

OKLAHOMA STATE SENATE
JOINT

COMMITTEE REPORT

May 9, 2017

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB 840

By: David of the Senate and Osborn (Leslie) of the House

Title: Fees; increasing certain fee amount; updating statutory reference; modifying inclusions. Emergency.

Recommendation: **DO PASS**

Aye: Bass, Bergstrom, Bice, Boggs, Daniels, Dossett, Dugger, Floyd, Jech, Kidd, Leewright, Matthews, McCortney, Newberry, Newhouse, Pederson, Pemberton, Pittman, Rader, Scott, Sharp, Shaw, Simpson, Smalley, Standridge, Stanislawski, Thompson, Yen, Fields, David

Nay: Allen, Brecheen, Brown, Dahm, Fry, Silk, Sykes

Pass:

Senator Kim David, Chair

OKLAHOMA HOUSE OF REPRESENTATIVES
COMMITTEE REPORT

JOINT COMMITTEE ON APPROPRIATIONS AND BUDGET

SB840

By: Osborn (Leslie) et al of the House

David et al of the Senate

Title: Fees; increasing certain fee amount; updating statutory reference;
modifying inclusions. Emergency.

Coauthored By:

Recommendation: **DO PASS**

Amendments:

 Chr.
Representative Leslie Osborn

YEAS: 13

Bennett (J), Caldwell, Cockroft, Henke, Kouplen, Martin, O'Donnell, Ortega, Osborn (L), Ownbey, Pfeiffer, Sears, Wallace

NAYS: 8

Calvey, Dunnington, Loring, Murphey, Proctor, Russ, Stone, Virgin

CONSTITUTIONAL PRIVILEGE: 0

STATE OF OKLAHOMA

1st Session of the 56th Legislature (2017)

SENATE BILL 840

By: David and Fields of the
Senate

and

Osborn (Leslie) and Wallace
of the House

AS INTRODUCED

An Act relating to fees; amending 20 O.S. 2011, Section 1313.2, as amended by Section 2, Chapter 181, O.S.L. 2016 (20 O.S. Supp. 2016, Section 1313.2), which relates to fees for persons convicted of criminal offenses; increasing fee amount; updating language and statutory reference; amending 63 O.S. 2011, Section 948, as amended by Section 17, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2016, Section 948), which relates to storage of biological specimens and storage fees; updating statutory reference; amending 63 O.S. 2011, Section 954, as amended by Section 508, Chapter 304, O.S.L. 2012 (63 O.S. Supp. 2016, Section 954), which relates to the Chief Medical Examiner Revolving Fund; modifying inclusions; providing an effective date; and declaring an emergency.

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

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

Section 1313.2 A. As used in this section:

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

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

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

8 4. "DNA" means Deoxyribonucleic acid.

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

17 C. 1. Any person convicted of any misdemeanor or felony
18 offense shall pay a Laboratory Analysis Fee in the amount of One
19 Hundred Fifty Dollars (\$150.00) for each offense if forensic science
20 or laboratory services are rendered or administered by the Oklahoma
21 State Bureau of Investigation (OSBI), by the Toxicology Laboratory
22 of the Office of the Chief Medical Examiner or by any municipality
23 or county in connection with the case. This fee shall be in
24

1 addition to and not a substitution for any and all fines and
2 penalties otherwise provided for by law for this offense.

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

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

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

20 c. the appropriate municipality or county for services
21 rendered or administered by a municipality or county.

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

24 a. providing criminalistic laboratory services,

- 1 b. the purchase and maintenance of equipment for use by
2 the laboratory in performing analysis,
3 c. education, training, and scientific development of
4 ~~Oklahoma State Bureau of Investigation~~ OSBI personnel,
5 and
6 d. the destruction of seized property and chemicals as
7 prescribed in Sections 2-505 and 2-508 of Title 63 of
8 the Oklahoma Statutes.

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

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

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

1 seven percent (7%) of the monies shall be used for court and
2 prosecution training. The court clerk of any such municipality or
3 county shall furnish to ~~the Council on Law Enforcement Education and~~
4 ~~Training~~ CLEET the report required by subsection D of this section.

