

1 STATE OF OKLAHOMA

2 1st Session of the 56th Legislature (2017)

3 HOUSE BILL 1670

By: Thomsen

6 AS INTRODUCED

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

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

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

17 Section 1313.2 A. As used in this section:

18 1. "Arrested" means taking custody of another for the purpose
19 of holding or detaining him or her to answer a criminal charge;

20 2. "Convicted" means any final adjudication of guilt, whether
21 pursuant to a plea of guilty or nolo contendere or otherwise, and
22 any deferred or suspended sentence or judgment;

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

1 4. "DNA" means Deoxyribonucleic acid.

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

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

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

- 23 a. ~~the Oklahoma State Bureau of Investigation~~ OSBI who
24 shall deposit the monies into the OSBI Revolving Fund

1 provided for in Section 150.19a of Title 74 of the
2 Oklahoma Statutes for services rendered or
3 administered by the ~~Oklahoma State Bureau of~~
4 ~~Investigation~~ OSBI,

5 b. the Office of the Chief Medical Examiner who shall
6 deposit the monies into the Office of the Chief
7 Medical Examiner Toxicology Laboratory Revolving Fund
8 provided for in Section ~~954~~ 948 of Title 63 of the
9 Oklahoma Statutes for services rendered or
10 administered by the Toxicology Laboratory of the
11 Office of the Chief Medical Examiner, or

12 c. the appropriate municipality or county for services
13 rendered or administered by a municipality or county.

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

- 16 a. providing criminalistic laboratory services,
17 b. the purchase and maintenance of equipment for use by
18 the laboratory in performing analysis,
19 c. education, training, and scientific development of
20 ~~Oklahoma State Bureau of Investigation~~ OSBI personnel,
21 and
22 d. the destruction of seized property and chemicals as
23 prescribed in Sections 2-505 and 2-508 of Title 63 of
24 the Oklahoma Statutes.

1 D. Upon conviction or bond forfeiture, the court shall collect
2 the fee provided for in subsection B of this section and deposit it
3 in an account created for that purpose. Except as otherwise
4 provided in subsection E of this section, monies shall be forwarded
5 monthly by the court clerk to the Council on Law Enforcement
6 Education and Training CLEET. Beginning July 1, 2003, deposits
7 shall be due on the fifteenth day of each month for the preceding
8 calendar month. There shall be a late fee imposed for failure to
9 make timely deposits; provided, ~~the Council on Law Enforcement~~
10 ~~Education and Training~~ CLEET, in its discretion, may waive all or
11 part of the late fee. Such late fee shall be one percent (1%) of
12 the principal amount due per day beginning from the tenth day after
13 payment is due and accumulating until the late fee reaches one
14 hundred percent (100%) of the principal amount due. Beginning on
15 July 1, 1987, ninety percent (90%) of the monies received by ~~the~~
16 ~~Council on Law Enforcement Education and Training~~ CLEET from the
17 court clerks pursuant to this section shall be deposited in the
18 CLEET Fund, and ten percent (10%) shall be deposited in the General
19 Revenue Fund. Beginning January 1, 2001, sixty and fifty-three one-
20 hundredths percent (60.53%) of the monies received by ~~the Council on~~
21 ~~Law Enforcement Education and Training~~ CLEET from the court clerks
22 pursuant to this section shall be deposited in the CLEET Fund
23 created pursuant to subsection G of this section, five and eighty-
24 three one-hundredths percent (5.83%) shall be deposited in the

1 General Revenue Fund and thirty-three and sixty-four one-hundredths
2 percent (33.64%) shall be deposited in the CLEET Training Center
3 Revolving Fund created pursuant to Section 3311.6 of Title 70 of the
4 Oklahoma Statutes. Along with the deposits required by this
5 subsection, each court shall also submit a report stating the total
6 amount of funds collected and the total number of fees imposed
7 during the preceding quarter. The report may be made on
8 computerized or manual disposition reports.

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

21 F. 1. Any person entering a plea of guilty or nolo contendere
22 or is found guilty of the crime of misdemeanor possession of
23 marijuana or drug paraphernalia shall be ordered by the court to pay
24 a five-dollar fee, which shall be in addition to and not in

1 substitution for any and all fines and penalties otherwise provided
2 for by law for such offense.

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

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

17 H. 1. Any person arrested or convicted of a felony offense or
18 convicted of a misdemeanor offense of assault and battery, domestic
19 abuse, stalking, possession of a controlled substance prohibited
20 under Schedule IV of the Uniform Controlled Dangerous Substances
21 Act, outraging public decency, resisting arrest, escaping or
22 attempting to escape, eluding a police officer, Peeping Tom,
23 pointing a firearm, unlawful carry of a firearm, illegal transport
24 of a firearm, discharging of a firearm, threatening an act of

1 violence, breaking and entering a dwelling place, destruction of
2 property, negligent homicide or causing a personal injury accident
3 while driving under the influence of any intoxicating substance
4 shall pay a DNA fee of One Hundred Fifty Dollars (\$150.00). This
5 fee shall not be collected if the person has a valid DNA sample in
6 the OSBI DNA Offender Database at the time of sentencing.

7 2. The court clerk shall cause to be deposited the amount of
8 One Hundred Fifty Dollars (\$150.00) as collected for every felony
9 arrest, felony conviction or every conviction for a misdemeanor
10 offense of assault and battery, domestic abuse, stalking, possession
11 of a controlled substance prohibited under Schedule IV of the
12 Uniform Controlled Dangerous Substances Act, outraging public
13 decency, resisting arrest, escaping or attempting to escape, eluding
14 a police officer, Peeping Tom, pointing a firearm, unlawful carry of
15 a firearm, illegal transport of a firearm, discharging of a firearm,
16 threatening an act of violence, breaking and entering a dwelling
17 place, destruction of property, negligent homicide or causing a
18 personal injury accident while driving under the influence of any
19 intoxicating substance as described in this subsection. The court
20 clerk shall remit the monies in said fund on a monthly basis
21 directly to the ~~Oklahoma State Bureau of Investigation~~ OSBI who
22 shall deposit the monies into the OSBI Revolving Fund provided for
23 in Section 150.19a of Title 74 of the Oklahoma Statutes for services
24

1 rendered or administered by the ~~Oklahoma State Bureau of~~
2 ~~Investigation~~ OSBI.

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

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

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

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