

<DateSubmitted>

HOUSE OF REPRESENTATIVES
CONFERENCE COMMITTEE REPORT

Mr. President:
Mr. Speaker:

The Conference Committee, to which was referred

HB3925

By: Sterling of the House and Howard of the Senate

Title: Court costs; administrative costs; providing for court cost compliance liaisons; determining if defendants can pay; effective date.

Together with Engrossed Senate Amendments thereto, beg leave to report that we have had the same under consideration and herewith return the same with the following recommendations:

1. That the Senate recede from its amendments; and
2. That the attached Conference Committee Substitute be adopted.

Respectfully submitted,

House Action _____ Date _____ Senate Action _____ Date _____

SENATE CONFEREES

Howard	_____
Daniels	_____
Weaver	_____
Jech	_____
Bullard	_____
Floyd	_____
Brooks	_____

STATE OF OKLAHOMA

2nd Session of the 58th Legislature (2022)

CONFERENCE COMMITTEE
SUBSTITUTE
FOR ENGROSSED
HOUSE BILL NO. 3925

By: Sterling of the House

and

Howard and Floyd of the
Senate

CONFERENCE COMMITTEE SUBSTITUTE

An Act relating to court costs; creating the Cost Administration Implementation Committee; providing for membership; providing for the selection of a chair and vice-chair; stating quorum requirement; subjecting committee to the provisions of the Oklahoma Open Meeting Act and Oklahoma Open Records Act; providing for travel reimbursement; providing staffing for the Committee; stating duties of the Committee; amending 19 O.S. 2021, Sections 514.4 and 514.5, which relate to warrants and administrative costs on warrants; establishing a court cost compliance program; stating purpose of program; providing for court cost compliance liaisons; stating duties of court cost compliance liaisons; allowing court cost compliance liaisons to accept payments; requiring courts to report the collection and receipt of payments to court cost compliance liaisons under certain circumstances; adding insufficient fund charges to outstanding balances; providing for the recall of outstanding warrants; providing for reversal of credit card transactions under certain circumstances; allowing for the assessment of additional fees; replacing third-party contractor designation with court cost compliance liaison; amending 22 O.S. 2021, Section 209, which relates to citations to appear in court; expanding circumstances that authorize the issuance of citations; providing

gender-neutral language; amending 22 O.S. 2021, Section 983, which relates to the payment of fines, costs, fees, and assessments; directing courts to require completion of certain form by defendants; providing list of information to be included on certain form; defining term; directing courts to provide certain instructions to defendants; allowing defendants to pay in installments; directing court clerks to advise defendants of certain obligations; requiring orders to be filed when approving or disapproving payment plans; providing for notification to the defendant; directing district courts to establish set times and courtrooms for cost hearings; establishing cost hearing procedures; authorizing the reduction of financial obligations or extension of payment plans; allowing defendants to receive credit for community service hours; allowing for additional cost hearings and waiver of financial obligations; providing for the issuance of summonses; establishing procedures for issuing summons; providing summons form; providing for the issuance of warrants under certain circumstances; directing law enforcement officers to release and issue citations to defendants under certain circumstances; requiring courts to consider certain information when determining ability to pay; directing all counties to utilize and participate in the court cost compliance program; requiring the referral of cases to the program after defendants fail to appear at cost hearings; requiring updated contact information to be forwarded to court cost compliance liaisons; providing for codification; providing an effective date; and declaring an emergency.

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

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 3007 of Title 20, unless there is created a duplication in numbering, reads as follows:

1 A. There is hereby created a Cost Administration Implementation
2 Committee within the Administrative Office of the Courts. Members
3 of the Committee shall be appointed no later than July 1, 2022. The
4 Committee shall be composed of thirteen (13) members as follows:

5 1. The Administrative Director of the Courts or designee;

6 2. The District Court Clerk of Oklahoma County or designee;

7 3. The District Court Clerk of Tulsa County or designee;

8 4. Two District Court Judges or their designees to be selected
9 by the Chief Justice of the Oklahoma Supreme Court;

10 5. Two District Court Clerks or their designees to be selected
11 by the Executive Board of the Court Clerk's Association;

12 6. Two County Sheriffs or their designees to be selected by the
13 Board of Directors of the Oklahoma Sheriffs' Association;

14 7. Two Municipal Court Judges or their designees to be selected
15 by the Oklahoma Municipal Judges Association; and

16 8. Two lay persons who work regularly to assist or who advocate
17 for persons who owe fines, fees, costs, and assessments to the court
18 system to be selected by the Chief Justice of the Oklahoma Supreme
19 Court.

