

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 2nd Session of the 56th Legislature (2018)

4 COMMITTEE SUBSTITUTE
5 FOR
6 HOUSE BILL NO. 1120

By: Cockroft

7
8 COMMITTEE SUBSTITUTE

9 An Act relating to counties and county officers;
10 amending 19 O.S. 2011, Sections 514.4 and 514.5,
11 which relate to notification of outstanding warrants;
12 specifying sheriffs are authorized to contract with
13 certain associations to administer contracts with
14 certain third parties; modifying distribution of
15 administrative fee; and providing an effective date.

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

17 SECTION 1. AMENDATORY 19 O.S. 2011, Section 514.4, is
18 amended to read as follows:

19 Section 514.4 A. Notwithstanding any other section of law, the
20 county sheriffs of any Oklahoma county may ~~enter into a private~~
21 ~~contract, pursuant to Section 85.41 of Title 74 of the Oklahoma~~
22 ~~Statutes. Such contract shall require the contractor to attempt~~
23 contract with a statewide association of county sheriffs to
24 administer contracts with third parties attempting to locate and
notify persons of their outstanding misdemeanor or failure-to-pay

1 warrants. County sheriffs contracting with a statewide association
2 of county sheriffs for the administration of third-party contracts
3 may assign their rights and duties regarding these contracts to the
4 association.

5 B. A person may make payment directly to the court, as allowed
6 by law, or the contractor shall be authorized to accept payment on
7 misdemeanor or failure-to-pay warrants by various means including,
8 but not limited to, payment by phone, mail, or Internet, and in any
9 payment form including, but not limited to, personal, cashier's,
10 traveler's, certified, or guaranteed bank check, postal or
11 commercial money order, nationally recognized credit or a debit
12 card, or other generally accepted payment form. Any payment
13 collected and received by the contractor shall be paid within
14 fifteen (15) days to the court clerk of the entity that issued the
15 outstanding misdemeanor or failure-to-pay warrant.

16 C. As provided for by this section, a person may pay in lieu of
17 appearance before the court and such payment accepted by the court
18 shall constitute a finding of guilty as though a plea of nolo
19 contendere had been entered by the defendant as allowed by law and
20 shall function as a written, dated, and signed plea form acceptable
21 to the court. Such payment shall serve as a written waiver of a
22 jury trial.

23 D. The court shall release the outstanding misdemeanor or
24 failure-to-pay warrant upon receipt of all sums due pursuant to said

1 warrant including the misdemeanor or failure-to-pay warrant,
2 scheduled fine or sum due, all associated fees, costs and statutory
3 penalty assessments, and the administrative cost pursuant to Section
4 514.5 of this title.

5 ~~E. The provisions of any contract entered into by a county~~
6 ~~sheriff shall be administered by a statewide association of county~~
7 ~~sheriffs in Oklahoma. The county sheriff of any Oklahoma county may~~
8 ~~assign their right to contract to the statewide association~~
9 ~~administering the provisions of this contract.~~

10 F. The provisions of this section and Section 514.5 of this
11 title shall be applicable to:

12 1. Any misdemeanor or failure-to-pay warrant issued or relating
13 to any proceeding pursuant to the State and Municipal Traffic Bail
14 Bond Procedure Act;

15 2. Any misdemeanor or failure-to-pay warrant issued that allows
16 a defendant to resolve the matter by payment in lieu of a personal
17 appearance in court; and

18 3. Any failure-to-pay warrant issued in a criminal case.

19 SECTION 2. AMENDATORY 19 O.S. 2011, Section 514.5, is
20 amended to read as follows:

21 Section 514.5 A. Misdemeanor or failure-to-pay warrants
22 referred to the third-party contractor pursuant to Section 514.4 of
23 this title shall include the addition of an administrative cost of
24 thirty percent (30%) of the outstanding misdemeanor or failure-to-

1 pay warrant, scheduled fine or sum due, and all associated fees,
2 costs and statutory penalty assessments. This administrative cost
3 shall not be waived or reduced except by order of the court.

4 B. The administrative cost reflected in subsection A of this
5 section, when collected, shall be distributed to the ~~association~~
6 ~~administering the provisions of the contract~~ third-party contractor,
7 a portion of which may be used to compensate the ~~contractor~~
8 association administering the contract.

9 C. The monies collected and disbursed shall be audited at least
10 once a year by a firm approved by the State Auditor and Inspector.

11 SECTION 3. This act shall become effective November 1, 2018.

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13 COMMITTEE REPORT BY: COMMITTEE ON RULES, dated 03/05/2018 - DO PASS,
14 As Amended and Coauthored.
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