

1 STATE OF OKLAHOMA

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

3 HOUSE BILL 3121

By: Hickman

4  
5  
6 AS INTRODUCED

7 An Act relating to court costs; amending 28 O.S.  
8 2011, Section 153, which relates to costs in criminal  
9 cases; reducing amount of certain court costs; adding  
10 new categories of court costs for certain  
11 convictions; amending 47 O.S. 2011, Section 12-417,  
12 which relates to the Oklahoma Mandatory Seat Belt Use  
13 Act; modifying penalty; and providing an effective  
14 date.

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

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

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

1 1. For each defendant convicted of  
2 exceeding the speed limit by at least  
3 one (1) mile per hour but not more  
4 than ten (10) miles per hour, whether  
5 charged individually or conjointly  
6 with others.....~~\$77.00~~  
7 .....\$27.00

8 2. For each defendant convicted of a  
9 violation of the Oklahoma Mandatory  
10 Seat Belt Use Act or exceeding the  
11 speed limit by at least eleven (11)  
12 miles per hour but not more than  
13 fifteen (15) miles per hour, whether  
14 charged individually or conjointly  
15 with others.....\$48.00

16 3. For each defendant convicted of  
17 exceeding the speed limit by at least  
18 twenty-one (21) miles per hour but not  
19 more than twenty-five (25) miles per  
20 hour, whether charged individually or  
21 conjointly with others.....\$166.50

22 4. For each defendant convicted of  
23 exceeding the speed limit by at least  
24 twenty-six (26) miles per hour but not

1           more than thirty (30) miles per hour,  
2           whether charged individually or  
3           conjointly with others.....\$156.50

4    5. For each defendant convicted of  
5           exceeding the speed limit by at least  
6           thirty-one (31) miles per hour but not  
7           more than thirty-five (35) miles per  
8           hour or for each defendant convicted  
9           of exceeding the speed limit by at  
10           least thirty-six (36) miles per hour  
11           or more, whether charged individually  
12           or conjointly with others.....\$186.50

13    6. For each defendant convicted of a  
14           misdemeanor traffic violation other  
15           than an offense provided for in  
16           paragraph 1, 2, 3, 4, 5 or ~~5~~ 9 of this  
17           subsection, whether charged  
18           individually or conjointly with others.....\$98.00

19    ~~3.~~ 7. For each defendant convicted of a  
20           misdemeanor, other than for driving  
21           under the influence of alcohol or  
22           other intoxicating substance or an  
23           offense provided for in paragraph 1  
24           or, 2, 3, 4, 5 or 6 of this

1 subsection, whether charged  
2 individually or conjointly with others.....\$93.00  
3 ~~4.~~ 8. For each defendant convicted of a  
4 felony, other than for driving under  
5 the influence of alcohol or other  
6 intoxicating substance, whether  
7 charged individually or conjointly  
8 with others.....\$103.00  
9 ~~5.~~ 9. For each defendant convicted of the  
10 misdemeanor of driving under the  
11 influence of alcohol or other  
12 intoxicating substance, whether charged  
13 individually or conjointly with others..... \$433.00  
14 ~~6.~~ 10. For each defendant convicted of the  
15 felony of driving under the influence  
16 of alcohol or other intoxicating  
17 substance, whether charged  
18 individually or conjointly with others.....\$433.00  
19 ~~7.~~ 11. For the services of a court reporter at  
20 each preliminary hearing and trial  
21 held in the case.....\$20.00  
22 ~~8.~~ 12. For each time a jury is requested.....\$30.00  
23 ~~9.~~ 13. A sheriff's fee for serving or  
24 endeavoring to serve each writ,

warrant, order, process, command, or  
notice or pursuing any fugitive from  
justice

a. within the county..... \$50.00, or  
mileage as  
established by the  
Oklahoma Statutes,  
whichever is  
greater, or

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

~~10.~~ 14. For the services of a language interpreter, other than  
an interpreter appointed pursuant to the provisions of the Oklahoma  
Legal Interpreter for the Deaf and Hard-of-Hearing Act, at each  
hearing held in the case, the actual cost of the interpreter.

B. In addition to the amount collected pursuant to paragraphs ~~2~~  
6 through ~~6~~ 10 of subsection A of this section, the sum of Six  
Dollars (\$6.00) shall be assessed and credited to the Law Library  
Fund pursuant to Section 1201 et seq. of Title 20 of the Oklahoma  
Statutes.

C. In addition to the amount collected pursuant to subsection A  
of this section, the sum of Ten Dollars (\$10.00) shall be assessed

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

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

18 E. In addition to the amount collected pursuant to paragraphs 1  
19 through ~~6~~ 10 of subsection A of this section, the sum of Ten Dollars  
20 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee  
21 Account in the county in which the conviction occurred for the  
22 purpose of enhancing existing or providing additional courthouse  
23 security.

