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February 25, 2015

AS AMENDED

SENATE BILL NO. 790

By: Sykes, Treat, and Jolley of
the Senate

[Oklahoma Court Information System - costs in criminal cases - assessment - effective date]

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

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

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

1. For each defendant convicted of
exceeding the speed limit by at least
one (1) mile per hour but not more
than ten (10) miles per hour, whether

1 charged individually or conjointly
2 with others.....\$77.00

3 2. For each defendant convicted of a
4 misdemeanor traffic violation other
5 than an offense provided for in
6 paragraph 1 or 5 of this subsection,
7 whether charged individually or
8 conjointly with others.....\$98.00

9 3. For each defendant convicted of a
10 misdemeanor, other than for driving
11 under the influence of alcohol or
12 other intoxicating substance or an
13 offense provided for in paragraph 1 or
14 2 of this subsection, whether charged
15 individually or conjointly with others.....\$93.00

16 4. For each defendant convicted of a
17 felony, other than for driving under
18 the influence of alcohol or other
19 intoxicating substance, whether
20 charged individually or conjointly
21 with others.....\$103.00

22 5. For each defendant convicted of the
23 misdemeanor of driving under the
24 influence of alcohol or other

- intoxicating substance, whether charged
individually or conjointly with others..... \$433.00
6. For each defendant convicted of the
felony of driving under the influence
of alcohol or other intoxicating
substance, whether charged
individually or conjointly with others.....\$433.00
7. For the services of a court reporter at
each preliminary hearing and trial
held in the case.....\$20.00
8. For each time a jury is requested.....\$30.00
9. A sheriff's fee for serving or
endeavoring to serve each writ,
warrant, order, process, command, or
notice or pursuing any fugitive from
justice
- 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

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. ~~From~~ Until July 1, 2016, in addition to the amounts collected
4 pursuant to subsections A and B of this section, the sum of Twenty-
5 five Dollars (\$25.00) shall be assessed and credited to the Oklahoma
6 Court Information System Revolving Fund created pursuant to Section
7 1315 of Title 20 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 ~~I.~~ 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.

SECTION 2. This act shall become effective November 1, 2015.

COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
February 25, 2015 - DO PASS AS AMENDED