

1 STATE OF OKLAHOMA

2 1st Session of the 57th Legislature (2019)

3 SENATE BILL 167

By: McCortney

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5
6 AS INTRODUCED

7 An Act relating to the Council on Law Enforcement
8 Education and Training Fund; amending 20 O.S. 2011,
9 Section 1313.2, as last amended by Section 6, Chapter
10 304, O.S.L. 2018 (20 O.S. Supp. 2018, Section
11 1313.2), which relates to fines and fees; modifying
12 legislative authority; directing credited funds to be
13 appropriated, budgeted and expended for certain
14 purpose; directing expenditures to be made upon
15 warrants; and declaring an emergency.

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

17 SECTION 1. AMENDATORY 20 O.S. 2011, Section 1313.2, as
18 last amended by Section 6, Chapter 304, O.S.L. 2018 (20 O.S. Supp.
19 2018, Section 1313.2), is amended to read as follows:

20 Section 1313.2. A. As used in this section:

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

23 2. "Convicted" means any final adjudication of guilt, whether
24 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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