

1 S TATE OF OKLAHOMA

2 1st Session of the 53rd Legislature (2011)

3 SENATE BILL 198

By: Paddack

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5
6 AS INTRODUCED

7 An Act relating to the court fund; amending 20 O.S.
8 2001, Section 1313.2, as last amended by Section 1,
9 Chapter 442, O.S.L. 2009 (20 O.S. Supp. 2010, Section
10 1313.2), which relates definitions and penalties in
11 addition to fine; modifying collection and deposit of
12 certain monies; and providing an effective date.

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

14 SECTION 1. AMENDATORY 20 O.S. 2001, Section 1313.2, as
15 last amended by Section 1, Chapter 442, O.S.L. 2009 (20 O.S. Supp.
16 2010, Section 1313.2), is amended to read as follows:

17 Section 1313.2 A. As used in this section:

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

21 2. "Court" means any state or municipal court having
22 jurisdiction to impose a criminal fine or penalty; and

23 3. "DNA" means Deoxyribonucleic acid.
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1 B. Any person convicted of an offense, including traffic
2 offenses but excluding parking and standing violations, punishable
3 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
4 person forfeiting bond when charged with such an offense, shall be
5 ordered by the court to pay Nine Dollars (\$9.00) as a separate fee,
6 which fee shall be in addition to and not in substitution for any
7 and all fines and penalties otherwise provided for by law for such
8 offense.

9 C. 1. Any person convicted of any misdemeanor or felony
10 offense shall pay a Laboratory Analysis Fee in the amount of One
11 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
12 or laboratory services are rendered or administered by the Oklahoma
13 State Bureau of Investigation, by the Toxicology Laboratory of the
14 Office of the Chief Medical Examiner or by any municipality or
15 county in connection with the case. This fee shall be in addition
16 to and not a substitution for any and all fines and penalties
17 otherwise provided for by law for this offense.

18 2. The court clerk shall cause to be deposited the amount of
19 One Hundred Fifty Dollars (\$150.00) as collected, for every
20 conviction as described in this subsection. The court clerk shall
21 remit the monies in the fund on a monthly basis directly either to:

22 a. the Oklahoma State Bureau of Investigation who shall
23 deposit the monies into the OSBI Revolving Fund
24 provided for in Section 150.19a of Title 74 of the

1 Oklahoma Statutes for services rendered or
2 administered by the Oklahoma State Bureau of
3 Investigation,

- 4 b. the Office of the Chief Medical Examiner who shall
5 deposit the monies into the Office of the Chief
6 Medical Examiner Toxicology Laboratory Revolving Fund
7 provided for in Section 954 of Title 63 of the
8 Oklahoma Statutes for services rendered or
9 administered by the Toxicology Laboratory of the
10 Office of the Chief Medical Examiner, or
11 c. the appropriate municipality or county for services
12 rendered or administered by a municipality or county.

13 3. The monies from the Laboratory Analysis Fee Fund deposited
14 into the OSBI Revolving Fund shall be used for the following:

- 15 a. providing criminalistic laboratory services,
- 16 b. the purchase and maintenance of equipment for use by
17 the laboratory in performing analysis,
- 18 c. education, training, and scientific development of
19 Oklahoma State Bureau of Investigation personnel, and
20 d. the destruction of seized property and chemicals as
21 prescribed in Sections 2-505 and 2-508 of Title 63 of
22 the Oklahoma Statutes.

23 D. Upon conviction or bond forfeiture, the court shall collect
24 the fee provided for in subsection B of this section and deposit it

