

STATE OF OKLAHOMA

1st Session of the 58th Legislature (2021)

HOUSE BILL 2923

By: Goodwin

AS INTRODUCED

An Act relating to criminal procedure; amending 22 O.S. 2011, Section 983, as amended by Section 2, Chapter 128, O.S.L. 2018 (22 O.S. Supp. 2020, Section 983), which relates to nonpayment of fines and costs in criminal cases; prohibiting imprisonment of defendants for nonpayment of fines, costs, fees and assessments; deleting certain notice requirements; granting courts authority to issue certain orders; and providing an effective date.

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

SECTION 1. AMENDATORY 22 O.S. 2011, Section 983, as amended by Section 2, Chapter 128, O.S.L. 2018 (22 O.S. Supp. 2020, Section 983), is amended to read as follows:

Section 983. A. ~~Any~~ A defendant found guilty of an offense in any court of this state ~~may~~ shall not be imprisoned for nonpayment of the fine, cost, fee, or assessment ~~when~~ ordered by the trial court in the judgment and sentence. If the trial court finds after notice and hearing that the defendant is financially ~~able but~~ unable to pay the fine, cost, fee, or assessment. ~~A sentence to pay a fine, cost, fee, or assessment may~~

1 ~~be converted into a jail sentence only after a hearing and a~~
2 ~~judicial determination, memorialized of record, that the defendant~~
3 ~~is able to satisfy the fine, cost, fee, or assessment by payment,~~
4 ~~but refuses or neglects so to do.~~

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

9 ~~C. In addition, the district court or municipal court, within~~
10 ~~one hundred twenty (120) days from the date upon which the person~~
11 ~~was originally ordered to make payment, may send notice of~~
12 ~~nonpayment of any court ordered fine and costs for a moving traffic~~
13 ~~violation to the Department of Public Safety with a recommendation~~
14 ~~of suspension of driving privileges of the defendant until the total~~
15 ~~amount of any fine and costs has been paid. Upon receipt of payment~~
16 ~~of the total amount of the fine and costs for the moving traffic~~
17 ~~violation, the court shall send notice thereof to the Department, if~~
18 ~~a nonpayment notice was sent as provided for in this subsection.~~
19 ~~Notices sent to the Department shall be on forms or by a method~~
20 ~~approved by the Department may order the person to submit to the~~
21 ~~court supporting documentation that provides proof of job~~
22 ~~application submissions. The court is further authorized to order~~
23 ~~the person to perform community service in lieu of payment of the~~
24 ~~fine, cost, fee or assessment.~~

1 ~~D.~~ B. The Court of Criminal Appeals shall implement procedures
2 and rules for methods of establishing payment plans of fines, costs,
3 fees, and assessments by indigents, which procedures and rules shall
4 be distributed to all district courts and municipal courts by the
5 Administrative Office of the Courts.

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