

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3022 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____

Amendment submitted by: Kevin Calvey

Reading Clerk

1 STATE OF OKLAHOMA

2 2nd Session of the 55th Legislature (2016)

3 PROPOSED COMMITTEE
4 SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 3022

By: Calvey

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8 PROPOSED COMMITTEE SUBSTITUTE

9 An Act relating to cities and towns; creating the No
10 Jail for Paint Act; amending 11 O.S. 2011, Section
11 14-111, which relates to enforcement and penalties
12 for violation of municipal ordinances; prohibiting
the adoption of certain ordinances or rules;
providing for noncodification; and providing an
effective date.

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

16 SECTION 1. NEW LAW A new section of law not to be
17 codified in the Oklahoma Statutes reads as follows:

18 This act shall be known and may be cited as the "No Jail for
19 Paint Act".

20 SECTION 2. AMENDATORY 11 O.S. 2011, Section 14-111, is
21 amended to read as follows:

22 Section 14-111. A. The governing body of a municipality may
23 provide for enforcement of its ordinances and establish fines,
24 penalties, or imprisonment, as authorized by subsections B through D

1 of this section, for any offense in violation of its ordinances,
2 which shall be recoverable together with costs of suit. The
3 governing body may provide that any person fined for violation of a
4 municipal ordinance who is financially able but refuses or neglects
5 to pay the fine or costs may be compelled to satisfy the amount owed
6 by working on the streets, alleys, avenues, areas, and public
7 grounds of the municipality, subject to the direction of the street
8 commissioner or other proper officer, at a rate per day as the
9 governing body may prescribe by ordinance, but not less than Fifty
10 Dollars (\$50.00) per day for useful labor, until the fine or costs
11 are satisfied.

12 B. 1. Except for municipal ordinances related to prostitution
13 and as otherwise provided in this section, cities having a municipal
14 criminal court of record may enact ordinances prescribing maximum
15 fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or
16 imprisonment not exceeding six (6) months or both the fine and
17 imprisonment, but shall not have authority to enact any ordinance
18 making unlawful an act or omission declared by state statute to be
19 punishable as a felony. Cities having a municipal criminal court of
20 record may enact ordinances prescribing maximum fines of One
21 Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding
22 six (6) months or both such fine and imprisonment for violations of
23 municipal ordinances regulating the pretreatment of wastewater and
24 regulating stormwater discharges. Cities having a municipal

1 criminal court of record may enact ordinances prescribing maximum
2 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and
3 costs or imprisonment not exceeding six (6) months or both such fine
4 and imprisonment for alcohol-related or drug-related traffic
5 offenses. The court shall remit Fifty Dollars (\$50.00) of each
6 alcohol fine or deferral fee to a fund of the municipality that
7 shall be used to defray costs for enforcement of laws relating to
8 juvenile access to alcohol, other laws relating to alcohol and other
9 intoxicating substances, and traffic-related offenses involving
10 alcohol or other intoxicating substances.

11 2. For violations of municipal ordinances relating to
12 prostitution, including but not limited to engaging in prostitution
13 or soliciting or procuring prostitution, a municipal criminal court
14 of record may enact ordinances prescribing an imprisonment not to
15 exceed six (6) months, and fines as follows: a fine not to exceed
16 Two Thousand Five Hundred Dollars (\$2,500.00) upon the first
17 conviction for violation of any such ordinances, a fine of not more
18 than Five Thousand Dollars (\$5,000.00) upon the second conviction
19 for violation of any of such ordinances, and a fine of not more than
20 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or
21 subsequent convictions for violation of any of such ordinances, or
22 both such fine and imprisonment as well as a term of community
23 service of not less than forty (40) nor more than eighty (80) hours.

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1 C. Municipalities having a municipal court not of record may
2 enact ordinances prescribing maximum fines pursuant to the
3 provisions of this subsection. A municipal ordinance may not impose
4 a penalty, including fine or deferral fee in lieu of a fine and
5 costs, which is greater than that established by statute for the
6 same offense. The maximum fine or deferral fee in lieu of a fine
7 for traffic-related offenses relating to speeding or parking shall
8 not exceed Two Hundred Dollars (\$200.00). The maximum fine or
9 deferral fee in lieu of a fine for alcohol-related or drug-related
10 offenses shall not exceed Eight Hundred Dollars (\$800.00). For all
11 other offenses, the maximum fine or deferral fee in lieu of a fine
12 shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court
13 shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral
14 fee to a fund of the municipality that shall be used to defray costs
15 for enforcement of laws relating to juvenile access to alcohol,
16 other laws relating to alcohol and other intoxicating substances,
17 and traffic-related offenses involving alcohol or other intoxicating
18 substances. The ordinances may prescribe costs pursuant to the
19 provisions of Section 27-126 of this title or imprisonment not
20 exceeding sixty (60) days or both the fine and imprisonment;
21 provided, that municipalities having only a municipal court not of
22 record shall not have authority to enact any ordinance making
23 unlawful any act or omission declared by state statute to be
24 punishable as a felony; provided further, that municipalities having

1 a municipal court not of record may enact ordinances prescribing
2 maximum fines of One Thousand Dollars (\$1,000.00) and costs or
3 imprisonment not exceeding ninety (90) days or both such fine and
4 imprisonment for violations of municipal ordinances regulating the
5 pretreatment of wastewater and regulating stormwater discharges. If
6 imprisonment is available for the offense, then that person charged
7 shall have a right to a jury trial.

8 D. Municipalities having both municipal criminal courts of
9 record and municipal courts not of record may enact ordinances,
10 within the authority of this section, for each court.

11 E. No municipality may levy a fine or deferral fee in lieu of a
12 fine of over Fifty Dollars (\$50.00) until it has compiled and
13 published its penal ordinances as required in Sections 14-109 and
14 14-110 of this title.

15 F. No municipality may levy a fine of more than Ten Dollars
16 (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for
17 exceeding the posted speed limit by no more than ten (10) miles per
18 hour upon any portion of the National System of Interstate and
19 Defense Highways, federal-aid primary highways, and the state
20 highway system which are located on the outskirts of any
21 municipality as determined in Section 2-117 of Title 47 of the
22 Oklahoma Statutes.

23 G. No municipalities shall adopt, enforce or threaten to
24 enforce any ordinance or other rule which could result in a criminal

1 penalty for failure of a property owner to maintain or clean the
2 structure or exterior of property.

3 SECTION 3. This act shall become effective November 1, 2016.

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5 55-2-9234 AMM 02/19/16

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