

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE
FOR

HOUSE BILL NO. 3270

By: Mize

COMMITTEE SUBSTITUTE

An Act relating to criminal procedure; amending 22 O.S. 2021, Section 815, which relates to the dismissal of cases; removing requirement that defendants pay the costs in dismissed actions or indictments; amending 22 O.S. 2021, Section 983b, which relates to hearings that determine the ability of defendants to pay fines, fees, costs, or assessments; waiving fines, fees, costs, or assessments and hearing requirement for persons who provide proof of enrollment in federal or state government assistance programs; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2021, Section 815, is amended to read as follows:

Section 815. A. The court may either of its own motion or upon the application of the district attorney, upon the furtherance of justice, order an action or indictment to be dismissed; but in that case the reasons of the dismissal must be set forth in the order, which must be entered upon the minutes.

1 B. The district attorney may dismiss an action or indictment by
2 filing a notice of dismissal at any time prior to commencement of
3 the preliminary hearing in the case of a felony or, in the case of a
4 misdemeanor, prior to the matter being set for trial. Any
5 subsequent request for dismissal of an action or indictment by the
6 district attorney must be made pursuant to the provisions of
7 subsection A of this section. A defendant named in such action or
8 indictment shall ~~only~~ not be required to pay the costs of that
9 action ~~if agreed upon by the parties.~~

10 SECTION 2. AMENDATORY 22 O.S. 2021, Section 983b, is
11 amended to read as follows:

12 Section 983b. A. 1. Any person released on parole or released
13 without parole from a term of imprisonment with the Department of
14 Corrections shall be required to report at a time not less than one
15 hundred eighty (180) days after his or her release from the
16 Department of Corrections to:

17 ~~1. The~~

18 a. the district court of the county from which the
19 judgment and sentence resulting in incarceration
20 arose~~+~~ and

21 ~~2. All~~

22 b. all other district courts or municipal courts where
23 the person owes fines, fees, costs and assessments,
24

1 for the purpose of scheduling a hearing to determine the ability of
2 the person to pay fines, fees, costs or assessments owed by the
3 person in every felony or misdemeanor criminal case filed in a
4 district court or criminal case filed in a municipal court of this
5 state. Such hearing shall be held in accordance with the provisions
6 of Section VIII of the Rules of the Court of Criminal Appeals, 22
7 O.S. 2011, Ch. 18, App. A court may for good cause shown or in its
8 discretion continue such hearing for up to one hundred eighty (180)
9 days.

10 2. A hearing pursuant to the provisions of this subsection
11 shall not be required and all fines, fees, costs, or assessments
12 shall be waived by the court upon proof provided by the person of
13 enrollment in a federal or state government assistance program
14 including, but not limited to, Social Security or the Supplemental
15 Nutrition Assistance Program.

16 B. In determining the ability of the person to satisfy fines,
17 fees, costs or assessments owed to a district or municipal court,
18 the court shall inquire of the person at the time of the hearing
19 which counties and municipalities the person owes fines, fees, costs
20 or assessments in every felony or misdemeanor criminal case filed
21 against the person and shall consider all court-ordered debt,
22 including restitution and child support, in determining the ability
23 of the person to pay. The person shall not be required to pay any
24 outstanding fines, fees, costs or assessments prior to the

1 expiration of the one-hundred-eighty-day period; provided, however,
2 the person shall not be precluded from voluntarily making payment
3 toward the satisfaction of any fines, fees, costs or assessments due
4 and owing to a district or municipal court of this state.

5 C. The Court of Criminal Appeals shall promulgate rules
6 governing the provisions of this section including, but not limited
7 to:

8 1. Reporting, hearing and payment requirements as provided for
9 in subsections A and B of this section;

10 2. Consolidating district and municipal court fines, fees,
11 costs or assessments owed by a person into one order for payment;
12 and

13 3. Accepting and distributing payments received for fines,
14 fees, costs or assessments to various district and municipal courts
15 when consolidated by the court into one order for payment.

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

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