol or other
7 intoxicating substance, whether charged
8 individually or conjointly with others..... \$433.00
- 9 6. For each defendant convicted of the
10 felony of driving under the influence
11 of alcohol or other intoxicating
12 substance, whether charged
13 individually or conjointly with others.....\$433.00
- 14 7. For the services of a court reporter at
15 each preliminary hearing and trial
16 held in the case.....\$20.00
- 17 8. For each time a jury is requested.....\$30.00
- 18 9. A sheriff's fee for serving or
19 endeavoring to serve each writ,
20 warrant, order, process, command, or
21 notice or pursuing any fugitive from
22 justice
- 23 a. within the county..... \$50.00, or
24

1 mileage as
2 established by the
3 Oklahoma Statutes,
4 whichever is
5 greater, or

6 b. outside of the county..... \$50.00, or
7 actual, necessary
8 expenses, whichever
9 is greater

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

14 B. In addition to the amount collected pursuant to paragraphs 2
15 through 6 of subsection A of this section, the sum of Six Dollars
16 (\$6.00) shall be assessed and credited to the Law Library Fund
17 pursuant to Section 1201 et seq. of Title 20 of the Oklahoma
18 Statutes.

19 C. In addition to the amount collected pursuant to subsection A
20 of this section, the sum of Ten Dollars (\$10.00) shall be assessed
21 and collected in every traffic case for each offense other than for
22 driving under the influence of alcohol or other intoxicating
23 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and
24 collected in every misdemeanor case for each offense; the sum of

1 Fifteen Dollars (\$15.00) shall be assessed and collected in every
2 misdemeanor case for each offense for driving under the influence of
3 alcohol or other intoxicating substance; the sum of Twenty-five
4 Dollars (\$25.00) shall be assessed and collected in every felony
5 case for each offense; and the sum of Twenty-five Dollars (\$25.00)
6 shall be assessed and collected in every felony case for each
7 offense for driving under the influence of alcohol or other
8 intoxicating substance.

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

14 E. In addition to the amount collected pursuant to paragraphs 1
15 through 6 of subsection A of this section, the sum of Ten Dollars
16 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee
17 Account in the county in which the conviction occurred for the
18 purpose of enhancing existing or providing additional courthouse
19 security.

20 F. In addition to the amounts collected pursuant to paragraphs
21 1 through 6 of subsection A of this section, the sum of Three
22 Dollars (\$3.00) shall be assessed and credited to the Office of the
23 Attorney General Victim Services Unit.

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1 G. In addition to the amounts collected pursuant to paragraphs
2 1 through 6 of subsection A of this section, the sum of Three
3 Dollars (\$3.00) shall be assessed and credited to the Child Abuse
4 Multidisciplinary Account. This fee shall not be used for purposes
5 of hiring or employing any law enforcement officers.

6 H. In addition to the amounts collected pursuant to paragraphs
7 1 through 6 of subsection A of this section, the sum of Ten Dollars
8 (\$10.00) shall be assessed and credited to the Court of Criminal
9 Appeals Revolving Fund, created pursuant to Section 61 of Title 20
10 of the Oklahoma Statutes.

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

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

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

- 20 1. A court clerk issuing a misdemeanor warrant is entitled to
21 ten percent (10%) of the sheriff's service fee, provided for in
22 paragraph 9 of subsection A of this section, collected on a warrant
23 referred to the contractor for the misdemeanor warrant notification
24 program governed by Sections 514.4 and 514.5 of Title 19 of the

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

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

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

20 4. The fees provided for in subsection C of this section shall
21 be forwarded to the District Attorneys Council Revolving Fund to
22 defray the costs of prosecution; and

23 5. The following amounts of the fees provided for in paragraphs
24 2, 3, 5 and 6 of subsection A of this section, when collected, shall

1 be deposited in the Trauma Care Assistance Revolving Fund, created
2 pursuant to the provisions of Section 1-2530.9 of Title 63 of the
3 Oklahoma Statutes:

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

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

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

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

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

21 ~~H.~~ M. As used in this section, "convicted" means any final
22 adjudication of guilt, whether pursuant to a plea of guilty or nolo
23 contendere or otherwise, and any deferred judgment or suspended
24 sentence.

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

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

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

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

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16 53-2-3517 SAW 5/22/2012 10:59:56 AM

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