

**FLOOR AMENDMENT**

HOUSE OF REPRESENTATIVES

State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3146

			Of the printed Bill
Page	<u>1</u>	Section <u>1</u>	Lines <u>20 1/2</u>
			Of the Engrossed Bill

By inserting new Sections 2, 3, 4 and 5:

(see attached)

and by renumbering the subsequent sections of the bill;

Page 15, Section 2, Lines 5-24:

By deleting subsections O and P in their entirety;

Pages 16-21, Section 3, Line 1:

By removing Section 3 from the bill in its entirety;

Pages 22-25, Section 4, Line 1:

By removing Section 4 from the bill in its entirety; and

Page 27, Section 6, Lines 6-9:

By deleting all language beginning with the word "The" on Line 6 through the period "." on Line 9 and inserting in lieu thereof, the following: "In any case in which a person is arrested for driving under the influence of alcohol or any other intoxicating substance, an impaired driver arrest report shall be completed by the law enforcement officer that made the arrest and shall be entered into the impaired driver database. The Commissioner shall prescribe the form and format of the impaired driver arrest report."

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Mike Sanders

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk



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

3 Section 14-111. A. The governing body of a municipality may  
4 provide for enforcement of its ordinances and establish fines,  
5 penalties, or imprisonment, as authorized by subsections B through D  
6 of this section, for any offense in violation of its ordinances,  
7 which shall be recoverable together with costs of suit. The  
8 governing body may provide that any person fined for violation of a  
9 municipal ordinance who is financially able but refuses or neglects  
10 to pay the fine or costs may be compelled to satisfy the amount owed  
11 by working on the streets, alleys, avenues, areas, and public  
12 grounds of the municipality, subject to the direction of the street  
13 commissioner or other proper officer, at a rate per day as the  
14 governing body may prescribe by ordinance, but not less than Fifty  
15 Dollars (\$50.00) per day for useful labor, until the fine or costs  
16 are satisfied.

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

1 record may enact ordinances prescribing maximum fines of One  
2 Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding  
3 six (6) months or both such fine and imprisonment for violations of  
4 municipal ordinances regulating the pretreatment of wastewater and  
5 regulating stormwater discharges. Cities having a municipal  
6 criminal court of record may enact ordinances prescribing maximum  
7 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and  
8 costs or imprisonment not exceeding six (6) months or both such fine  
9 and imprisonment for alcohol-related or drug-related traffic  
10 offenses. The court shall remit Fifty Dollars (\$50.00) of each  
11 alcohol fine or deferral fee to a fund of the municipality that  
12 shall be used to defray costs for enforcement of laws relating to  
13 juvenile access to alcohol, other laws relating to alcohol and other  
14 intoxicating substances, and traffic-related offenses involving  
15 alcohol or other intoxicating substances. The sum of Fifteen  
16 Dollars (\$15.00) shall be assessed in every case for violations of  
17 municipal ordinances relating to the offense of driving under the  
18 influence of alcohol or other intoxicating substance and shall be  
19 remitted to the credit of the Oklahoma Impaired Driver Database  
20 Revolving Fund created pursuant to Section 8 of this act.

21 2. For violations of municipal ordinances relating to  
22 prostitution, including but not limited to engaging in prostitution  
23 or soliciting or procuring prostitution, a municipal criminal court  
24 of record may enact ordinances prescribing an imprisonment not to

1 exceed six (6) months, and fines as follows: a fine not to exceed  
2 Two Thousand Five Hundred Dollars (\$2,500.00) upon the first  
3 conviction for violation of any such ordinances, a fine of not more  
4 than Five Thousand Dollars (\$5,000.00) upon the second conviction  
5 for violation of any of such ordinances, and a fine of not more than  
6 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or  
7 subsequent convictions for violation of any of such ordinances, or  
8 both such fine and imprisonment as well as a term of community  
9 service of not less than forty (40) nor more than eighty (80) hours.

10 C. Municipalities having a municipal court not of record may  
11 enact ordinances prescribing maximum fines pursuant to the  
12 provisions of this subsection. A municipal ordinance may not impose  
13 a penalty, including fine or deferral fee in lieu of a fine and  
14 costs, which is greater than that established by statute for the  
15 same offense. The maximum fine or deferral fee in lieu of a fine  
16 for traffic-related offenses relating to speeding or parking shall  
17 not exceed Two Hundred Dollars (\$200.00). The maximum fine or  
18 deferral fee in lieu of a fine for alcohol-related or drug-related  
19 offenses shall not exceed Eight Hundred Dollars (\$800.00). For all  
20 other offenses, the maximum fine or deferral fee in lieu of a fine  
21 shall not exceed Seven Hundred Fifty Dollars (\$750.00). The court  
22 shall remit Fifty Dollars (\$50.00) of each alcohol fine or deferral  
23 fee to a fund of the municipality that shall be used to defray costs  
24 for enforcement of laws relating to juvenile access to alcohol,