20 B. The Chief Justice of the Oklahoma Supreme Court shall
21 designate a chair and vice-chair from among the members of the
22 Committee. A majority of the members present at a meeting shall
23 constitute a quorum to conduct business.

1 C. Meetings of the Committee shall be subject to the provisions
2 of the Oklahoma Open Meeting Act and the Oklahoma Open Records Act.

3 D. Members shall not receive any compensation for their
4 services but shall be reimbursed pursuant to the provisions of the
5 State Travel Reimbursement Act.

6 E. The Committee shall be staffed by employees of the
7 Administrative Office of the Courts.

8 F. The Committee shall oversee the implementation of the
9 provisions of Sections 2 through 4 of this act by July 1, 2023, and
10 shall be authorized to make recommendations to the Oklahoma
11 Legislature for any changes it deems necessary and appropriate for
12 the administration of court fines, fees, costs, and assessments.

13 SECTION 2. AMENDATORY 19 O.S. 2021, Section 514.4, is
14 amended to read as follows:

15 Section 514.4 A. ~~Notwithstanding any other section of law, the~~
16 ~~county~~ 1. Effective July 1, 2023, there is hereby established a
17 court cost compliance program. The purpose of the program shall be
18 to assist county sheriffs and the courts of this state with the
19 collection of fines, costs, fees, and assessments associated with
20 cases in which a warrant has been issued and the case has been
21 referred to the court cost compliance program pursuant to Section
22 983 of Title 22 of the Oklahoma Statutes.

23 2. County sheriffs of any Oklahoma county may contract with a
24 statewide association of county sheriffs to administer contracts

1 with third parties who shall be known as court cost compliance
2 liaisons. The court cost compliance liaison may assist with
3 attempting to locate and notify persons of their outstanding
4 misdemeanor or failure-to-pay warrants, and recover and maintain
5 accounts relating to past due fines, fees, costs, and assessments.

6 County sheriffs contracting with a statewide association of county
7 sheriffs for the administration of third-party contracts may assign
8 their rights and duties regarding these third-party contracts to the
9 association.

10 B. A person may make payment directly to the court, ~~or court~~
11 cost compliance liaison as allowed by law, or the ~~contractor~~ court
12 cost compliance liaison, as allowed, shall be authorized to accept
13 payment on misdemeanor or failure-to-pay warrants on all cases
14 referred, pursuant to Section 983 of Title 22 of the Oklahoma
15 Statutes, by various means including, but not limited to, payment by
16 phone, mail, or Internet, and in any payment form including, but not
17 limited to, personal, cashier's, traveler's, certified, or
18 guaranteed bank check, postal or commercial money order, nationally
19 recognized credit or a debit card, or other generally accepted
20 payment form. Any payment collected and received by the ~~contractor~~
21 court cost compliance liaison shall be paid to the court clerk of
22 the court that issued the warrant within fifteen (15) days ~~to the~~
23 ~~court clerk of the entity that issued the outstanding misdemeanor or~~
24 ~~failure-to-pay warrant~~ after receipt of the payment and proof of

1 funds. Any payment collected and received by the court, where the
2 court has referred the case to a court cost compliance liaison,
3 shall be reported to the court cost compliance liaison within four
4 (4) days of receipt of the payment. Any payment returned due to
5 insufficient funds shall have all insufficient fund charges incurred
6 added to the outstanding balance of the defendant. If a credit card
7 payment taken by a court cost compliance liaison is determined to be
8 a fraudulent use of the credit card by the payor and the payment is
9 reversed by the credit card company or payor's bank, the court clerk
10 shall reverse the transaction upon notification, return the payment
11 to the court cost compliance liaison, and the court cost compliance
12 liaison shall continue the collection process until paid. The court
13 clerk shall add any additional fees for the reversal of the
14 transaction plus the administration fees to the outstanding balance
15 of the defendant.

16 C. As provided for by this section, a person may pay in lieu of
17 appearance before the court and such payment accepted by the court
18 shall constitute a finding of guilty as though a plea of nolo
19 contendere had been entered by the defendant as allowed by law and
20 shall function as a written, dated, and signed plea form acceptable
21 to the court. Such payment shall serve as a written waiver of a
22 jury trial.

23 D. The court shall release or recall the outstanding
24 misdemeanor or failure-to-pay warrant only upon receipt of all sums

1 due pursuant to said warrant including the misdemeanor or failure-
2 to-pay warrant, scheduled fine or sum due, all associated fees,
3 costs and statutory penalty assessments, and the administrative cost
4 pursuant to Section 514.5 of this title, or with a down payment of a
5 minimum of One Hundred Dollars (\$100.00) and a mutually agreeable
6 monthly payment plan.

