

1 ENGROSSED HOUSE
2 BILL NO. 3642

By: Pae of the House

3 and

4 Coleman of the Senate

5
6
7 An Act relating to cities and towns; amending 11 O.S.
8 2021, Section 14-111, which relates to enforcement
9 and penalties for violation of municipal ordinances;
10 modifying dollar amounts; amending 11 O.S. 2021,
11 Section 27-126, which relates to court costs and
12 fees; modifying dollar amount; and providing an
13 effective date.

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

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

17 Section 14-111. A. The governing body of a municipality may
18 provide for enforcement of its ordinances and establish fines,
19 penalties, or imprisonment, as authorized by subsections B through D
20 of this section, for any offense in violation of its ordinances,
21 which shall be recoverable together with costs of suit. The
22 governing body may provide that any person fined for violation of a
23 municipal ordinance who is financially able but refuses or neglects
24 to pay the fine or costs may be compelled to satisfy the amount owed
by working on the streets, alleys, avenues, areas, and public

1 grounds of the municipality, subject to the direction of the street
2 commissioner or other proper officer, at a rate per day as the
3 governing body may prescribe by ordinance, but not less than Fifty
4 Dollars (\$50.00) per day for useful labor, until the fine or costs
5 are satisfied.

6 B. 1. Except for municipal ordinances related to prostitution
7 and as otherwise provided in this section, cities having a municipal
8 criminal court of record may enact ordinances prescribing maximum
9 fines of One Thousand Two Hundred Dollars (\$1,200.00) and costs or
10 imprisonment not exceeding six (6) months or both the fine and
11 imprisonment, but shall not have authority to enact any ordinance
12 making unlawful an act or omission declared by state statute to be
13 punishable as a felony. Cities having a municipal criminal court of
14 record may enact ordinances prescribing maximum fines of One
15 Thousand Dollars (\$1,000.00) and costs or imprisonment not exceeding
16 six (6) months or both such fine and imprisonment for violations of
17 municipal ordinances regulating the pretreatment of wastewater and
18 regulating stormwater discharges. Cities having a municipal
19 criminal court of record may enact ordinances prescribing maximum
20 fines of One Thousand Two Hundred Fifty Dollars (\$1,250.00) and
21 costs or imprisonment not exceeding six (6) months or both such fine
22 and imprisonment for alcohol-related or drug-related traffic
23 offenses. The court shall remit Fifty Dollars (\$50.00) of each
24 alcohol fine or deferral fee to a fund of the municipality that

1 shall be used to defray costs for enforcement of laws relating to
2 juvenile access to alcohol, other laws relating to alcohol and other
3 intoxicating substances, and traffic-related offenses involving
4 alcohol or other intoxicating substances. The sum of Fifteen
5 Dollars (\$15.00) shall be assessed in every case for violations of
6 municipal ordinances relating to the offense of driving under the
7 influence of alcohol or other intoxicating substance and shall be
8 remitted to the credit of the Oklahoma Impaired Driver Database
9 Revolving Fund created pursuant to Section ~~8~~ 11-902d of ~~this act~~
10 Title 47 of the Oklahoma Statutes.

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

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

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

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

Passed the House of Representatives the 8th day of March, 2022.

Presiding Officer of the House
of Representatives

Passed the Senate the ____ day of _____, 2022.

Presiding Officer of the Senate