1 other laws relating to alcohol and other intoxicating substances,  
2 and traffic-related offenses involving alcohol or other intoxicating  
3 substances. The ordinances may prescribe costs pursuant to the  
4 provisions of Section 27-126 of this title or imprisonment not  
5 exceeding sixty (60) days or both the fine and imprisonment;  
6 provided, that municipalities having only a municipal court not of  
7 record shall not have authority to enact any ordinance making  
8 unlawful any act or omission declared by state statute to be  
9 punishable as a felony; provided further, that municipalities having  
10 a municipal court not of record may enact ordinances prescribing  
11 maximum fines of One Thousand Dollars (\$1,000.00) and costs or  
12 imprisonment not exceeding ninety (90) days or both such fine and  
13 imprisonment for violations of municipal ordinances regulating the  
14 pretreatment of wastewater and regulating stormwater discharges. If  
15 imprisonment is available for the offense, then that person charged  
16 shall have a right to a jury trial.

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

20 E. No municipality may levy a fine or deferral fee in lieu of a  
21 fine of over Fifty Dollars (\$50.00) until it has compiled and  
22 published its penal ordinances as required in Sections 14-109 and  
23 14-110 of this title.

24

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

9 SECTION 3. NEW LAW A new section of law to be codified  
10 in the Oklahoma Statutes as Section 34-108 of Title 11, unless there  
11 is created a duplication in numbering, reads as follows:

12 In any case in which a person is arrested for driving under the  
13 influence of alcohol or other intoxicating substance, an impaired  
14 driver arrest report shall be completed by the municipal law  
15 enforcement officer that made the arrest and shall be entered into  
16 the impaired driver database created pursuant to Section 8 of this  
17 act.

18 SECTION 4. AMENDATORY 28 O.S. 2011, Section 153, is  
19 amended to read as follows:

20 Section 153. A. The clerks of the courts shall collect as  
21 costs in every criminal case for each offense of which the defendant  
22 is convicted, irrespective of whether or not the sentence is  
23 deferred, the following flat charges and no more, except for  
24 standing and parking violations and for charges otherwise provided

1 for by law, which fee shall cover docketing of the case, filing of  
2 all papers, issuance of process, warrants, orders, and other  
3 services to the date of judgment:

- 4 1. For each defendant convicted of  
5 exceeding the speed limit by at least  
6 one (1) mile per hour but not more  
7 than ten (10) miles per hour, whether  
8 charged individually or conjointly  
9 with others.....\$77.00
- 10 2. For each defendant convicted of a  
11 misdemeanor traffic violation other  
12 than an offense provided for in  
13 paragraph 1 or 5 of this subsection,  
14 whether charged individually or  
15 conjointly with others.....\$98.00
- 16 3. For each defendant convicted of a  
17 misdemeanor, other than for driving  
18 under the influence of alcohol or  
19 other intoxicating substance or an  
20 offense provided for in paragraph 1 or  
21 2 of this subsection, whether charged  
22 individually or conjointly with others.....\$93.00
- 23 4. For each defendant convicted of a  
24 felony, other than for driving under



1           the influence of alcohol or other  
2           intoxicating substance, whether  
3           charged individually or conjointly  
4           with others.....\$103.00  
5       5. For each defendant convicted of the  
6           misdemeanor of driving under the  
7           influence of alcohol or other  
8           intoxicating substance, whether charged  
9           individually or conjointly with others..... \$433.00  
10      6. For each defendant convicted of the  
11           felony of driving under the influence  
12           of alcohol or other intoxicating  
13           substance, whether charged  
14           individually or conjointly with others.....\$433.00  
15      7. For the services of a court reporter at  
16           each preliminary hearing and trial  
17           held in the case.....\$20.00  
18      8. For each time a jury is requested.....\$30.00  
19      9. A sheriff's fee for serving or  
20           endeavoring to serve each writ,  
21           warrant, order, process, command, or  
22           notice or pursuing any fugitive from  
23           justice  
24           a.    within the county..... \$50.00, or

mileage as  
established by the  
Oklahoma Statutes,  
whichever is  
greater, or  
b. outside of the county..... \$50.00, or  
actual, necessary  
expenses, whichever  
is greater

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

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

C. In addition to the amount collected pursuant to subsection A  
of this section, the sum of Ten Dollars (\$10.00) shall be assessed  
and collected in every traffic case for each offense other than for  
driving under the influence of alcohol or other intoxicating  
substance; the sum of Fifteen Dollars (\$15.00) shall be assessed and  
collected in every misdemeanor case for each offense; the sum of

1 Fifteen Dollars (\$15.00) shall be assessed and collected in every  
2 misdemeanor case for each offense for driving under the influence of  
3 alcohol or other intoxicating substance; the sum of Twenty-five  
4 Dollars (\$25.00) shall be assessed and collected in every felony  
5 case for each offense; and the sum of Twenty-five Dollars (\$25.00)  
6 shall be assessed and collected in every felony case for each  
7 offense for driving under the influence of alcohol or other  
8 intoxicating substance.

