

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

HOUSE BILL 4189

By: Echols

AS INTRODUCED

An Act relating to criminal procedure; amending 11 O.S. 2021, Section 27-122, which relates to the enforcement of payment of fines and costs by imprisonment; prohibiting imprisonment of defendants for nonpayment of fines and costs; amending 22 O.S. 2021, Section 983, which relates to fines and costs in criminal cases; prohibiting imprisonment of defendants for nonpayment of fines, costs, fees, or assessments; authorizing courts to enter amounts due on the district court judgement docket; providing remedies for enforcing judgments; providing an exception; and providing an effective date.

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

SECTION 1. AMENDATORY 11 O.S. 2021, Section 27-122, is amended to read as follows:

Section 27-122. A. ~~If a~~ A defendant ~~who is financially able~~ refuses or neglects to pay a found guilty of violating a municipal ordinance in any municipal court of this state shall not be imprisoned for nonpayment of the fine or costs or both, ~~payment may be enforced:~~

~~1. By imprisonment until the same shall be satisfied at the rate of Twenty-five Dollars (\$25.00) per day; or~~

1       ~~2. In the same manner as is prescribed in subsection B of this~~  
2 ~~section for a defendant who is without means to make such payment~~  
3 ~~owed by the defendant pursuant to the municipal judgment and~~  
4 ~~sentence.~~

5       B. If the defendant is without means to pay the fine or costs,  
6 the municipal judge may direct the total amount due to be entered  
7 upon the court minutes and to be certified to the district court in  
8 the county where the situs of the municipal government is located,  
9 where it shall be entered upon the district court judgment docket  
10 and shall have the full force and effect of a district court  
11 judgment. The same remedies shall be available for the enforcement  
12 of the judgment as are available to any other judgment creditor.

13       SECTION 2.       AMENDATORY       22 O.S. 2021, Section 983, is  
14 amended to read as follows:

15       Section 983. A. ~~Any~~ A defendant found guilty of an offense in  
16 any court of this state ~~may~~ shall not be imprisoned for nonpayment  
17 of the fine, cost, fee, or assessment ~~when the trial court finds~~  
18 ~~after notice and hearing that the defendant is financially able but~~  
19 ~~refuses or neglects to pay the fine, cost, fee, or assessment. A~~  
20 ~~sentence to pay a fine, cost, fee, or assessment may be converted~~  
21 ~~into a jail sentence only after a hearing and a judicial~~  
22 ~~determination, memorialized of record, that the defendant is able to~~  
23 ~~satisfy the fine, cost, fee, or assessment by payment, but refuses~~

1 ~~or neglects so to do~~ owed by the defendant pursuant to the judgment  
2 and sentence.

3 B. After a hearing and judicial determination that the  
4 defendant is able to pay the fine, cost, fee, or assessment in  
5 installments, the court may order the fine, cost, fee, or assessment  
6 to be paid in installments and shall set the amount and date for  
7 each installment.

8 C. If the defendant is without means to pay the fine, cost,  
9 fee, or assessment, the court may direct the total amount due, or  
10 any portion thereof, to be entered upon the court minutes and to be  
11 certified in the district court of the county where it shall then be  
12 entered upon the district court judgment docket and shall have the  
13 full force and effect of a district court judgment in a civil case.  
14 Thereupon, the same remedies shall be available for the enforcement  
15 of the judgment as are available to enforce other judgments;  
16 provided, however, the judgment herein prescribed shall not be  
17 considered a debt nor dischargeable in any bankruptcy proceeding.

18 D. In addition, the district court or municipal court, within  
19 one hundred twenty (120) days from the date upon which the person  
20 was originally ordered to make payment, may send notice of  
21 nonpayment of any court ordered fine and costs for a moving traffic  
22 violation to the Department of Public Safety with a recommendation  
23 of suspension of driving privileges of the defendant until the total  
24 amount of any fine and costs has been paid. Upon receipt of payment

1 of the total amount of the fine and costs for the moving traffic  
2 violation, the court shall send notice thereof to the Department, if  
3 a nonpayment notice was sent as provided for in this subsection.  
4 Notices sent to the Department shall be on forms or by a method  
5 approved by the Department.

6 ~~D.~~ E. The Court of Criminal Appeals shall implement procedures  
7 and rules for methods of establishing payment plans of fines, costs,  
8 fees, and assessments by indigents, which procedures and rules shall  
9 be distributed to all district courts and municipal courts by the  
10 Administrative Office of the Courts.

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

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