

COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB3925 _____
Of the printed Bill
Page _____ Section _____ Lines _____
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by
inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Amendment submitted by: Chris Kannady

Adopted: _____

Reading Clerk

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

PROPOSED COMMITTEE
SUBSTITUTE
FOR
HOUSE BILL NO. 3925

By: Kannady

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to court costs; amending 19 O.S. 2021, Sections 514.4 and 514.5, which relate to warrants and administrative costs on warrants; establishing a court cost compliance program; stating purpose of program; providing for court cost compliance liaisons; stating duties of court cost compliance liaisons; allowing court cost compliance liaisons to accept payments; requiring courts to report the collection and receipt of payments to court cost compliance liaisons under certain circumstances; adding insufficient fund charges to outstanding balances; providing for the recall of outstanding warrants; replacing third-party contractor designation with court cost compliance liaison; amending 22 O.S. 2021, Section 209, which relates to citations to appear in court; expanding circumstances that authorize the issuance of citations; providing gender-neutral language; amending 22 O.S. 2021, Section 983, which relates to the payment of fines, costs, fees, and assessments; directing courts to inform defendants of amounts due for fines, costs, fees, and assessments; requiring courts to make certain considerations when determining if defendants can pay; directing courts to rely on verified information submitted by defendants; authorizing courts to make inquiries and consider other evidence or testimony; providing list of information included on certain form; allowing defendants to pay in installments; authorizing the use of incentives for early payments; directing courts to provide certain instructions to defendants; prohibiting the arrest or incarceration of defendants for nonpayment of fines, costs, fees, and

1 assessments; providing an exception; deleting hearing
2 and judicial determination requirement when
3 converting certain sentences to a jail sentence;
4 deleting notice requirement to the Department of
5 Public Safety; providing hearing and notice
6 procedures when defendants are delinquent in paying
7 fines, costs, fees, and assessments; providing for
8 the issuance of warrants under certain circumstances;
9 directing law enforcement officers to release and
10 issue citations to defendants under certain
11 circumstances; requiring courts to consider certain
12 information when determining ability to pay;
13 authorizing courts to modify, reduce, or waive
14 payments or payment plans; allowing defendants to
15 receive credit for community service hours;
16 authorizing courts to order remedies upon certain
17 findings; directing all counties to utilize and
18 participate in the court cost compliance program;
19 requiring the referral of cases to the program after
20 defendants fail to appear at cost hearings; requiring
21 updated contact information to be forwarded to court
22 cost compliance liaisons; and providing an effective
23 date.

24
BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 19 O.S. 2021, Section 514.4, is
amended to read as follows:

Section 514.4 A. ~~Notwithstanding any other section of law, the~~
county 1. Effective November 1, 2022, there is hereby established a
court cost compliance program. The purpose of the program shall be
to assist county sheriffs and the courts of this state with the
collection of fines, costs, fees, and assessments associated with
cases in which a warrant has been issued and the case has been

1 referred to the court cost compliance program pursuant to Section
2 983 of Title 22 of the Oklahoma Statutes.

3 2. County sheriffs of any Oklahoma county may contract with a
4 statewide association of county sheriffs to administer contracts
5 with third parties who shall be known as court cost compliance
6 liaisons. The court cost compliance liaison may assist with
7 attempting to locate and notify persons of their outstanding
8 ~~misdemeanor or failure to pay~~ warrants. County sheriffs contracting
9 with a statewide association of county sheriffs for the
10 administration of third-party contracts may assign their rights and
11 duties regarding these third-party contracts to the association.

12 B. A ~~person~~ defendant may make payment directly to the court,
13 as allowed by law, or the ~~contractor~~ court cost compliance liaison
14 shall be authorized to accept payment on ~~misdemeanor or failure to~~
15 ~~pay warrants~~ all cases referred, pursuant to Section 983 of Title 22
16 of the Oklahoma Statutes, by various means including, but not
17 limited to, payment by phone, mail, or Internet, and in any payment
18 form including, but not limited to, personal, cashier's, traveler's,
19 certified, or guaranteed bank check, postal or commercial money
20 order, nationally recognized credit or a debit card, or other
21 generally accepted payment form. Any payment collected and received
22 by the ~~contractor~~ court cost compliance liaison shall be paid to the
23 court clerk of the county that issued the warrant within fifteen
24 (15) days ~~to the court clerk of the entity that issued the~~

1 ~~outstanding misdemeanor or failure to pay warrant~~ after receipt of
2 the payment and proof of funds. Any payment collected and received
3 by the court, where the court has referred the case to a court cost
4 compliance liaison, shall be reported to the court cost compliance
5 liaison within four (4) days of receipt of the payment. Any payment
6 returned due to insufficient funds shall have all insufficient fund
7 charges incurred added to the outstanding balance of the defendant.

