

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 56th Legislature (2017)

4 HOUSE BILL 1670

By: Thomsen of the House

5 and

6 McCortney of the Senate

7
8
9 AS INTRODUCED

10 An Act relating to courts; amending 20 O.S. 2011,
11 Section 1313.2, as amended by Section 2, Chapter 181,
12 O.S.L. 2016 (20 O.S. Supp. 2016, Section 1313.2),
13 which relates to fees for persons convicted of
14 criminal offenses; increasing fee amount; updating
15 language and statutory reference; and providing an
16 effective date.

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

17 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1313.2, as
18 amended by Section 2, Chapter 181, O.S.L. 2016 (20 O.S. Supp. 2016,
19 Section 1313.2), is amended to read as follows:

20 Section 1313.2 A. As used in this section:

21 1. "Arrested" means taking custody of another for the purpose
22 of holding or detaining him or her to answer a criminal charge;
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1 2. "Convicted" means any final adjudication of guilt, whether
2 pursuant to a plea of guilty or nolo contendere or otherwise, and
3 any deferred or suspended sentence or judgment;

4 3. "Court" means any state or municipal court having
5 jurisdiction to impose a criminal fine or penalty; and

6 4. "DNA" means Deoxyribonucleic acid.

7 B. Any person convicted of an offense, including traffic
8 offenses but excluding parking and standing violations, punishable
9 by a fine of Ten Dollars (\$10.00) or more or by incarceration or any
10 person forfeiting bond when charged with such an offense, shall be
11 ordered by the court to pay ~~Nine Dollars (\$9.00)~~ Ten Dollars
12 (\$10.00) as a separate fee, which fee shall be in addition to and
13 not in substitution for any and all fines and penalties otherwise
14 provided for by law for such offense.

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

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

5 a. the ~~Oklahoma State Bureau of Investigation~~ OSBI who
6 shall deposit the monies into the OSBI Revolving Fund
7 provided for in Section 150.19a of Title 74 of the
8 Oklahoma Statutes for services rendered or
9 administered by the ~~Oklahoma State Bureau of~~
10 ~~Investigation~~ OSBI,

11 b. the Office of the Chief Medical Examiner who shall
12 deposit the monies into the Office of the Chief
13 Medical Examiner Toxicology Laboratory Revolving Fund
14 provided for in Section ~~954~~ 948 of Title 63 of the
15 Oklahoma Statutes for services rendered or
16 administered by the Toxicology Laboratory of the
17 Office of the Chief Medical Examiner, or

18 c. the appropriate municipality or county for services
19 rendered or administered by a municipality or county.

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

22 a. providing criminalistic laboratory services,
23 b. the purchase and maintenance of equipment for use by
24 the laboratory in performing analysis,

1 c. education, training, and scientific development of
2 ~~Oklahoma State Bureau of Investigation~~ OSBI personnel,
3 and

4 d. the destruction of seized property and chemicals as
5 prescribed in Sections 2-505 and 2-508 of Title 63 of
6 the Oklahoma Statutes.

7 D. Upon conviction or bond forfeiture, the court shall collect
8 the fee provided for in subsection B of this section and deposit it
9 in an account created for that purpose. Except as otherwise
10 provided in subsection E of this section, monies shall be forwarded
11 monthly by the court clerk to the Council on Law Enforcement
12 Education and Training (CLEET). Beginning July 1, 2003, deposits
13 shall be due on the fifteenth day of each month for the preceding
14 calendar month. There shall be a late fee imposed for failure to
15 make timely deposits; provided, ~~the Council on Law Enforcement~~
16 ~~Education and Training~~ CLEET, in its discretion, may waive all or
17 part of the late fee. Such late fee shall be one percent (1%) of
18 the principal amount due per day beginning from the tenth day after
19 payment is due and accumulating until the late fee reaches one
20 hundred percent (100%) of the principal amount due. Beginning on
21 July 1, 1987, ninety percent (90%) of the monies received by ~~the~~
22 ~~Council on Law Enforcement Education and Training~~ CLEET from the
23 court clerks pursuant to this section shall be deposited in the
24 CLEET Fund, and ten percent (10%) shall be deposited in the General

1 Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-
2 hundredths percent (60.53%) of the monies received by ~~the Council on~~
3 ~~Law Enforcement Education and Training~~ CLEET from the court clerks
4 pursuant to this section shall be deposited in the CLEET Fund
5 created pursuant to subsection G of this section, five and eighty-
6 three one-hundredths percent (5.83%) shall be deposited in the
7 General Revenue Fund and thirty-three and sixty-four one-hundredths
8 percent (33.64%) shall be deposited in the CLEET Training Center
9 Revolving Fund created pursuant to Section 3311.6 of Title 70 of the
10 Oklahoma Statutes. Along with the deposits required by this
11 subsection, each court shall also submit a report stating the total
12 amount of funds collected and the total number of fees imposed
13 during the preceding quarter. The report may be made on
14 computerized or manual disposition reports.