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

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

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

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

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

1 place, destruction of property, negligent homicide or causing a
2 personal injury accident while driving under the influence of any
3 intoxicating substance as described in this subsection. The court
4 clerk shall remit the monies in said fund on a monthly basis
5 directly to the ~~Oklahoma State Bureau of Investigation~~ OSBI who
6 shall deposit the monies into the OSBI Revolving Fund provided for
7 in Section 150.19a of Title 74 of the Oklahoma Statutes for services
8 rendered or administered by the ~~Oklahoma State Bureau of~~
9 ~~Investigation~~ OSBI.

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

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

21 SECTION 2. AMENDATORY 63 O.S. 2011, Section 948, as
22 amended by Section 17, Chapter 293, O.S.L. 2014 (63 O.S. Supp. 2016,
23 Section 948), is amended to read as follows:
24

1 Section 948. A. The Office of the Chief Medical Examiner
2 (OCME) shall store biological specimens in the control of the OCME
3 for the potential purpose of independent analyses in matters of
4 civil law, only upon receipt of a written request for such storage
5 and payment of a storage fee. The fee shall be paid by the person
6 requesting storage to the Office of the Chief Medical Examiner. The
7 Board shall promulgate rules establishing a fee for storage of such
8 biological specimens which shall not exceed One Hundred Dollars
9 (\$100.00) per year for a period of time not to exceed five (5)
10 years. All fees collected pursuant to the provisions of this
11 subsection shall be deposited to the credit of ~~the Office of the~~
12 Chief Medical Examiner ~~Toxicology Laboratory~~ Revolving Fund.

13 B. 1. The Office of the Chief Medical Examiner (OCME) is
14 authorized to perform drug screens on specimens in the custody of
15 the OCME, provided the request is made by an agency or party
16 authorized to receive such information. The OCME may limit drug
17 screens within the technical and physical capabilities of the OCME.

18 2. The authorization for drug screens shall apply only to
19 specimens from cases already within the jurisdiction of the OCME and
20 only when the analyses are deemed by the Chief Medical Examiner or
21 Deputy Chief Medical Examiner not to conflict with any investigation
22 of the case by the state.

23 3. The Board of Medicolegal Investigations shall establish a
24 fee for drug screen services by rule. All fees collected pursuant

1 to the provisions of this subsection shall be deposited to the Chief
2 Medical Examiner ~~Toxicology Laboratory~~ Revolving Fund.

3 SECTION 3. AMENDATORY 63 O.S. 2011, Section 954, as
4 amended by Section 508, Chapter 304, O.S.L. 2012 (63 O.S. Supp.
5 2016, Section 954), is amended to read as follows:

6 Section 954. A. The Board of Medicolegal Investigations is
7 authorized to accept grants, gifts, fees or funds from persons,
8 associations, corporations, or foundations for any purpose
9 authorized by the Board.

10 B. There is hereby created in the State Treasury a revolving
11 fund for the Office of the Chief Medical Examiner to be designated
12 the "Chief Medical Examiner Revolving Fund". The fund shall be a
13 continuing fund, not subject to fiscal year limitations, and shall
14 consist of all moneys received from:

15 1. Laboratory analysis fees pursuant to the provisions of
16 Section 1313.2 of Title 20 of the Oklahoma Statutes;

17 2. Grants, gifts, fees or funds from persons, associations,
18 corporations or foundations pursuant to this section;

19 3. Document fees pursuant to the Oklahoma Open Records Act,
20 Section 24A.1 et seq. of Title 51 of the Oklahoma Statutes; ~~and~~

21 4. Specimen storage and drug screen service fees pursuant to
22 the provisions of Section 948 of Title 63; and

23 5. Cremation, burial at sea or other recognized means of
24 dissolution permit fees pursuant to Section 1-329.1 of this title.

1 All monies accruing to the credit of said fund are hereby
2 appropriated and may be budgeted and expended by the Office of the
3 Chief Medical Examiner for the duties imposed upon the Board of
4 Medicolegal Investigations by law. Expenditures from said fund
5 shall be made upon warrants issued by the State Treasurer against
6 claims filed as prescribed by law with the Director of the Office of
7 Management and Enterprise Services for approval and payment.

8 SECTION 4. This act shall become effective July 1, 2017.

9 SECTION 5. It being immediately necessary for the preservation
10 of the public peace, health or safety, an emergency is hereby
11 declared to exist, by reason whereof this act shall take effect and
12 be in full force from and after its passage and approval.

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