1 in an account created for that purpose. Except as otherwise
2 provided in subsection E of this section, monies shall be forwarded
3 monthly by the court clerk to the Council on Law Enforcement
4 Education and Training. Beginning July 1, 2003, deposits shall be
5 due on the fifteenth day of each month for the preceding calendar
6 month. There shall be a late fee imposed for failure to make timely
7 deposits; provided, the Council on Law Enforcement Education and
8 Training, in its discretion, may waive all or part of the late fee.
9 Such late fee shall be one percent (1%) of the principal amount due
10 per day beginning from the tenth day after payment is due and
11 accumulating until the late fee reaches one hundred percent (100%)
12 of the principal amount due. ~~Beginning on July 1, 1987, ninety~~
13 ~~percent (90%) of the monies received by the Council on Law~~
14 ~~Enforcement Education and Training from the court clerks pursuant to~~
15 ~~this section shall be deposited in the CLEET Fund, and ten percent~~
16 ~~(10%) shall be deposited in the General Revenue Fund. Beginning~~
17 ~~January 1, 2001~~ July 1, 2011, sixty and fifty-three one-hundredths
18 percent (60.53%) of the monies received by the Council on Law
19 Enforcement Education and Training from the court clerks pursuant to
20 this section shall be deposited in the CLEET Fund created pursuant
21 to subsection G of this section, ~~five and eighty-three one-~~
22 ~~hundredths percent (5.83%) shall be deposited in the General Revenue~~
23 ~~Fund and thirty-three and sixty-four one-hundredths percent (33.64%)~~
24 and thirty-nine and forty-seven one-hundredths (39.47%) shall be

1 deposited in the CLEET Training Center Revolving Fund created
2 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.
3 Along with the deposits required by this subsection, each court
4 shall also submit a report stating the total amount of funds
5 collected and the total number of fees imposed during the preceding
6 quarter. The report may be made on computerized or manual
7 disposition reports.

8 E. Any municipality or county having a basic law enforcement
9 academy approved by the Council on Law Enforcement Education and
10 Training pursuant to the criteria developed by the Council for
11 training law enforcement officers shall retain from monies collected
12 pursuant to subsections A through D of this section, Two Dollars
13 (\$2.00) from each fee. These monies shall be deposited into an
14 account for the sole use of the municipality or county in
15 implementing its law enforcement training functions. Not more than
16 seven percent (7%) of the monies shall be used for court and
17 prosecution training. The court clerk of any such municipality or
18 county shall furnish to the Council on Law Enforcement Education and
19 Training the report required by subsection D of this section.

20 F. 1. Any person entering a plea of guilty or nolo contendere
21 or is found guilty of the crime of misdemeanor possession of
22 marijuana or drug paraphernalia shall be ordered by the court to pay
23 a five-dollar fee, which shall be in addition to and not in
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1 substitution for any and all fines and penalties otherwise provided
2 for by law for such offense.

3 2. The court clerk shall cause to be deposited the amount of
4 Five Dollars (\$5.00) as collected, for every adjudicated or
5 otherwise convicted person as described in this subsection. The
6 court clerk shall remit the monies in the fund on a monthly basis
7 directly to the Bureau of Narcotics Drug Education Revolving Fund.

8 G. There is hereby created in the State Treasury a fund for the
9 Council on Law Enforcement Education and Training to be designated
10 the "CLEET Fund". The fund shall be subject to legislative
11 appropriation and shall consist of any monies received from fees and
12 receipts collected pursuant to the Oklahoma Open Records Act,
13 reimbursements for parts used in the repair of weapons of law
14 enforcement officers attending the basic academies, gifts, bequests,
15 contributions, tuition, fees, devises, and the assessments levied
16 pursuant to the fund pursuant to law.

17 H. 1. Any person convicted of a felony offense shall pay a DNA
18 fee of One Hundred Fifty Dollars (\$150.00). This fee shall not be
19 collected if the person has a valid DNA sample in the OSBI DNA
20 Offender Database at the time of sentencing.

21 2. The court clerk shall cause to be deposited the amount of
22 One Hundred Fifty Dollars (\$150.00) as collected, for every felony
23 conviction as described in this subsection. The court clerk shall
24 remit the monies in said fund on a monthly basis directly to the

1 Oklahoma State Bureau of Investigation who shall deposit the monies
2 into the OSBI Revolving Fund provided for in Section 150.19a of
3 Title 74 of the Oklahoma Statutes for services rendered or
4 administered by the Oklahoma State Bureau of Investigation.

5 3. The monies from the DNA sample fee deposited into the OSBI
6 Revolving Fund shall be used for creating, staffing, and maintaining
7 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
8 Database.

9 I. It shall be the responsibility of the court clerk to account
10 for and ensure the correctness and accuracy of payments made to the
11 state agencies identified in Sections 1313.2 through 1313.4 of this
12 title. Payments made directly to an agency by the court clerk as a
13 result of different types of assessments and fees pursuant to
14 Sections 1313.2 through 1313.4 of this title shall be made monthly
15 to each state agency.

16 SECTION 2. This act shall become effective November 1, 2011.

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