8 C. As provided for by this section, a ~~person~~ defendant may pay
9 in lieu of appearance before the court and such payment accepted by
10 the court shall constitute a finding of guilty as though a plea of
11 nolo contendere had been entered by the defendant as allowed by law
12 and shall function as a written, dated, and signed plea form
13 acceptable to the court. Such payment shall serve as a written
14 waiver of a jury trial.

15 D. The court shall release or recall the outstanding
16 ~~misdemeanor or failure to pay warrant~~ only upon receipt of all sums
17 due pursuant to said warrant ~~including the misdemeanor or failure~~
18 ~~to pay warrant~~, scheduled fine or sum due, all associated fees,
19 costs and statutory penalty assessments, and the administrative cost
20 pursuant to Section 514.5 of this title, or with a down payment of
21 One Hundred Dollars (\$100.00) and a mutually agreeable monthly
22 payment plan.

1 E. The provisions of any contract entered into by a county
2 sheriff ~~shall~~ may be administered by a statewide association of
3 county sheriffs in Oklahoma.

4 F. The provisions of this section and Section 514.5 of this
5 title shall be applicable to:

6 1. Any misdemeanor ~~or failure to pay warrant~~ and all warrants
7 issued pursuant to Section 983 of Title 22 of the Oklahoma Statutes
8 or relating to any proceeding pursuant to the State and Municipal
9 Traffic Bail Bond Procedure Act; and

10 2. Any misdemeanor ~~or failure to pay~~ warrant issued that allows
11 a defendant to resolve the matter by payment in lieu of a personal
12 appearance in court; ~~and~~

13 ~~3. Any failure to pay warrant issued in a criminal case.~~

14 SECTION 2. AMENDATORY 19 O.S. 2021, Section 514.5, is
15 amended to read as follows:

16 Section 514.5 A. Misdemeanor ~~or failure to pay~~ warrants or
17 cases referred to the ~~third-party contractor~~ court cost compliance
18 liaison pursuant to Section 514.4 of this title shall include the
19 addition of an administrative cost of thirty percent (30%) of the
20 outstanding misdemeanor ~~or failure to pay~~ warrant, scheduled fine or
21 sum due, and all associated fees, costs and statutory penalty
22 assessments. This administrative cost shall not be waived or
23 reduced ~~except by order of~~ unless the amount owed is waived or
24 reduced by the court.

1 B. The administrative cost reflected in subsection A of this
2 section, ~~when collected,~~ shall be distributed to the ~~third-party~~
3 ~~contractor~~ court cost compliance liaison, a portion of which may be
4 used to compensate the statewide association ~~administering~~ of
5 county sheriffs for administering the contract.

6 C. The monies collected and disbursed shall be audited at least
7 once ~~a~~ per year by a firm approved by the State Auditor and
8 Inspector.

9 SECTION 3. AMENDATORY 22 O.S. 2021, Section 209, is
10 amended to read as follows:

11 Section 209. A. A law enforcement officer who has arrested a
12 person on a misdemeanor charge or violation of ~~city~~ an ordinance,
13 without a warrant, or who has found a person to have an outstanding
14 warrant for failure to appear for a cost hearing as provided in
15 subsection G of Section 983 of this title, may issue a citation to
16 such person to appear in court.

17 B. In issuing a citation hereunder the officer shall proceed as
18 follows:

19 1. The officer shall prepare a written citation to appear in
20 court, containing the name and address of the cited person and the
21 offense charged, and stating when the person shall appear in court.
22 ~~Unless the person requests an earlier date, the~~ The time specified
23 in the citation to appear shall be at least five (5) days after the
24 issuance of the citation-;

1 2. One copy of the citation to appear shall be delivered to the
2 person cited, and such person shall sign a duplicate written
3 citation which shall be retained by the officer~~;~~;

4 3. The officer shall thereupon release the cited person from
5 any custody~~;~~; and

6 4. As soon as practicable, the officer shall file one copy of
7 the citation with the court specified therein and shall deliver one
8 copy to the prosecuting attorney.

9 C. In any case in which the judicial officer finds sufficient
10 grounds for issuing a warrant, ~~he or she~~ the judicial officer may
11 issue a summons commanding the defendant to appear in lieu of a
12 warrant.

13 D. If a person summoned fails to appear in response to the
14 summons, a warrant for his or her arrest shall issue, and any person
15 who willfully fails to appear in response to a summons is guilty of
16 a misdemeanor; provided, however, any charges or warrant for failure
17 to appear shall be dismissed if the person can show the court that
18 the person was incarcerated or otherwise detained by law enforcement
19 at the time of the failure to appear.