7 E. The provisions of any contract entered into by a county
8 sheriff shall be administered by a statewide association of county
9 sheriffs in Oklahoma.

10 F. The provisions of this section and Section 514.5 of this
11 title shall be applicable to:

12 1. Any misdemeanor or failure-to-pay warrant issued pursuant to
13 Section 983 of Title 22 of the Oklahoma Statutes or relating to any
14 proceeding pursuant to the State and Municipal Traffic Bail Bond
15 Procedure Act;

16 2. Any misdemeanor or failure-to-pay warrant issued that allows
17 a defendant to resolve the matter by payment in lieu of a personal
18 appearance in court; and

19 3. Any failure-to-pay warrant issued in a criminal case.

20 SECTION 3. AMENDATORY 19 O.S. 2021, Section 514.5, is
21 amended to read as follows:

22 Section 514.5 A. Misdemeanor or failure-to-pay warrants or
23 cases referred to the ~~third-party contractor~~ court cost compliance
24 liaison pursuant to Section 514.4 of this title shall include the

1 addition of an administrative cost of thirty percent (30%) of the
2 outstanding misdemeanor or failure-to-pay warrant, scheduled fine or
3 sum due, and all associated fees, costs and statutory penalty
4 assessments. This administrative cost shall not be waived or
5 reduced ~~except by order of~~ unless the amount owed is waived or
6 reduced by the court.

7 B. The administrative cost reflected in subsection A of this
8 section, ~~when collected,~~ shall be distributed to the ~~third-party~~
9 ~~contractor~~ court cost compliance liaison, a portion of which may be
10 used to compensate the statewide association administering the
11 contract.

12 C. The monies collected and disbursed shall be audited at least
13 once ~~a~~ per year by a firm approved by the State Auditor and
14 Inspector.

15 SECTION 4. AMENDATORY 22 O.S. 2021, Section 209, is
16 amended to read as follows:

17 Section 209. A. A law enforcement officer who has arrested a
18 person on a misdemeanor charge or violation of ~~city~~ an ordinance,
19 without a warrant, or who has found a person to have an outstanding
20 warrant for failure to appear for a cost hearing as provided in
21 subsection G of Section 983 of this title, may issue a citation to
22 such person to appear in court.

23 B. In issuing a citation hereunder the officer shall proceed as
24 follows:

1 1. The officer shall prepare a written citation to appear in
2 court, containing the name and address of the cited person and the
3 offense charged, and stating when the person shall appear in court.
4 ~~Unless the person requests an earlier date, the~~ The time specified
5 in the citation to appear shall be at least five (5) days after the
6 issuance of the citation~~;~~;

7 2. One copy of the citation to appear shall be delivered to the
8 person cited, and such person shall sign a duplicate written
9 citation which shall be retained by the officer~~;~~;

10 3. The officer shall thereupon release the cited person from
11 any custody~~;~~; and

12 4. As soon as practicable, the officer shall file one copy of
13 the citation with the court specified therein and shall deliver one
14 copy to the prosecuting attorney.

15 C. In any case in which the judicial officer finds sufficient
16 grounds for issuing a warrant, ~~he or she~~ the judicial officer may
17 issue a summons commanding the defendant to appear in lieu of a
18 warrant.

19 D. If a person summoned fails to appear in response to the
20 summons, a warrant for his or her arrest shall issue, and any person
21 who willfully fails to appear in response to a summons is guilty of
22 a misdemeanor; provided, however, any charges or warrant for failure
23 to appear shall be dismissed if the person can show the court that
24

1 the person was incarcerated or otherwise detained by law enforcement
2 at the time of the failure to appear.

3 SECTION 5. AMENDATORY 22 O.S. 2021, Section 983, is
4 amended to read as follows:

5 Section 983. A. 1. Except in cases provided for in Section
6 983b of this title, when the judgment and sentence of a court,
7 either in whole or in part, imposes fines, costs, fees, or
8 assessments upon a defendant, the court at the time of sentencing
9 shall require the defendant to complete under oath a form
10 promulgated by the Court of Criminal Appeals that provides current
11 information regarding the financial ability of the defendant to pay.

12 2. The information to be required on the form shall include,
13 but not be limited to, the individual and household income and
14 living expenses of the defendant, excluding child support and any
15 monies received from a federal or state government need-based or
16 disability assistance program, the number of dependents, a listing
17 of assets, excluding assets exempt from bankruptcy, child support
18 obligations, health, mental or behavioral health conditions that
19 diminish the ability of the defendant to pay restitution, and
20 additional court-related expenses to be paid by the defendant.

