

1 STATE OF OKLAHOMA

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

3 SENATE BILL 1308

By: Burrage

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5
6 AS INTRODUCED

7 An Act relating to public safety; imposing fee upon
8 persons convicted of certain offenses; specifying
9 amount; providing procedures; defining terms;
10 amending 74 O.S. 2011, Section 51.1a, which relates
11 to interoperable public safety communications
12 planning; creating Interoperable Public Safety
13 Communications Revolving Fund; providing for deposits
14 thereto and expenditures therefrom; providing for
15 codification; providing an effective date; and
16 declaring an emergency.

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

18 SECTION 1. NEW LAW A new section of law to be codified
19 in the Oklahoma Statutes as Section 1313.8 of Title 20, unless there
20 is created a duplication in numbering, reads as follows:

21 A. In addition to the fees imposed by this title, any person
22 convicted of any offense, including traffic offenses but excluding
23 parking and standing violations, punishable by a fine of Ten Dollars
24 (\$10.00) or more or by incarceration or any person forfeiting bond
when charged with such offense, shall be ordered by the court to pay
a fee in the amount of Three Dollars (\$3.00) for each offense for
the Interoperable Public Safety Communications Revolving Fund

1 created in subsection D of Section 51.1a of Title 74 of the Oklahoma
2 Statutes. The fee shall be in addition to and not in substitution
3 for any and all fines and penalties otherwise provided for by law
4 for the offense. The fee shall be collected at the same time as the
5 fees provided for in Section 1313.2 of Title 20 of the Oklahoma
6 Statutes. The payments shall be made to the appropriate fund by the
7 court clerk on a monthly basis as set forth by subsection H of
8 Section 1313.2 of Title 20 of the Oklahoma Statutes.

9 B. As used in this section:

10 1. "Convicted" means any final adjudication of guilt, whether
11 pursuant to a plea of guilty or nolo contendere or otherwise, and
12 any deferred judgment or suspended sentence; and

13 2. "Court" means any state or municipal court having
14 jurisdiction to impose a criminal fine or penalty.

15 SECTION 2. AMENDATORY 74 O.S. 2011, Section 51.1a, is
16 amended to read as follows:

17 Section 51.1a. A. In addition to the powers and duties as
18 defined elsewhere in statute, the Oklahoma Office of Homeland
19 Security has the duty and responsibility for interoperable public
20 safety communications planning within the State of Oklahoma. As
21 part of this duty the Oklahoma Office of Homeland Security shall:

22 1. Annually develop and report to the Governor, President Pro
23 Tempore of the Senate and Speaker of the House of Representatives,
24 the Statewide Communications Interoperability Plan;

1 2. Coordinate statewide planning for public safety
2 communication needs of state government and state emergency
3 responders, including a migration plan for state agency use of
4 public safety communications technologies and rendering of aid
5 between state government and its political subdivisions for
6 organizing and use of disparate public safety communications
7 systems;

8 3. Serve as a focal point for all state-level projects
9 involving public safety communications vendors where the focus of
10 such authority can substantially enhance the state communications
11 plan or savings;

12 4. Apply for, receive, and hold, or assist state agencies in
13 applying for, receiving, or holding such authorizations, licenses,
14 and allocations of channels and frequencies to carry out the
15 purposes of this section;

16 5. Establish minimum standards and protocols for acquisition,
17 development, or enhancement of public safety communications
18 technologies. These standards shall be utilized by the Information
19 Services Division of the Office of State Finance pursuant to the
20 provisions of Section ~~41.51~~ 34.20 of Title 62 of the Oklahoma
21 Statutes; and

22 6. Accomplish such other purposes as may be necessary or
23 incidental to the administration of its authority or functions
24 pursuant to law.

1 B. It is the intent of the Legislature that all state public
2 entities comply with the provisions of the Statewide Communications
3 Interoperability Plan issued by the Oklahoma Office of Homeland
4 Security. All state agencies are required to review the provisions
5 of the Statewide Communications Interoperability Plan and the public
6 safety communications standards issued by the Oklahoma Office of
7 Homeland Security prior to the purchase, acquisition, development,
8 or enhancement of any public safety communications system. Local
9 public safety agencies and political subdivisions of the state are
10 encouraged, but not required, to review the provisions of the
11 Statewide Communications Interoperability Plan and the public safety
12 communications standards issued by the Oklahoma Office of Homeland
13 Security prior to the purchase, acquisition, development, or
14 enhancement of any public safety communications system to assist the
15 local public safety agency or political subdivision in purchasing
16 decisions.

17 C. No state agency shall use state funds or enter into any
18 agreement for the acquisition, development, or enhancement of a
19 public safety communication system unless the request is consistent
20 with the Statewide Communications Interoperability Plan and the
21 public safety communications standards issued by the Oklahoma Office
22 of Homeland Security.

23 D. There is hereby created in the State Treasury a revolving
24 fund for the Oklahoma Department of Homeland Security to be

1 designated the "Interoperable Public Safety Communications Revolving
2 Fund". The fund shall be a continuing fund, not subject to fiscal
3 year limitations, and shall consist of all monies received by the
4 Department pursuant to the provisions of Section 1 of this act. All
5 monies accruing to the credit of the fund are hereby appropriated
6 and may be budgeted and expended by the Department for the purpose
7 of funding a statewide interoperable public safety communications
8 system. Expenditures from the fund shall be made upon warrants
9 issued by the State Treasurer against claims filed as prescribed by
10 law with the Director of State Finance for approval and payment.

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

12 SECTION 4. 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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