

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

HOUSE BILL 1476

By: Young

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 983, which relates to payment of fines and costs in criminal cases; providing policy statement; authorizing issuance of bench warrants for contempt of court; deleting authority of trial court to convert certain sentences into jail sentences; providing time limitation for certain hearings; deleting notification requirements; 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~~ It is the policy of this state that no person shall be incarcerated for debt. No defendant found guilty of an offense in any court of this state may shall be imprisoned for nonpayment of the debt, including a fine, cost, fee, or assessment; provided, however, the trial court may issue a bench warrant for contempt of court when the trial court finds after notice and hearing that the defendant is financially able but refuses or neglects to pay the fine, cost, fee, or assessment. ~~A sentence to~~

1 ~~pay a fine, cost, fee, or assessment may be converted into a jail~~  
2 ~~sentence only after a hearing and a judicial determination,~~  
3 ~~memorialized of record, that the defendant is able to satisfy the~~  
4 ~~fine, cost, fee, or assessment by payment, but refuses or neglects~~  
5 ~~so to do.~~

6 B. After a judicial determination that the defendant is able to  
7 pay the fine, cost, fee, or assessment in installments, the court  
8 may order the fine, cost, fee, or assessment to be paid in  
9 installments and shall set the amount and date for each installment.  
10 If a defendant is arrested for contempt of court, as set forth in  
11 subsection A of this section, the hearing shall be held within  
12 twenty-four (24) hours after the defendant has been arrested,  
13 excluding weekends and legal holidays.

14 C. ~~In addition, the district court or municipal court, within~~  
15 ~~one hundred twenty (120) days from the date upon which the person~~  
16 ~~was originally ordered to make payment, may send notice of~~  
17 ~~nonpayment of any court ordered fine and costs for a moving traffic~~  
18 ~~violation to the Department of Public Safety with a recommendation~~  
19 ~~of suspension of driving privileges of the defendant until the total~~  
20 ~~amount of any fine and costs has been paid. Upon receipt of payment~~  
21 ~~of the total amount of the fine and costs for the moving traffic~~  
22 ~~violation, the court shall send notice thereof to the Department, if~~  
23 ~~a nonpayment notice was sent as provided for in this subsection.~~

~~Notices sent to the Department shall be on forms or by a method approved by the Department.~~

~~D.~~ The Court of Criminal Appeals shall implement procedures and rules for methods of payment of fines, costs, fees, and assessments by indigents, which procedures and rules shall be distributed to all district courts and municipal courts by the Administrative Office of the Courts.

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

56-1-6314            GRS            12/13/16