

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

COMMITTEE SUBSTITUTE  
FOR

HOUSE BILL NO. 3642

By: Pae

COMMITTEE SUBSTITUTE

An Act relating to cities and towns; amending 11 O.S. 2021, Section 14-111, which relates to enforcement and penalties for violation of municipal ordinances; modifying dollar amounts; amending 11 O.S. 2021, Section 27-126, which relates to court costs and fees; modifying dollar amount; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 14-111, is amended to read as follows:

Section 14-111. A. The governing body of a municipality may provide for enforcement of its ordinances and establish fines, penalties, or imprisonment, as authorized by subsections B through D of this section, for any offense in violation of its ordinances, which shall be recoverable together with costs of suit. The governing body may provide that any person fined for violation of a municipal ordinance who is financially able but refuses or neglects

1 to pay the fine or costs may be compelled to satisfy the amount owed  
2 by working on the streets, alleys, avenues, areas, and public  
3 grounds of the municipality, subject to the direction of the street  
4 commissioner or other proper officer, at a rate per day as the  
5 governing body may prescribe by ordinance, but not less than Fifty  
6 Dollars (\$50.00) per day for useful labor, until the fine or costs  
7 are satisfied.

8 B. 1. Except for municipal ordinances related to prostitution  
9 and as otherwise provided in this section, cities having a municipal  
10 criminal court of record may enact ordinances prescribing maximum  
11 fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or  
12 imprisonment not exceeding six (6) months or both the fine and  
13 imprisonment, but shall not have authority to enact any ordinance  
14 making unlawful an act or omission declared by state statute to be  
15 punishable as a felony. Cities having a municipal criminal court of  
16 record may enact ordinances prescribing maximum fines of One  
17 Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding  
18 six (6) months or both such fine and imprisonment for violations of  
19 municipal ordinances regulating the pretreatment of wastewater and  
20 regulating stormwater discharges. Cities having a municipal  
21 criminal court of record may enact ordinances prescribing maximum  
22 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and  
23 costs or imprisonment not exceeding six (6) months or both such fine  
24 and imprisonment for alcohol-related or drug-related traffic

1 offenses. The court shall remit Fifty Dollars (\$50.00) of each  
2 alcohol fine or deferral fee to a fund of the municipality that  
3 shall be used to defray costs for enforcement of laws relating to  
4 juvenile access to alcohol, other laws relating to alcohol and other  
5 intoxicating substances, and traffic-related offenses involving  
6 alcohol or other intoxicating substances. The sum of Fifteen  
7 Dollars (\$15.00) shall be assessed in every case for violations of  
8 municipal ordinances relating to the offense of driving under the  
9 influence of alcohol or other intoxicating substance and shall be  
10 remitted to the credit of the Oklahoma Impaired Driver Database  
11 Revolving Fund created pursuant to Section 8 of this act.

12 2. For violations of municipal ordinances relating to  
13 prostitution, including but not limited to engaging in prostitution  
14 or soliciting or procuring prostitution, a municipal criminal court  
15 of record may enact ordinances prescribing an imprisonment not to  
16 exceed six (6) months, and fines as follows: a fine not to exceed  
17 Two Thousand Five Hundred Dollars (\$2,500.00) upon the first  
18 conviction for violation of any such ordinances, a fine of not more  
19 than Five Thousand Dollars (\$5,000.00) upon the second conviction  
20 for violation of any of such ordinances, and a fine of not more than  
21 Seven Thousand Five Hundred Dollars (\$7,500.00) upon the third or  
22 subsequent convictions for violation of any of such ordinances, or  
23 both such fine and imprisonment as well as a term of community  
24 service of not less than forty (40) nor more than eighty (80) hours.

1 C. Municipalities having a municipal court not of record may  
2 enact ordinances prescribing maximum fines pursuant to the  
3 provisions of this subsection. A municipal ordinance may not impose  
4 a penalty, including fine or deferral fee in lieu of a fine and  
5 costs, which is greater than that established by statute for the  
6 same offense. The maximum fine or deferral fee in lieu of a fine  
7 for traffic-related offenses relating to speeding or parking shall  
8 not exceed Two Hundred Dollars (\$200.00). The maximum fine or  
9 deferral fee in lieu of a fine for alcohol-related or drug-related  
10 offenses shall not exceed Eight Hundred Dollars (\$800.00). For all  
11 other offenses, the maximum fine or deferral fee in lieu of a fine  
12 shall not exceed ~~Seven Hundred Fifty Dollars (\$750.00)~~ One Thousand  
13 Dollars (\$1,000.00). The court shall remit Fifty Dollars (\$50.00)  
14 of each alcohol fine or deferral fee to a fund of the municipality  
15 that shall be used to defray costs for enforcement of laws relating  
16 to juvenile access to alcohol, other laws relating to alcohol and  
17 other intoxicating substances, and traffic-related offenses  
18 involving alcohol or other intoxicating substances. The ordinances  
19 may prescribe costs pursuant to the provisions of Section 27-126 of  
20 this title or imprisonment not exceeding sixty (60) days or both the  
21 fine and imprisonment; provided, that municipalities having only a  
22 municipal court not of record shall not have authority to enact any  
23 ordinance making unlawful any act or omission declared by state  
24 statute to be punishable as a felony; provided further, that

1 municipalities having a municipal court not of record may enact  
2 ordinances prescribing maximum fines of One Thousand Dollars  
3 (\$1,000.00) and costs or imprisonment not exceeding ninety (90) days  
4 or both such fine and imprisonment for violations of municipal  
5 ordinances regulating the pretreatment of wastewater and regulating  
6 stormwater discharges. If imprisonment is available for the  
7 offense, then that person charged shall have a right to a jury  
8 trial.

9 D. Municipalities having both municipal criminal courts of  
10 record and municipal courts not of record may enact ordinances,  
11 within the authority of this section, for each court.

12 E. No municipality may levy a fine or deferral fee in lieu of a  
13 fine of over Fifty Dollars (\$50.00) until it has compiled and  
14 published its penal ordinances as required in Sections 14-109 and  
15 14-110 of this title.

16 F. No municipality may levy a fine of more than Ten Dollars  
17 (\$10.00) nor court costs of more than Fifteen Dollars (\$15.00) for  
18 exceeding the posted speed limit by no more than ten (10) miles per  
19 hour upon any portion of the National System of Interstate and  
20 Defense Highways, federal-aid primary highways, and the state  
21 highway system which are located on the outskirts of any  
22 municipality as determined in Section 2-117 of Title 47 of the  
23 Oklahoma Statutes.

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1       SECTION 2.       AMENDATORY       11 O.S. 2021, Section 27-126, is  
2 amended to read as follows:

3       Section 27-126. Except as provided in Section 14-111 of this  
4 title and subject to other limitations or exceptions imposed by law,  
5 the municipal governing body shall determine by ordinance the court  
6 costs and fees that may be charged and collected by the clerk of the  
7 court. Court costs shall not exceed the sum of ~~Thirty Dollars~~  
8 ~~(\$30.00)~~ Fifty Dollars (\$50.00) plus the fees and mileage of jurors  
9 and witnesses. The clerk of the court is authorized to charge and  
10 collect the fees as determined by the municipal body.

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

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13       58-2-10819       MJ       03/01/22

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