

1 **HOUSE OF REPRESENTATIVES - FLOOR VERSION**

2 STATE OF OKLAHOMA

3 1st Session of the 58th Legislature (2021)

4 HOUSE BILL 2237

By: May

7 AS INTRODUCED

8 An Act relating to counties and county officers;
9 amending 19 O.S. 2011, Section 863.13A, which relates
10 to fines and penalties; expanding list of regulations
11 for which fines and penalties may be established and
12 enforced; modifying fines and penalties for repeat
13 violations; eliminating court appearance requirement;
14 specifying types of effective delivery of citation;
15 providing for not guilty pleas; authorizing request
16 of court hearing within certain time; requiring that
17 certain information be provided to the district
18 attorney's office; and providing an effective date.

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

18 SECTION 1. AMENDATORY 19 O.S. 2011, Section 863.13A, is
19 amended to read as follows:

20 Section 863.13A A. A board of county commissioners may provide
21 for enforcement of its regulations and establish fines, penalties or
22 other remedies for any offense in violation of its regulations,
23 which shall be recoverable together with costs of suit.

1 B. 1. In addition to other powers and duties prescribed by
2 law, a board of county commissioners shall have the power to
3 establish and enforce fines and penalties for violation of its
4 zoning, subdivision, storm water ~~and,~~ floodplain, health,
5 inspection, property maintenance and building regulations, including
6 the issuance of citations by designated county personnel for
7 violations of its zoning, subdivision, storm water ~~and,~~ floodplain,
8 health, inspection, property maintenance and building regulations.

9 ~~A board of county commissioners may additionally establish that any~~
10 ~~person who fails to correct a violation for which a citation has~~
11 ~~been issued within the period permitted for its correction may be~~
12 ~~assessed a fine or penalty for each ensuing day during which such~~
13 ~~failure or violation continues.~~

14 2. In issuing a citation pursuant to this subsection, the
15 county employee shall proceed as follows:

- 16 a. the employee shall prepare a written citation ~~to~~
17 ~~appear in court,~~ containing the name and address of
18 the cited person and the violation/offense charged,
19 ~~and stating when the person shall appear in district~~
20 ~~court. The time to appear specified in the citation~~
21 ~~shall be at least five (5) days after the issuance of~~
22 ~~the citation, and~~
23 b. one copy of the citation ~~to appear~~ shall be delivered
24 to the person cited, and ~~such person shall sign a~~

1 duplicate written citation ~~which~~ shall be retained by
2 the county employee, ~~and~~

3 ~~e. as soon as practicable, one copy of the citation shall~~
4 ~~be filed with the district court specified therein and~~
5 ~~one copy delivered to the prosecuting attorney.~~ The
6 delivery may be delivered personally, or by certified
7 mail, registered mail to the address on file with the
8 county assessor's office or the last-known address, or
9 posted in a conspicuous place in or about the property
10 where the violation occurred.

11 3. If a person fails to ~~appear in district court at~~ pay by the
12 designated time, a warrant for arrest shall be issued.

13 4. Violations and penalties shall be deemed misdemeanor
14 offenses, punishable by a fine of up to Five Hundred Dollars
15 (\$500.00) and up to ninety (90) days in jail. Repeated violations
16 on the cited property may result in an increase of the fine up to
17 One Thousand Dollars (\$1,000.00) per violation. Jurisdiction is
18 hereby conferred upon the district court within the county.

19 5. Fines and penalties collected pursuant to this subsection
20 shall be deposited in the appropriate county fund.

21 6. Issuance of citations and/or payment of fines or penalties
22 shall in no way preclude other remedies or appropriate action or
23 proceedings to prevent or remove a violation.

1 7. A person cited may plead not guilty to the charged violation
2 and request a court hearing through the county court clerk's office
3 within ten (10) business days of receiving the citation. If the
4 person requests a court hearing, the district attorney's office
5 shall be provided all the information, evidence, reports,
6 photographs and all other materials related to the offense prepared
7 by and in the custody of the designated county personnel who wrote
8 the citation.

9 SECTION 2. This act shall become effective November 1, 2021.

11 COMMITTEE REPORT BY: COMMITTEE ON COUNTY AND MUNICIPAL GOVERNMENT,
12 dated 02/22/2021 - DO PASS.