20 SECTION 4. AMENDATORY 22 O.S. 2021, Section 983, is
21 amended to read as follows:

22 Section 983. A. At the time of sentencing, the court shall
23 inform the defendant of the total amount of all statutory fines,
24 costs, fees, and assessments, if any, to be paid. For purposes of

1 this section, fines, costs, fees, and assessments shall include all
2 financial obligations imposed by the court or required by law to be
3 paid as provided in the current Uniform Oklahoma Fee Schedule for
4 criminal cases issued by the Administrative Office of the Courts.

5 B. The court shall consider the ability of the defendant to pay
6 when imposing fines, costs, fees, and assessments. In determining
7 the ability of the defendant to pay, the court shall rely on
8 verified information submitted by the defendant on a form provided
9 by the Court of Criminal Appeals. In addition, the court may make
10 inquiry of the defendant to determine the credibility of the
11 verified information of the defendant, and the court may consider
12 any other evidence or testimony concerning the ability of the
13 defendant to pay.

14 C. The information required on the form provided by the Court
15 of Criminal Appeals shall include, but not be limited to:

16 1. The current total monthly income of the defendant including
17 wages and excluding any child support or Supplemental Security
18 Income (SSI) Disability payments;

19 2. The number of family members of the defendant and whether
20 the family members are dependent on the defendant for support;

21 3. The monthly housing costs of the defendant and dependent
22 family members;

23 4. The value and availability of any existing assets owned by
24 the defendant, excluding assets exempt from bankruptcy;

1 5. Whether and to what extent the defendant has outstanding
2 debts and liabilities, including child support obligations;

3 6. The health of the defendant including mental and behavioral
4 health issues that diminish the ability of the defendant to pay; and

5 7. Whether the defendant is receiving public assistance of any
6 kind.

7 D. After a judicial determination that the defendant is unable
8 to immediately pay the fine, cost, fee, or assessment but is able to
9 pay in installments, the court may order the fine, cost, fee, or
10 assessment to be paid in installments and shall set the amount and
11 date for each installment payment. A payment plan may include an
12 incentive for the defendant to pay the total amount owed prior to
13 the date of the final payment.

14 E. At the time of sentencing, the court shall advise the
15 defendant that:

16 1. It is the obligation of the defendant to keep the court
17 clerk informed of the contact information of the defendant until the
18 fine, cost, fee, or assessment has been paid. Such information
19 shall include the current mailing and physical addresses of the
20 defendant, telephone or cellular phone number of the defendant, and
21 the email address where the defendant may receive notice from the
22 court;

23 2. If the defendant is unable to pay the fine, cost, fee, or
24 assessment ordered by the court, or any installment, the defendant

1 shall request a hearing to present evidence regarding ability to pay
2 the amount due and to request the imposition or modification of a
3 payment plan, a reduction in the amount owed, or waiver of payment
4 of the amount owed. The defendant may request multiple hearings;
5 and

6 3. If the defendant voluntarily appears at the courthouse to
7 make a payment or to present evidence regarding ability to pay, the
8 defendant will not be arrested for failure to pay or arrested on a
9 failure-to-appear warrant in the case.

10 F. Any defendant found guilty of an offense in any court of
11 this state may shall not be imprisoned arrested or incarcerated for
12 nonpayment of the fine, cost, fee, or assessment when unless the
13 trial court finds after notice and hearing that the defendant is
14 financially able but willfully refuses or neglects to pay the fine,
15 cost, fee, or assessment. A sentence to pay a fine, cost, fee, or
16 assessment may be converted into a jail sentence only after a
17 hearing and a judicial determination, memorialized of record, that
18 the defendant is able to satisfy the fine, cost, fee, or assessment
19 by payment, but refuses or neglects so to do.

20 B. After a judicial determination that the defendant is able to
21 pay the fine, cost, fee, or assessment in installments, the court
22 may order the fine, cost, fee, or assessment to be paid in
23 installments and shall set the amount and date for each installment.
24

1 ~~C. In addition, the district court or municipal court, within~~
2 ~~one hundred twenty (120) days from the date upon which the person~~
3 ~~was originally ordered to make payment, may send notice of~~
4 ~~nonpayment of any court ordered fine and costs for a moving traffic~~
5 ~~violation to the Department of Public Safety with a recommendation~~
6 ~~of suspension of driving privileges of the defendant until the total~~
7 ~~amount of any fine and costs has been paid. Upon receipt of payment~~
8 ~~of the total amount of the fine and costs for the moving traffic~~
9 ~~violation, the court shall send notice thereof to the Department, if~~
10 ~~a nonpayment notice was sent as provided for in this subsection.~~
11 ~~Notices sent to the Department shall be on forms or by a method~~
12 ~~approved by the Department.~~

