

1 STATE OF OKLAHOMA

2 2nd Session of the 54th Legislature (2014)

3 SENATE BILL 1896

By: Sykes

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5  
6 AS INTRODUCED

7 An Act relating to the Oklahoma Court Information  
8 System; amending 28 O.S. 2011, Section 153, which  
9 relates to costs in criminal cases; abolishing  
10 certain assessment; and providing an effective date.

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

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

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

- 22 1. For each defendant convicted of  
23 exceeding the speed limit by at least  
24 one (1) mile per hour but not more

- 1 than ten (10) miles per hour, whether  
2 charged individually or conjointly  
3 with others.....\$77.00
- 4 2. For each defendant convicted of a  
5 misdemeanor traffic violation other  
6 than an offense provided for in  
7 paragraph 1 or 5 of this subsection,  
8 whether charged individually or  
9 conjointly with others.....\$98.00
- 10 3. For each defendant convicted of a  
11 misdemeanor, other than for driving  
12 under the influence of alcohol or  
13 other intoxicating substance or an  
14 offense provided for in paragraph 1 or  
15 2 of this subsection, whether charged  
16 individually or conjointly with others.....\$93.00
- 17 4. For each defendant convicted of a  
18 felony, other than for driving under  
19 the influence of alcohol or other  
20 intoxicating substance, whether  
21 charged individually or conjointly  
22 with others.....\$103.00
- 23 5. For each defendant convicted of the  
24 misdemeanor of driving under the

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

1 actual, necessary  
2 expenses, whichever  
3 is greater

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

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

13 C. In addition to the amount collected pursuant to subsection A  
14 of this section, the sum of Ten Dollars (\$10.00) shall be assessed  
15 and collected in every traffic case for each offense other than for  
16 driving under the influence of alcohol or other intoxicating  
17 substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and  
18 collected in every misdemeanor case for each offense; the sum of  
19 Fifteen Dollars (\$15.00) shall be assessed and collected in every  
20 misdemeanor case for each offense for driving under the influence of  
21 alcohol or other intoxicating substance; the sum of Twenty-five  
22 Dollars (\$25.00) shall be assessed and collected in every felony  
23 case for each offense; and the sum of Twenty-five Dollars (\$25.00)  
24 shall be assessed and collected in every felony case for each

1 offense for driving under the influence of alcohol or other  
2 intoxicating substance.

3 ~~D. In addition to the amounts collected pursuant to subsections~~  
4 ~~A and B of this section, the sum of Twenty-five Dollars (\$25.00)~~  
5 ~~shall be assessed and credited to the Oklahoma Court Information~~  
6 ~~System Revolving Fund created pursuant to Section 1315 of Title 20~~  
7 ~~of the Oklahoma Statutes.~~

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

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

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

23 ~~H.~~ G. Prior to conviction, parties in criminal cases shall not  
24 be required to pay, advance, or post security for the services of a

1 language interpreter or for the issuance or service of process to  
2 obtain compulsory attendance of witnesses.

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

6 ~~J.~~ I. The fees collected pursuant to this section shall be  
7 deposited into the court fund, except the following:

8 1. A court clerk issuing a misdemeanor warrant is entitled to  
9 ten percent (10%) of the sheriff's service fee, provided for in  
10 paragraph 9 of subsection A of this section, collected on a warrant  
11 referred to the contractor for the misdemeanor warrant notification  
12 program governed by Sections 514.4 and 514.5 of Title 19 of the  
13 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
14 issuing Court Clerk's Revolving Fund, created pursuant to Section  
15 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
16 the warrant with the balance of the sheriff's service fee to be  
17 deposited into the Sheriff's Service Fee Account, created pursuant  
18 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
19 Statutes, of the sheriff in the county in which service is made or  
20 attempted. Otherwise, the sheriff's service fee, when collected,  
21 shall be deposited in its entirety into the Sheriff's Service Fee  
22 Account of the sheriff in the county in which service is made or  
23 attempted;

24

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

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

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

12        5. The following amounts of the fees provided for in paragraphs  
13 2, 3, 5 and 6 of subsection A of this section, when collected, shall  
14 be deposited in the Trauma Care Assistance Revolving Fund, created  
15 pursuant to the provisions of Section 1-2530.9 of Title 63 of the  
16 Oklahoma Statutes:

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

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

23  
24

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

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

7           ~~K.~~ J.   Costs required to be collected pursuant to this section  
8 shall not be dismissed or waived; provided, if the court determines  
9 that a person needing the services of a language interpreter is  
10 indigent, the court may waive all or part of the costs or require  
11 the payment of costs in installments.

12           ~~L.~~ K.   As used in this section, "convicted" means any final  
13 adjudication of guilt, whether pursuant to a plea of guilty or nolo  
14 contendere or otherwise, and any deferred judgment or suspended  
15 sentence.

16           ~~M.~~ L.   A court clerk may accept in payment for any fee, fine,  
17 forfeiture payment, cost, penalty assessment or other charge or  
18 collection to be assessed or collected by a court clerk pursuant to  
19 this section a nationally recognized credit card or debit card or  
20 other electronic payment method as provided in paragraph 1 of  
21 subsection B of Section 151 of this title.

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

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SECTION 2. This act shall become effective November 1, 2014.

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