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1 F. In addition to the amounts collected pursuant to paragraphs  
2 1 through ~~6~~ 10 of subsection A of this section, the sum of Three  
3 Dollars (\$3.00) shall be assessed and credited to the Office of the  
4 Attorney General Victim Services Unit.

5 G. In addition to the amounts collected pursuant to paragraphs  
6 1 through ~~6~~ 10 of subsection A of this section, the sum of Three  
7 Dollars (\$3.00) shall be assessed and credited to the Child Abuse  
8 Multidisciplinary Account. This fee shall not be used for purposes  
9 of hiring or employing any law enforcement officers.

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

14 I. The amounts to be assessed as court costs upon filing of a  
15 case shall be those amounts above-stated in paragraph ~~3~~ 7 or ~~4~~ 8 of  
16 subsection A and ~~subsection~~ subsections B, C, D and E of this  
17 section.

18 J. 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~~ 13 of subsection A of this section, collected on a  
23 warrant referred to the contractor for the misdemeanor warrant  
24 notification program governed by Sections 514.4 and 514.5 of Title

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

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

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

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

10 c. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~  
11 ~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar  
12 fee provided for in paragraph ~~5~~ 9 of subsection A of  
13 this section, and

14 d. One Hundred Dollars (\$100.00) of the ~~Four-Hundred-~~  
15 ~~Thirty-three-Dollar~~ four-hundred-thirty-three-dollar  
16 fee provided for in paragraph ~~6~~ 10 of subsection A of  
17 this section.

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

23 L. As used in this section, "convicted" means any final  
24 adjudication of guilt, whether pursuant to a plea of guilty or nolo

1 | contendere or otherwise, and any deferred judgment or suspended  
2 | sentence.

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

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

12 | SECTION 2. AMENDATORY 47 O.S. 2011, Section 12-417, is  
13 | amended to read as follows:

14 | Section 12-417. A. 1. Every operator and front seat passenger  
15 | of a passenger car operated in this state shall wear a properly  
16 | adjusted and fastened safety seat belt system, required to be  
17 | installed in the motor vehicle when manufactured pursuant to 49  
18 | C.F.R., Section 571.208.

19 | 2. For the purposes of this section, "passenger car" shall mean  
20 | "vehicle" as defined in Section 1102 of this title. "Passenger car"  
21 | shall include the passenger compartment of pickups, vans, minivans,  
22 | and sport utility vehicles. "Passenger car" shall not include  
23 | trucks, truck-tractors, recreational vehicles, motorcycles, or  
24 | motorized bicycles. "Passenger car" shall not include a vehicle

1 used primarily for farm use which is registered and licensed  
2 pursuant to the provisions of Section 1134 of this title.

3 B. The Commissioner of Public Safety, upon application from a  
4 person who, for medical reasons, is unable to wear a safety seat  
5 belt system supported by written attestation of such fact from a  
6 physician licensed pursuant to Section 495 of Title 59 of the  
7 Oklahoma Statutes, may issue to the person an exemption from the  
8 provisions of this section. The exemption shall be in the form of a  
9 restriction appearing on the driver license of the person and shall  
10 remain in effect until the expiration date of the driver license.  
11 Nothing in this subsection shall be construed to prevent the person  
12 from applying for another exemption as provided for in this section.  
13 The issuance of an attestation by a physician and the subsequent  
14 issuance of an exemption by the Commissioner, in good faith, shall  
15 not give rise to, nor shall the physician and the state thereby  
16 incur, any liability whatsoever in damages or otherwise, to any  
17 person injured by reason of failure of the person to wear a safety  
18 seat belt system.

19 C. This section shall not apply to an operator of a motor  
20 vehicle while performing official duties as a route carrier of the  
21 U.S. Postal Service.

22 D. The Department of Public Safety shall not record or assess  
23 points for violations of this section on any license holder's  
24 traffic record maintained by the Department.

1 E. ~~Fine and court costs~~ The fine for violating the provisions  
2 of this section shall ~~not exceed~~ be Twenty Dollars (\$20.00). Court  
3 costs shall be assessed pursuant to the provisions of paragraph 2 of  
4 subsection A of Section 153 of Title 28 of the Oklahoma Statutes.

5 F. Municipalities may enact and municipal police officers may  
6 enforce ordinances prohibiting and penalizing conduct under  
7 provisions of this section, but the provisions of those ordinances  
8 shall be the same as provided for in this section, and the  
9 enforcement provisions under those ordinances shall not be more  
10 stringent than those of this section.

11 SECTION 3. This act shall become effective November 1, 2012.

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13 53-2-8976 GRS 12/20/11

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