15 E. Any municipality or county having a basic law enforcement
16 academy approved by ~~the Council on Law Enforcement Education and~~
17 ~~Training~~ CLEET pursuant to the criteria developed by ~~the Council~~
18 CLEET for training law enforcement officers shall retain from monies
19 collected pursuant to subsections A through D of this section, Two
20 Dollars (\$2.00) from each fee. These monies shall be deposited into
21 an account for the sole use of the municipality or county in
22 implementing its law enforcement training functions. Not more than
23 seven percent (7%) of the monies shall be used for court and
24 prosecution training. The court clerk of any such municipality or

1 county shall furnish to ~~the Council on Law Enforcement Education and~~
2 ~~Training~~ CLEET the report required by subsection D of this section.

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

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

14 G. There is hereby created in the State Treasury a fund for the
15 Council on Law Enforcement Education and Training to be designated
16 the "CLEET Fund". The fund shall be subject to legislative
17 appropriation and shall consist of any monies received from fees and
18 receipts collected pursuant to the Oklahoma Open Records Act,
19 reimbursements for parts used in the repair of weapons of law
20 enforcement officers attending the basic academies, gifts, bequests,
21 contributions, tuition, fees, devises, and the assessments levied
22 pursuant to the fund pursuant to law.

23 H. 1. Any person arrested or convicted of a felony offense or
24 convicted of a misdemeanor offense of assault and battery, domestic

1 abuse, stalking, possession of a controlled substance prohibited
2 under Schedule IV of the Uniform Controlled Dangerous Substances
3 Act, outraging public decency, resisting arrest, escaping or
4 attempting to escape, eluding a police officer, Peeping Tom,
5 pointing a firearm, unlawful carry of a firearm, illegal transport
6 of a firearm, discharging of a firearm, threatening an act of
7 violence, breaking and entering a dwelling place, destruction of
8 property, negligent homicide or causing a personal injury accident
9 while driving under the influence of any intoxicating substance
10 shall pay a DNA fee of One Hundred Fifty Dollars (\$150.00). This
11 fee shall not be collected if the person has a valid DNA sample in
12 the OSBI DNA Offender Database at the time of sentencing.

13 2. The court clerk shall cause to be deposited the amount of
14 One Hundred Fifty Dollars (\$150.00) as collected for every felony
15 arrest, felony conviction or every conviction for a misdemeanor
16 offense of assault and battery, domestic abuse, stalking, possession
17 of a controlled substance prohibited under Schedule IV of the
18 Uniform Controlled Dangerous Substances Act, outraging public
19 decency, resisting arrest, escaping or attempting to escape, eluding
20 a police officer, Peeping Tom, pointing a firearm, unlawful carry of
21 a firearm, illegal transport of a firearm, discharging of a firearm,
22 threatening an act of violence, breaking and entering a dwelling
23 place, destruction of property, negligent homicide or causing a
24 personal injury accident while driving under the influence of any

1 intoxicating substance as described in this subsection. The court
2 clerk shall remit the monies in said fund on a monthly basis
3 directly to the ~~Oklahoma State Bureau of Investigation~~ OSBI who
4 shall deposit the monies into the OSBI Revolving Fund provided for
5 in Section 150.19a of Title 74 of the Oklahoma Statutes for services
6 rendered or administered by the ~~Oklahoma State Bureau of~~
7 ~~Investigation~~ OSBI.

8 3. The monies from the DNA sample fee deposited into the OSBI
9 Revolving Fund shall be used for creating, staffing, and maintaining
10 the OSBI DNA Laboratory and OSBI Combined DNA Index System (CODIS)
11 Database.

12 I. It shall be the responsibility of the court clerk to account
13 for and ensure the correctness and accuracy of payments made to the
14 state agencies identified in Sections 1313.2 through 1313.4 of this
15 title. Payments made directly to an agency by the court clerk as a
16 result of different types of assessments and fees pursuant to
17 Sections 1313.2 through 1313.4 of this title shall be made monthly
18 to each state agency.

19 SECTION 2. This act shall become effective November 1, 2017.
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21 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS AND BUDGET, dated
22 03/02/2017 - DO PASS, As Coauthored.
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