

1 ENGROSSED SENATE
BILL NO. 953

By: Paddack of the Senate

2
3 and

4 Thomsen of the House

5
6 [fees for offenses - courts - effective date]
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8

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

10 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1313.2, is
11 amended to read as follows:

12 Section 1313.2. A. As used in this section:

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

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

18 3. "DNA" means Deoxyribonucleic acid.

19 B. Any person convicted of an offense, including traffic
20 offenses but excluding parking and standing violations, punishable
21 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
22 person forfeiting bond when charged with such an offense, shall be
23 ordered by the court to pay ~~Nine Dollars (\$9.00)~~ Ten Dollars
24 (\$10.00) as a separate fee, which fee shall be in addition to and

1 not in substitution for any and all fines and penalties otherwise
2 provided for by law for such offense.

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

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

16 a. the Oklahoma State Bureau of Investigation who shall
17 deposit the monies into the OSBI Revolving Fund
18 provided for in Section 150.19a of Title 74 of the
19 Oklahoma Statutes for services rendered or
20 administered by the Oklahoma State Bureau of
21 Investigation,

22 b. the Office of the Chief Medical Examiner who shall
23 deposit the monies into the Office of the Chief
24 Medical Examiner Toxicology Laboratory Revolving Fund

1 provided for in Section 954 of Title 63 of the
2 Oklahoma Statutes for services rendered or
3 administered by the Toxicology Laboratory of the
4 Office of the Chief Medical Examiner, or

- 5 c. the appropriate municipality or county for services
6 rendered or administered by a municipality or county.

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

- 9 a. providing criminalistic laboratory services,
10 b. the purchase and maintenance of equipment for use by
11 the laboratory in performing analysis,
12 c. education, training, and scientific development of
13 Oklahoma State Bureau of Investigation personnel, and
14 d. the destruction of seized property and chemicals as
15 prescribed in Sections 2-505 and 2-508 of Title 63 of
16 the Oklahoma Statutes.

17 D. Upon conviction or bond forfeiture, the court shall collect
18 the fee provided for in subsection B of this section and deposit it
19 in an account created for that purpose. Except as otherwise
20 provided in subsection E of this section, monies shall be forwarded
21 monthly by the court clerk to the Council on Law Enforcement
22 Education and Training (CLEET). Beginning July 1, 2003, deposits
23 shall be due on the fifteenth day of each month for the preceding
24 calendar month. There shall be a late fee imposed for failure to

1 make timely deposits; provided, the Council on Law Enforcement
2 Education and Training, in its discretion, may waive all or part of
3 the late fee. Such late fee shall be one percent (1%) of the
4 principal amount due per day beginning from the tenth day after
5 payment is due and accumulating until the late fee reaches one
6 hundred percent (100%) of the principal amount due. Beginning on
7 July 1, 1987, ninety percent (90%) of the monies received by the
8 Council on Law Enforcement Education and Training from the court
9 clerks pursuant to this section shall be deposited in the CLEET
10 Fund, and ten percent (10%) shall be deposited in the General
11 Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-
12 hundredths percent (60.53%) of the monies received by the Council on
13 Law Enforcement Education and Training from the court clerks
14 pursuant to this section shall be deposited in the CLEET Fund
15 created pursuant to subsection G of this section, five and eighty-
16 three one-hundredths percent (5.83%) shall be deposited in the
17 General Revenue Fund and thirty-three and sixty-four one-hundredths
18 percent (33.64%) shall be deposited in the CLEET Training Center
19 Revolving Fund created pursuant to Section 3311.6 of Title 70 of the
20 Oklahoma Statutes. Along with the deposits required by this
21 subsection, each court shall also submit a report stating the total
22 amount of funds collected and the total number of fees imposed
23 during the preceding quarter. The report may be made on
24 computerized or manual disposition reports.

1 E. Any municipality or county having a basic law enforcement
2 academy approved by the Council on Law Enforcement Education and
3 Training pursuant to the criteria developed by the Council for
4 training law enforcement officers shall retain from monies collected
5 pursuant to subsections A through D of this section, Two Dollars
6 (\$2.00) from each fee. These monies shall be deposited into an
7 account for the sole use of the municipality or county in
8 implementing its law enforcement training functions. Not more than
9 seven percent (7%) of the monies shall be used for court and
10 prosecution training. The court clerk of any such municipality or
11 county shall furnish to the Council on Law Enforcement Education and
12 Training the report required by subsection D of this section.

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

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

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

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

14 2. The court clerk shall cause to be deposited the amount of
15 One Hundred Fifty Dollars (\$150.00) as collected, for every felony
16 conviction as described in this subsection. The court clerk shall
17 remit the monies in said fund on a monthly basis directly to the
18 Oklahoma State Bureau of Investigation who shall deposit the monies
19 into the OSBI Revolving Fund provided for in Section 150.19a of
20 Title 74 of the Oklahoma Statutes for services rendered or
21 administered by the Oklahoma State Bureau of Investigation.

22 3. The monies from the DNA sample fee deposited into the OSBI
23 Revolving Fund shall be used for creating, staffing, and maintaining
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1 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
2 Database.

3 I. It shall be the responsibility of the court clerk to account
4 for and ensure the correctness and accuracy of payments made to the
5 state agencies identified in Sections 1313.2 through 1313.4 of this
6 title. Payments made directly to an agency by the court clerk as a
7 result of different types of assessments and fees pursuant to
8 Sections 1313.2 through 1313.4 of this title shall be made monthly
9 to each state agency.

10 SECTION 2. This act shall become effective November 1, 2016.

11 Passed the Senate the 2nd day of March, 2016.

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Presiding Officer of the Senate

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15 Passed the House of Representatives the ____ day of _____,
16 2016.

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Presiding Officer of the House
of Representatives

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