

STATE OF OKLAHOMA

1st Session of the 57th Legislature (2019)

SENATE BILL 167

By: McCortney

AS INTRODUCED

An Act relating to the Council on Law Enforcement Education and Training Fund; amending 20 O.S. 2011, Section 1313.2, as last amended by Section 6, Chapter 304, O.S.L. 2018 (20 O.S. Supp. 2018, Section 1313.2), which relates to fines and fees; modifying legislative authority; directing credited funds to be appropriated, budgeted and expended for certain purpose; directing expenditures to be made upon warrants; 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 last amended by Section 6, Chapter 304, O.S.L. 2018 (20 O.S. Supp. 2018, Section 1313.2), is amended to read as follows:

Section 1313.2. A. As used in this section:

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

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

1       3. "Court" means any state or municipal court having

2 jurisdiction to impose a criminal fine or penalty; and

3       4. "DNA" means Deoxyribonucleic acid.

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

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

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

- a. the OSBI who shall deposit the monies into the OSBI Revolving Fund provided for in Section 150.19a of Title 74 of the Oklahoma Statutes for services rendered or administered by the OSBI,
- b. the Office of the Chief Medical Examiner who shall deposit the monies into the Chief Medical Examiner Revolving Fund provided for in Section 948 of Title 63 of the Oklahoma Statutes for services rendered or administered by the Office of the Chief Medical Examiner, or
- c. the appropriate municipality or county for services rendered or administered by a municipality or county.

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

- a. providing criminalistic laboratory services,
- b. the purchase and maintenance of equipment for use by the laboratory in performing analysis,
- c. education, training, and scientific development of OSBI personnel, and
- d. the destruction of seized property and chemicals as prescribed in Sections 2-505 and 2-508 of Title 63 of the Oklahoma Statutes.

D. Upon conviction or bond forfeiture, the court shall collect the fee provided for in subsection B of this section and deposit it

1 in an account created for that purpose. Except as otherwise  
2 provided in subsection E of this section, monies shall be forwarded  
3 monthly by the court clerk to the Council on Law Enforcement  
4 Education and Training (CLEET). Beginning July 1, 2003, deposits  
5 shall be due on the fifteenth day of each month for the preceding  
6 calendar month. There shall be a late fee imposed for failure to  
7 make timely deposits; provided, CLEET, in its discretion, may waive  
8 all or part of the late fee. Such late fee shall be one percent  
9 (1%) of the principal amount due per day beginning from the tenth  
10 day after payment is due and accumulating until the late fee reaches  
11 one hundred percent (100%) of the principal amount due. Beginning  
12 on July 1, 1987, ninety percent (90%) of the monies received by  
13 CLEET from the court clerks pursuant to this section shall be  
14 deposited in the CLEET Fund, and ten percent (10%) shall be  
15 deposited in the General Revenue Fund. Beginning January 1, 2001,  
16 sixty and fifty-three one-hundredths percent (60.53%) of the monies  
17 received by CLEET from the court clerks pursuant to this section  
18 shall be deposited in the CLEET Fund created pursuant to subsection  
19 G of this section, five and eighty-three one-hundredths percent  
20 (5.83%) shall be deposited in the General Revenue Fund and thirty-  
21 three and sixty-four one-hundredths percent (33.64%) shall be  
22 deposited in the CLEET Training Center Revolving Fund created  
23 pursuant to Section 3311.6 of Title 70 of the Oklahoma Statutes.  
24 Along with the deposits required by this subsection, each court

1 shall also submit a report stating the total amount of funds  
2 collected and the total number of fees imposed during the preceding  
3 quarter. The report may be made on computerized or manual  
4 disposition reports.

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

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

22 2. The court clerk shall cause to be deposited the amount of  
23 Five Dollars (\$5.00) as collected, for every adjudicated or  
24 otherwise convicted person as described in this subsection. The

1 court clerk shall remit the monies in the fund on a monthly basis  
2 directly to the Bureau of Narcotics Drug Education Revolving Fund.

3 G. There is hereby created in the State Treasury a fund for the  
4 Council on Law Enforcement Education and Training to be designated  
5 the "CLEET Fund". The fund shall be ~~subject to legislative~~  
6 ~~appropriation~~ a continuing fund, not subject to fiscal year  
7 limitations, and shall consist of any monies received from fees and  
8 receipts collected pursuant to the Oklahoma Open Records Act,  
9 reimbursements for parts used in the repair of weapons of law  
10 enforcement officers attending the basic academies, gifts, bequests,  
11 contributions, tuition, fees, devises, and the assessments levied  
12 pursuant to the fund pursuant to law. All monies accruing to the  
13 credit of the fund shall be appropriated and may be budgeted and  
14 expended by the Council on Law Enforcement Education and Training  
15 for the purposes of fulfilling all statutory obligations pursuant to  
16 the provisions of Section 3311 et seq. of Title 70 of the Oklahoma  
17 Statutes. Expenditures from the fund shall be made upon warrants  
18 issued by the State Treasurer against claims filed as prescribed by  
19 law with the Director of the Office of Management and Enterprise  
20 Services for approval and payment.

21 H. 1. Any person arrested or convicted of a felony offense or  
22 convicted of a misdemeanor offense of assault and battery, domestic  
23 abuse, stalking, possession of a controlled substance prohibited  
24 under Schedule IV of the Uniform Controlled Dangerous Substances

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

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

1 provided for in Section 150.19a of Title 74 of the Oklahoma Statutes  
2 for services rendered or administered by the 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. It being immediately necessary for the preservation  
15 of the public peace, health or safety, an emergency is hereby  
16 declared to exist, by reason whereof this act shall take effect and  
17 be in full force from and after its passage and approval.

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