9 D. In addition to the amounts collected pursuant to subsections  
10 A and B of this section, the sum of Twenty-five Dollars (\$25.00)  
11 shall be assessed and credited to the Oklahoma Court Information  
12 System Revolving Fund created pursuant to Section 1315 of Title 20  
13 of the Oklahoma Statutes.

14 E. In addition to the amount collected pursuant to paragraphs 1  
15 through 6 of subsection A of this section, the sum of Ten Dollars  
16 (\$10.00) shall be assessed and credited to the Sheriff's Service Fee  
17 Account in the county in which the conviction occurred for the  
18 purpose of enhancing existing or providing additional courthouse  
19 security.

20 F. In addition to the amounts collected pursuant to paragraphs  
21 1 through 6 of subsection A of this section, the sum of Three  
22 Dollars (\$3.00) shall be assessed and credited to the Office of the  
23 Attorney General Victim Services Unit.

24

1 G. In addition to the amounts collected pursuant to paragraphs  
2 1 through 6 of subsection A of this section, the sum of Three  
3 Dollars (\$3.00) shall be assessed and credited to the Child Abuse  
4 Multidisciplinary Account. This fee shall not be used for purposes  
5 of hiring or employing any law enforcement officers.

6 H. In addition to the amount collected pursuant to paragraphs 5  
7 and 6 of subsection A of this section, the sum of Fifteen Dollars  
8 (\$15.00) shall be assessed in every misdemeanor or felony case for  
9 each offense of driving under the influence of alcohol or other  
10 intoxicating substance and credited to the Oklahoma Impaired Driver  
11 Database Revolving Fund created pursuant to Section 8 of this act.

12 I. Prior to conviction, parties in criminal cases shall not be  
13 required to pay, advance, or post security for the services of a  
14 language interpreter or for the issuance or service of process to  
15 obtain compulsory attendance of witnesses.

16 ~~I.~~ J. The amounts to be assessed as court costs upon filing of  
17 a case shall be those amounts above-stated in paragraph 3 or 4 of  
18 subsection A and ~~subsection~~ subsections B, C, D and E of this  
19 section.

20 ~~J.~~ K. The fees collected pursuant to this section shall be  
21 deposited into the court fund, except the following:

22 1. A court clerk issuing a misdemeanor warrant is entitled to  
23 ten percent (10%) of the sheriff's service fee, provided for in  
24 paragraph 9 of subsection A of this section, collected on a warrant

1 referred to the contractor for the misdemeanor warrant notification  
2 program governed by Sections 514.4 and 514.5 of Title 19 of the  
3 Oklahoma Statutes. This ten-percent sum shall be deposited into the  
4 issuing Court Clerk's Revolving Fund, created pursuant to Section  
5 220 of Title 19 of the Oklahoma Statutes, of the court clerk issuing  
6 the warrant with the balance of the sheriff's service fee to be  
7 deposited into the Sheriff's Service Fee Account, created pursuant  
8 to the provisions of Section 514.1 of Title 19 of the Oklahoma  
9 Statutes, of the sheriff in the county in which service is made or  
10 attempted. Otherwise, the sheriff's service fee, when collected,  
11 shall be deposited in its entirety into the Sheriff's Service Fee  
12 Account of the sheriff in the county in which service is made or  
13 attempted;

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

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

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

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

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

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

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

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

18        ~~K.~~ L. Costs required to be collected pursuant to this section  
19 shall not be dismissed or waived; provided, if the court determines  
20 that a person needing the services of a language interpreter is  
21 indigent, the court may waive all or part of the costs or require  
22 the payment of costs in installments.

23        ~~H.~~ M. As used in this section, "convicted" means any final  
24 adjudication of guilt, whether pursuant to a plea of guilty or nolo

1 contendere or otherwise, and any deferred judgment or suspended  
2 sentence.

3 ~~M.~~ N. A court clerk may accept in payment for any fee, fine,  
4 forfeiture payment, cost, penalty assessment or other charge or  
5 collection to be assessed or collected by a court clerk pursuant to  
6 this section a nationally recognized credit card or debit card or  
7 other electronic payment method as provided in paragraph 1 of  
8 subsection B of Section 151 of this title.

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

12 SECTION 5. AMENDATORY 28 O.S. 2011, Section 153.1, is  
13 amended to read as follows:

14 Section 153.1 In any case in which a defendant is charged with  
15 driving under the influence of alcohol or other intoxicating  
16 substance within a municipality with a municipal court, ~~one-half~~  
17 ~~(1/2)~~ :

18 1. Twenty-five percent (25%) of the costs charged in the case  
19 as provided for in Section 153 of this title shall be paid to the  
20 municipality ~~to be used to defer the cost of such prosecution to the~~  
21 ~~municipality~~ if the arresting officer was an employee of the  
22 ~~municipality's~~ law enforcement agency of the municipality; and

23 2. Twenty-five percent (25%) of the costs charged in the case  
24 as provided for in Section 153 of this title shall be paid to the

1 District Attorneys Council Revolving Fund to defray the costs of  
2 prosecution."

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