

BILL SUMMARY
1st Session of the 55th Legislature

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| Bill No.: | HB1621 |
| Version: | INT |
| Request Number: | 6326 |
| Author: | Rep. Derby |
| Date: | 2/4/2015 |
| Impact: | \$5.9 Million Annually |

Research Analysis

HB 1621 creates an apportionment procedure for monies received from fines arising from DUI convictions. The measure requires that 50% be apportioned to the District Attorneys Council Revolving Fund to defray costs of prosecution; 25% to the arresting agency to defray costs of enforcing DUI laws; 15% to the court fund; and 10% to the court clerk. The measure prohibits the court from waiving any fine in its entirety, however, the court may equally apply the same percentage reduction to the fine, costs and any other fees assessed. The measure provides that the Legislature preempts the entire field of legislation in this state touching in any way the prosecution of offenses relating to driving under the influence to the complete exclusion of any ordinance or local regulation.

The measure repeals Title 11, Section 28-102b which relates to a requirement that persons convicted of a municipal ordinance relating to driving under the influence participate in a substance abuse evaluation and assessment program.

Prepared By: Brad Wolgamott

Fiscal Analysis

According to officials at the Supreme Court, “Persons arrested for driving under the influence or driving while impaired are charged with a misdemeanor for the first offense and a felony for second and subsequent offenses. Fines range from up to \$1,000 for a misdemeanor and up to \$5,000 for a felony.

Currently, 100% of all DUI fine revenue is deposited to the court fund. The court fund supports district court operations in all 77 counties, including salaries for judges, bailiffs and court reporters. HB1621 redistributes the fine revenue 50% to the District Attorneys Council, 25% to the arresting agency, 15% to the court fund and 10% to the court clerk.

According to the Oklahoma State Bureau of Investigation’s 2013 Uniform Crime Report, there were 13,844 adult arrests in 2013 for driving under the influence.

If the average fine was \$500, the court fund would have received \$6,922,000. HB1621 would have reduced the DUI fine revenue received by the court fund to \$1,038,300, a \$5,883,700 decrease.”

Prepared By: Joshua Maxey

Other Considerations

A \$5.9 million decrease in district court revenue would be devastating to the courts. District courts received an \$8 million cut in general revenue appropriations in FY-15 and any additional revenue decreases would increase the deficit even more.

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