21 3. For purposes of this section, fines, costs, fees, and
22 assessments shall include all financial obligations imposed by the
23 court or required by law to be paid, excluding restitution or
24

1 payments to be made other than to the court clerk, and shall be
2 referred to as financial obligations.

3 B. 1. The court shall order the defendant to appear
4 immediately after sentencing at the office of the court clerk who
5 shall inform the defendant of the total amount of all financial
6 obligations that have been ordered by the court. If the defendant
7 states to the court clerk that he or she is unable to pay the
8 financial obligations immediately, the court clerk, based on the
9 verified information provided by the defendant, shall establish,
10 subject to approval of the court, a monthly installment plan that
11 will cause the financial obligations to be satisfied within no more
12 than seventy-two (72) months, unless extended by the court.

13 2. The court clerk shall advise the defendant orally and by
14 delivery of a form promulgated by the Court of Criminal Appeals,
15 that:

16 a. it is the obligation of the defendant to keep the
17 court clerk informed of the contact information of the
18 defendant until the financial obligations have been
19 paid. Such information shall include the current
20 mailing and physical addresses of the defendant,
21 telephone or cellular phone number of the defendant,
22 and the email address where the defendant may receive
23 notice from the court,

1 b. if the defendant is unable to pay the financial
2 obligations ordered by the court immediately or in the
3 installments recommended by the court clerk, the
4 defendant may request a cost hearing for the court to
5 determine the ability of the defendant to pay the
6 amount due and to request modification of the
7 installment plan, a reduction in the amount owed, or
8 waiver of payment of the amount owed, and
9 c. upon any subsequent change in circumstances affecting
10 the ability of the defendant to pay, the defendant may
11 contact the court clerk and request additional cost
12 hearings before the court.

13 3. An order shall be filed in the case with the approval or
14 disapproval by the court of the payment plan. If the court does not
15 approve the payment plan recommended by the court clerk, the court
16 shall enter its order establishing the payment plan. The defendant
17 shall be notified by certified mail or personal service of the order
18 entered by the court and shall be given the opportunity for a cost
19 hearing.

20 4. The district court for each county and all municipal courts
21 shall set a regular time and courtroom for cost hearings.

22 C. If the defendant requests a cost hearing, the court clerk
23 shall set the hearing no later than sixty (60) days after
24 sentencing. In determining the ability of the defendant to pay, the

1 court shall rely on the verified information submitted by the
2 defendant on the form promulgated by the Court of Criminal Appeals
3 and any updates to the information. In addition, the court may make
4 inquiry of the defendant and consider any other evidence or
5 testimony concerning the ability of the defendant to pay.

6 D. 1. If at the initial cost hearing or any subsequent cost
7 hearing, the court determines that the defendant is unable to
8 immediately pay the financial obligations or the required
9 installments, the court may reduce the amount of the installments,
10 extend the payment plan beyond seventy-two (72) months, or waive
11 payment of all or part of the amount owed. The court may include a
12 financial incentive for accelerated payment. Additionally, the
13 court may order community service in lieu of payment. The defendant
14 shall receive credit for no less than two times the amount of the
15 minimum wage specified pursuant to state law for each hour of
16 community service.

17 2. If at any time due to a change in conditions the defendant
18 is unable to pay the financial obligations ordered by the court or
19 any installment, the defendant may request an additional cost
20 hearing.

21 E. If the court determines that a waiver of any of the
22 financial obligations is warranted, the court shall equally apply
23 the same percentage reduction to all fines, costs, fees, and
24 assessments, excluding restitution.

1 F. 1. If a defendant is delinquent in the payment of
2 financial obligations or an installment by more than sixty (60)
3 days, the court clerk shall notify the court which shall, within ten
4 (10) days thereafter, set a cost hearing for the court to determine
5 if the defendant is able to pay. The hearing shall be set on a date
6 that will allow the court clerk to issue a summons fourteen (14)
7 days prior to the cost hearing.

8 2. No less than fourteen (14) days prior to the cost hearing,
9 the court clerk shall issue one summons to the defendant to be
10 served by United States mail to the mailing address of the defendant
11 on file in the case, substantially as follows:

12 SUMMONS

13 You are ORDERED to appear for a cost hearing at a specified time,
14 place, and date to determine if you are financially able but
15 willfully refuse or neglect to pay the fines, costs, fees, or
16 assessments or an installment due in Case No. _____.