13 ~~D.~~ G. 1. If a defendant is delinquent in the payment of a
14 fine, fee, cost, or assessment, or an installment due, for sixty
15 (60) days, the court shall, within ten (10) days thereafter, set a
16 hearing to determine if the defendant is able to pay. No less than
17 fourteen (14) days prior to the hearing, the court clerk shall issue
18 one summons to the defendant to be served by United States mail to
19 the mailing address of the defendant on file in the case stating
20 that:

21 a. the court shall conduct a hearing at a specified time,
22 place, and date to determine if the defendant is
23 financially able but willfully refuses or neglects to
24

1 pay the fine, cost, fee, or assessment or an
2 installment due,

3 b. the defendant must be present at the hearing to
4 present evidence or testimony of his or her inability
5 to pay the fine, cost, fee, or assessment or an
6 installment due,

7 c. at any time before the date of the hearing, the
8 defendant may contact the court clerk to pay the fine,
9 cost, fee, or assessment or any installment due. If
10 the defendant fails to appear for the hearing or to
11 make the payment, the court shall refer the case to a
12 court cost compliance liaison, as provided in Section
13 514.4 of Title 19 of the Oklahoma Statutes, which
14 shall cause an additional thirty percent (30%)
15 administrative fee to be added to the amount owed, and

16 d. if the defendant fails to appear at the hearing
17 without good cause made known to the court or court
18 clerk, the court shall issue a warrant for failure to
19 appear for a cost hearing.

20 2. Notice of hearing, either at the request of the defendant or
21 by summons of the court clerk, shall be given to the district
22 attorney.

1 3. If the defendant fails to appear at the hearing without good
2 cause made known to the court or court clerk, the court shall issue
3 a warrant for failure to appear for a cost hearing.

4 H. If a defendant is found by a law enforcement officer to have
5 an outstanding warrant for failure to appear for a cost hearing, the
6 officer shall release the defendant and issue a citation to appear
7 pursuant to Section 209 of this title. If the defendant fails to
8 appear at the time and place cited by the officer, the court may
9 issue a summons or warrant as provided in Section 209 of this title.

10 I. In determining whether the defendant is able to pay the
11 fine, cost, fee, or assessment or any installments, the court shall
12 consider:

13 1. Undue hardship to the defendant or to the legal dependents
14 of the defendant;

15 2. Whether the defendant has made a good-faith effort to comply
16 with the order; and

17 3. The ability to pay according to the criteria provided for in
18 subsection C of this section.

19 J. Upon satisfactory showing to the court that the defendant is
20 unable to pay the fine, cost, fee, assessment, or an installment
21 due, the court may modify its order by the imposition or
22 modification of a payment plan, a reduction in the amount owed, or a
23 waiver of payment of the amount owed. Additionally, the court may
24 order community service in lieu of payment. The defendant shall

1 receive credit for no less than two times the amount of the minimum
2 wage specified pursuant to state law for each hour of community
3 service performed. Upon a finding of the court that the defendant
4 is unable to pay the fine, cost, fee, assessment, or an installment
5 due, no additional fine, cost, fee, assessment, or an installment
6 attributable to the notice or hearing shall be ordered by the court.

7 K. If the court finds and memorializes into the record that the
8 defendant is financially able but willfully refuses or neglects to
9 pay the fine, cost, fee, assessment, or an installment due, the
10 court may order any of the remedies provided in subsection J of this
11 section or in Section 101 of Title 28 of the Oklahoma Statutes.

12 L. All counties of the state shall fully utilize and
13 participate in the court cost compliance program. Cases shall be
14 referred to the court cost compliance program not less than forty-
15 five (45) nor more than sixty (60) days after the defendant fails to
16 appear for a cost hearing unless the defendant pays the amount owed
17 for any fine, cost, fee, assessment, or an installment due. When
18 the court refers the case, the updated contact information on file
19 shall be forwarded to a court cost compliance liaison for collection
20 purposes.

21 M. The Court of Criminal Appeals shall implement procedures,
22 forms, and rules consistent with the provisions of this section for
23 methods of establishing payment plans of fines, costs, fees, and
24 assessments by indigents, which procedures, forms, and rules shall

1 be distributed to all district courts and municipal courts by the
2 Administrative Office of the Courts.

3 SECTION 5. This act shall become effective November 1, 2022.

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5 58-2-10287 GRS 02/07/22

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