

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1361

By: Goodwin

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. Section 983, which relates to nonpayment of fines and costs in criminal cases; prohibiting the imprisonment of defendants for nonpayment of fines, costs, fees and assessments; deleting certain notice requirements; granting courts the authority to issue certain orders; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 983, is amended to read as follows:

Section 983 A. ~~Any~~ A defendant found guilty of an offense in any court of this state ~~may~~ shall not be imprisoned for nonpayment of the fine, cost, fee, or assessment ~~when.~~ If the trial court finds after notice and hearing that the defendant is financially ~~able but refuses or neglects~~ unable to pay the fine, cost, fee, or assessment. ~~A sentence to pay a fine, cost, fee, or assessment may be converted into a jail sentence only after a hearing and a judicial determination, memorialized of record, that the defendant~~

1 ~~is able to satisfy the fine, cost, fee, or assessment by payment,~~
2 ~~but refuses or neglects so to do.~~

3 ~~B. After a judicial determination that the defendant is able to~~
4 ~~pay the fine, cost, fee, or assessment in installments, the court~~
5 ~~may order the fine, cost, fee, or assessment to be paid in~~
6 ~~installments and shall set the amount and date for each installment.~~

7 ~~C. In addition, the district court or municipal court, within~~
8 ~~one hundred twenty (120) days from the date upon which the person~~
9 ~~was originally ordered to make payment, may send notice of~~
10 ~~nonpayment of any court ordered fine and costs for a moving traffic~~
11 ~~violation to the Department of Public Safety with a recommendation~~
12 ~~of suspension of driving privileges of the defendant until the total~~
13 ~~amount of any fine and costs has been paid. Upon receipt of payment~~
14 ~~of the total amount of the fine and costs for the moving traffic~~
15 ~~violation, the court shall send notice thereof to the Department, if~~
16 ~~a nonpayment notice was sent as provided for in this subsection.~~
17 ~~Notices sent to the Department shall be on forms or by a method~~
18 ~~approved by the Department~~ order the person to submit to the court
19 supporting documentation that provides proof of job application
20 submissions. The court is further authorized to order the person to
21 perform community service in lieu of payment of the fine, cost, fee
22 or assessment.

23 ~~D. B.~~ B. The Court of Criminal Appeals shall implement procedures
24 and rules for methods of payment of fines, costs, fees, and

1 assessments by indigents, which procedures and rules shall be
2 distributed to all district courts and municipal courts by the
3 Administrative Office of the Courts.

4 SECTION 2. This act shall become effective November 1, 2017.

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