17 You must be present at the hearing.

18 At any time before the date of the cost hearing, you may contact the
19 court clerk and pay the fines, costs, fees, or assessments or any
20 installment due.

21 THIS IS NOT AN ARREST WARRANT. However, if you fail to appear for
22 the cost hearing or to make the payment, the court will issue a
23 WARRANT for "FAILURE TO APPEAR-COST HEARING" and refer the case to a
24

1 court cost compliance liaison which will cause an additional thirty
2 percent (30%) administrative fee to be added to the amount owed.

3 3. If the defendant fails to appear at the cost hearing or pay
4 the amount due the court shall issue a warrant for FAILURE TO
5 APPEAR-COST HEARING and refer the case to the court cost compliance
6 program as provided in subsection K of this section.

7 4. Municipal courts, in lieu of mailing the summons provided
8 for in subsection F of this section, may give the defendant personal
9 notice at the time of sentencing of a specific date, time, and
10 place, not less than sixty (60) nor more than one hundred twenty
11 (120) days from the date of sentencing to appear for a cost hearing
12 if the fines, costs, fees, and assessments remain unpaid.

13 G. If a defendant is found by a law enforcement officer to
14 have an outstanding warrant for FAILURE TO APPEAR-COST HEARING, the
15 law enforcement officer shall release the defendant and issue a
16 citation to appear pursuant to Section 209 of this title. If the
17 defendant fails to appear at the time and place cited by the law
18 enforcement officer, the court may issue a summons or warrant as
19 provided in Section 209 of this title. The provisions of this
20 subsection shall not apply to a municipal court if the municipal
21 court has previously provided personal service to the defendant of
22 an opportunity for a cost hearing.

23 H. In determining whether the defendant is able to pay
24 delinquent financial obligations or any installments due, the court

1 shall consider the criteria provided in subsection C of this
2 section.

3 I. Any defendant found guilty of an offense in any court of
4 this state may be imprisoned for nonpayment of ~~the fine, cost, fee,~~
5 ~~or assessment~~ his or her financial obligations when the ~~trial~~ court
6 finds after notice and hearing that the defendant is financially
7 able but willfully refuses or neglects to pay the ~~fine, cost, fee,~~
8 ~~or assessment~~ financial obligations owed. A sentence to pay a fine,
9 cost, fee, or assessment may be converted into a jail sentence only
10 after a hearing and a judicial determination, memorialized of
11 record, that the defendant is able to satisfy the fine, cost, fee,
12 or assessment by payment, but refuses or neglects so to do.

13 ~~B. After a judicial determination that the defendant is able to~~
14 ~~pay the fine, cost, fee, or assessment in installments, the court~~
15 ~~may order the fine, cost, fee, or assessment to be paid in~~
16 ~~installments and shall set the amount and date for each installment.~~

17 ~~C.~~ J. In addition, the district court or municipal court,
18 within one hundred twenty (120) days from the date upon which the
19 person was originally ordered to make payment, and if the court
20 finds and memorializes into the record that the defendant is
21 financially able but willfully refuses to or neglects to pay the
22 finances, costs, fees, or assessments, or an installment due, may send
23 notice of nonpayment of any court ordered fine and costs for a
24 moving traffic violation to the Department of Public Safety with a

1 recommendation of suspension of driving privileges of the defendant
2 until the total amount of any fine and costs has been paid. Upon
3 receipt of payment of the total amount of the fine and costs for the
4 moving traffic violation, the court shall send notice thereof to the
5 Department, if a nonpayment notice was sent as provided for in this
6 subsection. Notices sent to the Department shall be on forms or by
7 a method approved by the Department.

8 ~~D.~~ K. All counties of the state shall fully utilize and
9 participate in the court cost compliance program. Cases shall be
10 referred to the court cost compliance program not less than thirty
11 (30) days nor more than sixty (60) days after the defendant fails to
12 appear for a cost hearing unless the defendant pays the amount owed
13 on the financial obligation, or an installment due. When the court
14 refers the case, the updated contact information on file shall be
15 forwarded to a court cost compliance liaison for collection
16 purposes.

17 L. The Court of Criminal Appeals shall implement procedures,
18 forms, and rules consistent with the provisions of this section for
19 methods of establishing payment plans of fines, costs, fees, and
20 assessments by indigents, which procedures, forms, and rules shall
21 be distributed to all district courts and municipal courts by the
22 Administrative Office of the Courts.

23 SECTION 6. Sections 2, 3, 4, and 5 of this act shall become
24 effective July 1, 2023.

SECTION 7. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

58-2-11568 GRS 05/16/22